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THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

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(5th September to 14th September, 1933)

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OF THE

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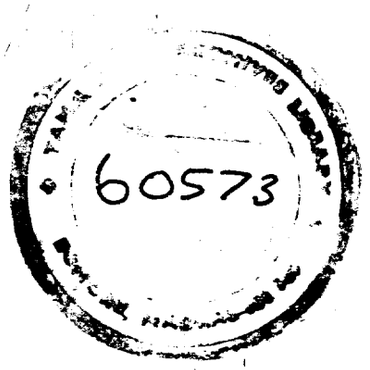

Legislative Assembly.

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THE LEGISLATIVE ASSEMBLY DEBATES

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CORRIGENDA.

In the Legislative Assembly Debates, Simla Session, 1933—

(1) Vol. V, No. 2, dated the 23rd August, 1933, page 154, line 20, *for* " secure " *read* " censure ".

(2) Vol. V, No. 5, dated the 29th August, 1933, page 342, last line, *for* " Gofernment " *read* " Government ".

(3) Vol. V, No. 9, dated the 4th September, 1933—

(*i*) page 760, line 14, *for* " Seven—one five years" *read* "Seven—one over five years ".

(*ii*) page 767, in the subject-heading to starred question No. 586, *for* " on " *read* " of ".

(*iii*) page 787, line 21, *for* the words " one of the two two persons " *read* " one of the two persons ".

(*iv*) page 788, *for* the subject-heading to the Statement laid on the table in answer to starred question No. 838, *substitute* " Disability Pension to Discharged Military Men ".

(*v*) page 788, from the subject-heading to the Statement laid on the table in answer to starred question No. 931, *delete* the words " the Royal Army Medical Corps and ".

(*vi*) page 796, line 3, *for* " *426. (*a*) to (*k*) " *read* " *246. (*a*) to (*k*) ".

(*vii*) page 810, line 9, *for* " War Research " *read* " War Reserves ".

(*viii*) page 872, line 5, *for* " Halzais " *read* "Halimzais ".

(4) Vol. VI, No. 2, dated the 6th September, 1933, pages 1055-77, in the subject-headings to the Cotton Textile Industry Protection (Amendment) Bill, *for* " Amendment " *read* " Second Amendment ".

(5) Vol. VI, No. 4, dated the 8th September, 1933, page 1220, line 10, *for* " Muhammadan " *read* " Muhammad ".

(6) Vol. VI, No. 7, dated the 12th September, 1933—

(*i*) page 1366, line 3 from the bottom, *for* " regert " *read* " regret ".

(*ii*) page 1409, line 20, *for* " disgested " *read* " digested ".

(*iii*) page 1424, line 2, *for* " risk " *read* " risky ".

(*iv*) page 1431, lines 19 and 20, *for* " Mr. K. C. Neogy..... resumed the Chair.] " *read* " Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : We all welcome it.''

(7) Vol. VI, No. 8, dated the 13th September, 1933—

(*i*) page 1483, line 18, *for* " directly " *read* " direct ".

(*ii*) page 1484, last line, *for* " No. 99 " *read* " No. 78 ".

(8) Vol. VII, No. 3, dated the 18th September, 1933, page 1754, lines 9 and 10, *for* " high-handness " *read* " high-handedness ".

(9) Vol. VII, No. 4, dated the 20th September, 1933, page 1822, in the subject-heading to starred question No. 1022, *for* " Non-Hindus " *read* " Non-Muslims ".

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— raised by Mr. T. N. Ramakrishna Reddi as to whether two separate and independent things can be coupled in one and the same motion in connection with the discussion of the report of the Public Accounts Committee, as the first part of the motion in the particular case is with regard to the consideration of the Report of the Public Accounts Committee of 1930-31, and the second part is a demand for grant of a certain expenditure. 1913.
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Bill(s)—
As Standing Orders are silent on the point as to what kind of amendments (restricted or of a general character) can be moved to the motion of a Mover of a Bill for eliciting public opinion by circulation, it is for the Chair to decide what amendments to such motions would be in order. 210.
Even though one particular clause of a — may be *ultra vires* of the Legislature, that does not make the whole — *ultra vires*. 1188.
Even though the provisions of a new amending — may be inconsistent with any or all of the provisions of any Statute of the Indian Legislature, that will not make it *ultra vires*. 707.
It is not within the jurisdiction of the Indian Legislature to make a law for the conduct of a subject of an Indian State for an offence committed within the jurisdiction of that State. 1085.
The Legislative Assembly has no power to enact any — for punishing offences committed by non-British Indian subjects outside the territory of British India. 1221.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR SHANMUKHAM CHETTY)—*contd.*
Bill(s)—*contd.*
The mere fact, that in a — before the House there is one clause on which there is doubt with regard to the jurisdiction of the Indian Legislature, need not debar the House from discussing the —. 1089.
The powers of the Indian Legislature are defined in the Govt. of India Act, and not in the Queen's Proclamation, and if an Honourable Member wants to draw the attention of the Chair to the fact that a certain — is *ultra vires* of the Indian Legislature he must draw attention to the relevant portion of the Government of India Act and not to the Queen's Proclamation. 994.
When a Honourable Member, at the time when another Honourable Member is making a motion in connection with a —, wants to raise a point of order, he shall do so after the Honourable Member, making the motion has finished his speech. 993.
While replying to a debate, Honourable Members cannot attempt to traverse the whole ground again in detail. 411-12.
Closure—
So far as closing of a debate is concerned, the Chair, even without the application of a closure motion, can always put the question, when the Chair is satisfied that there has been a full and fair debate. Therefore, applying that principle, the Chair does not think that it is bound to put the closure to a division, when only one or two Honourable Members want a division. 1819.
Indian Medical Council Bill—
If the Law Member of the Government of India is a Member of the House when the motion to refer a Bill to Select Committee is made and even if, in the meantime, the personnel of Office is changed, there is no necessity to make a specific motion that the new incumbent of the Office be nominated to the Select Committee. 55.
Joint Committee—
This House can only recommend to the Council of State that a Joint Committee be set up, and this House has no power to restrict the right of the Council of State to determine the composition of that Committee. 1508.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR SHANMUKHAM CHETTY)—*contd.*
Joint or Select Committee—
A Committee of this House, whether a Joint Committee or a Select Committee, is set up by a motion of this House, and every Honourable Member, whoever he is, has got the right to sit on that Committee, if he is elected to that Committee, and no Resolution of this House, can debar an individual from sitting on a Committee like that. 1508.
Jurisdiction of the House—
This House cannot have jurisdiction over acts committed by Indian State subjects in an Indian State. 1088.
Miscellaneous—
A matter which is appealable must be considered as *sub judice* and, as such, cannot be discussed in the House. 1120.
An Honourable Member who makes a maiden speech must be given a patient hearing and not be interrupted. 383.
Honourable Members cannot criticise the action of His Excellency the Viceroy. 997.
It is no defamation to call a person a "Bombay Man". 1068.
No question can be asked in this House with regard to a foreign territory. 683.
The jurisdiction of the Indian Legislature is covered by the provisions of the Government of India Act which is in force for the time being. 1086.
Motion for Adjournment—
So far as the House is concerned, especially in the matter of a —, neither the Chair nor the House will take notice of any private correspondence that takes place between one Honourable Member and any Member of Government. 555.
The answer to a question by itself cannot be sufficient ground for moving the adjournment of the House unless the subject-matter of the question itself conforms to the rules and regulations relating to the adjournment motion. 783.
The policy of the Local Government or the Central Government, in administering an ordinary law of the land, is not a matter of urgency within the meaning of the rules, and as such, the — *re* forfeiture by Government of the *Free Press Journal* deposit is not in order. 1120.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR SHANMUKHAM CHETTY)—*contd.*
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Though generally the policy of the Government in relation to a particular matter cannot be considered to be one of recent occurrence, occasions may arise when the policy and attitude of Government may become a matter of urgent public importance. 1391.
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A Member of the Executive Council of the Governor General, who is not a Member of the Legislative Assembly and who exercises his right of addressing the Assembly on any occasion, has also the right of raising any — during the debate in which he takes part. 1692-93.
There cannot be a — when the division is on. 1227.
When the Chair has asked for an explanation from an Honourable Member, no — ought to be raised until that explanation has been given. 1088.
Question(s)—
Discussion cannot take place on a —. 255.
When an Honourable Member for the Government plainly states that he is not prepared to disclose the stages passed through by the Government in considering a proposal, it is no use for an Honourable Member pressing for the information by supplementary —. 88.
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Honourable Members will not be in order in replying to a debate on a motion which the House has already passed. 1544.
Untouchability Abolition Bill—
Whatever might have been said in the Queen's Proclamation, it is not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it is not covered by section 65 (2) of the Government of India Act. The — is, therefore, *intra vires* of the Indian Legislature. 995.

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THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE SIXTH SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY.)

VOLUME V—1933.

LEGISLATIVE ASSEMBLY.

Tuesday, 22nd August, 1933.

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the first day of the Sixth Session of the Fourth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, Mr. President (The Honourable Sir Shanmukham Chetty) was in the Chair.

MEMBERS SWORN.

The Honourable Sir Bepin Behary Ghose, Kt. (Law Member) ;

The Honourable Mr. Alan Hubert Lloyd, C.I.E. (Finance Member) ;

Mr. Vidya Sagar Pandya, M.L.A. (Madras : Indian Commerce) ;

Mr. E. Studd, M.L.A. (Bengal : European) ;

Mr. James Aitchison Milligan, M.L.A. (Assam : European) ;

Mr. E. H. M. Bower, I.S.O., M.L.A. (Nominated Non-Official) ;

Sir Lancelot Graham, K.C.I.E., M.L.A. (Secretary, Legislative Department) ;

Major W. K. Fraser-Tytler, C.M.G., M.C., M.L.A. (Foreign Secretary) ;

Mr. Tennant Sloan, C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Alexander Ranken Cox, M.L.A. (Madras : Nominated Official) ;

Mr. Velgapudi Ramakrishna, M.L.A. (Madras : Nominated Official) ;

Khan Bahadur Shaikh Yakub Vazir Muhammad, M.B.E., M.L.A. (Bombay : Nominated Official) ;

Mr. Jatindra Mohan Chatarji, M.L.A. (Bengal : Nominated Official) ;

Shams-ul-Ulema Mr. Kamaluddin Ahmad, M.L.A. (Bengal : Nominated Official) ;

Rai Bahadur Lala Chimman Lal, M.L.A. (United Provinces : Nominated Official) ;

Mr. Alan Alexander McCaskill Mitchell, M.L.A. (Punjab : Nominated Official) ;

Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated Official) ; and

Mr. Stanley George Grantham, M.L.A. (Burma : Nominated Official).

QUESTIONS AND ANSWERS.

MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

1. ***Mr. S. C. Mitra :** (*a*) Are Government aware that a scheme was framed for permanent provision for the descendants of Hyder Ali and Tipu Sultan from generation to generation ?

(*b*) Is it a fact that the said scheme, *i.e.*, the Capitalization Scheme of 1860, could not be carried into effect ? If so, why ?

(*c*) Is it a fact that it was approved to make the provision operative for a lifetime only ?

(*d*) Is it a fact that by the said scheme the grandsons and the then fatherless great-grandsons of Tipu Sultan were recipients of the *corpus* of the fund and, in order to give effect to the same, two trust deeds were duly executed ?

(*e*) Are Government aware that the said trust deeds were declared invalid by the Honourable the High Court of Judicature and that within a few years the whole of the said funds were squandered by the recipients and that they were left heavily encumbered and that the beneficiaries could not get any benefit out of the capital stock ?

(*f*) Are Government aware that on account of the loss of capital stock the family of Hyder Ali and Tipu Sultan was absolutely ruined and that even their representation in 1902 was met with feeble response from His Majesty's Government ?

(*g*) Are Government prepared to consider the desirability of making some provision for the family of Hyder Ali and Tipu Sultan consistent with their position in life and their descent from a sovereign ?

(*h*) Is it a fact that under the Mysore Treaty an annual sum of rupees seven lakhs had been set apart from the revenues of certain districts which had been incorporated in the dominions of the East India Company to provide effectually for the suitable maintenance of the whole family of Hyder Ali and Tipu Sultan and also on the basis of various resolutions, despatches, etc., issued by the authorities with reference to the Mysore family ?

Major W. K. Fraser-Tytler : With your permission, Sir, I will answer questions Nos. 1 and 2 together. In reply to the Honourable Member's first question, the Government of India have under their consideration a memorial from the descendants of Hyder Ali and Tipu Sultan in which, among other points, the questions (*a*) to (*h*) raised by the Honourable Member have been put up for the consideration of Government. As no decision has yet been reached on this memorial the Government consider that they cannot appropriately answer the questions raised by the Honourable Member without prejudicing any decisions to be arrived at on the memorial.

In reply to part (*a*) of the Honourable Member's second question, I would refer him to the answer I have just given.

(*b*) The case of Mohammad Nasiruddin, great great-grandson of Tipu Sultan, will be considered in connection with the general question of the treatment of the descendants of Hyder Ali and Tipu Sultan which is under consideration of Government with reference to the memorial presented by these descendants.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say what was the original scheme by which certain help or subsidy was given to the descendants of Hyder Ali and Tipu Sultan and whether any funds were passed over to their descendants to be squandered ?

Major W. K. Fraser-Tytler : I shall require notice of that question.

Kunwar Hajee Ismail Ali Khan : Will Government lay on the table a copy of the original scheme ?

Major W. K. Fraser-Tytler : I should require notice of that question also.

Mr. Amar Nath Dutt : What was the contribution of Hyder Ali and Tipu Sultan towards the building up of Indian civilisation and culture ?

Major W. K. Fraser-Tytler : I think the Honourable Member can perhaps judge that best for himself.

Mr. Amar Nath Dutt : I could not find anything in history. I thought Government might have something on that subject in their archives.

Mr. Lalchand Navalrai : We will not put any supplementary question if the Honourable Member is not in a position to answer them, but I would like to know if any funds were provided for the descendants ?

Major W. K. Fraser-Tytler : I can only repeat that I cannot give this information at present. I should require notice of that question.

MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

†2. ***Mr. S. C. Mitra :** (*a*) Are Government aware that the members of the third and fourth generations of Tipu Sultan submitted a combined memorial to Government on the 16th October, 1930, laying their grievances before Government and praying for certain relief on the grounds that their claim was based on the distinct pledges given by Government to maintain and provide for the Mysore family at least upto the fourth generation and even beyond, and more particularly on account of the failure and frustration of the Capitalization Scheme of 1860 for which the beneficiaries were not responsible ? If so, are Government prepared to consider it favourably ?

(*b*) Are Government aware that Sahebzada Mohammad Nasiruddin of the fourth generation (a great great-grandson of Tipu Sultan and one of the

†For answer to this question, *see* answer to question No. 1.

memorialists) is in receipt of a poor pension of Rs. 50 per month only from Government ? If so, do Government propose to raise his pension and also treat other members of the Mysore family standing in the same degree of relationship to Tipu Sultan in the same way ?.

STATE PRISONERS IN CUSTODY.

3. ***Mr. B. N. Misra :** Will Government be pleased to state :

(*a*) the total number of State Prisoners in custody

(*i*) under Regulation III of 1818, and

(*ii*) the Bengal Ordinance ; and

(*b*) (*i*) the total number of State Prisoners getting no allowance at all for their families and dependants ;

(*ii*) the total number of prisoners getting upto Rs. 600 per annum ;

(*iii*) the total number of State Prisoners getting Rs. 600 to Rs. 1,000 per annum for the upkeep of their families and their dependants ;

(*iv*) the total number of prisoners getting Rs. 1,000 to Rs. 2,400 per annum for the upkeep of their families and their dependants ; and

(*v*) the total number getting more than Rs. 2,400 per annum ?

The Honourable Sir Harry Haig : (*a*) (*i*) 36.

(*ii*) The Honourable Member presumably refers to the Bengal Criminal Law Amendment Act, 1930. The number of persons detained under the Act was 1,439 on the 31st July.

(*b*) (*i*) 16. One case is under consideration.

(*ii*) 9.

(*iii*) 4.

(*iv*) 3.

(*v*) 3.

The figures relate to State Prisoners under Regulation III of 1818. I regret I am unable to give similar information regarding the family allowances of detenus whose cases are dealt with by the Government of Bengal under the provisions of the Bengal Criminal Law Amendment Act.

Kunwar Hajee Ismail Ali Khan : What is the maximum amount which a State Prisoner is getting ?

The Honourable Sir Harry Haig : I am afraid I have not got the figures with me. Perhaps the Honourable Member will put down a question on the subject.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say how many prisoners in each province there are, who have been detained under Regulation III of 1818 ?

The Honourable Sir Harry Haig : I have not the information with me.

Mr. Lalchand Navalrai : Are there any rules providing what allowances should be given ? Are there any other conditions to be gone through ?

The Honourable Sir Harry Haig : No, Sir. The allowances are given in accordance with what Government judge to be reasonable.

Mr. Lalchand Navalrai : Does that depend on the will or whim of the officer who gives them ?

The Honourable Sir Harry Haig : It is laid down in the Regulation itself that Government shall make such provision as is reasonable.

Mr. Lalchand Navalrai : Have the Government framed any rules on the subject ?

The Honourable Sir Harry Haig : It is not possible to frame rules as to how much allowance should be given to individuals in consideration of their individual circumstances ?

Mr. Lalchand Navalrai : Do they get allowances on the same level or do they differ ? Is any differentiation made in the allowances to be given to State Prisoners ?

The Honourable Sir Harry Haig : I think if the Honourable Member had listened to the answers which I gave to his original question, he would have understood that allowances are given on different scales to different prisoners and I enumerated in accordance with his requirements the allowances given under five separate heads.

Mr. D. K. Lahiri Chaudhury : Who is to decide the amount of the allowances ?

The Honourable Sir Harry Haig : The Government.

Sardar Sant Singh : Does the list of the men who have been detained under Regulation III of 1818 include the Chiefs of Native States who have been detained ?

The Honourable Sir Harry Haig : No, Sir. My answer refers to those who are detained in custody in connection with revolutionary movements.

Mr. M. Maswood Ahmad : Is it the Local Government or the Central Government that make the allowances ?

The Honourable Sir Harry Haig : By the Central Government.

Sardar Sant Singh : The answer is not clear to me. My question is whether the Chiefs of Native States who have been detained are included in the number 36 you gave.

The Honourable Sir Harry Haig : My answer was " No ".

Mr. K. C. Neogy : Who decides the amount of the allowances in each case ? Does the Honourable Member himself go into each individual case ?

The Honourable Sir Harry Haig : I think it is fair to say that each case comes up to me.

Mr. K. C. Neogy : What are the considerations that generally determine the amount of allowance in each particular case ?

The Honourable Sir Harry Haig : Very largely, the family circumstances whether it is necessary to provide for the families of the persons detained.

Mr. D. K. Lahiri Chaudhury : If a detenu dies in custody, do the Government make any provision for the family ?

The Honourable Sir Harry Haig : No, Sir.

Mr. B. R. Puri : Where do you get your information from as to the circumstances of the family of the person detained—from the C. I. D. ?

The Honourable Sir Harry Haig : We get a report from the Local Government.

Mr. B. R. Puri : Is the Local Government itself aware of each individual case or do they depend upon the C. I. D. ?

The Honourable Sir Harry Haig : The Local Government depend upon their officers, as they ordinarily must.

Mr. B. R. Puri : Do they depend ultimately on the police officer in charge of the particular locality where the detenu was residing before arrest ?

The Honourable Sir Harry Haig : Not necessarily.

Mr. S. G. Jog : In view of the fact that the Regulation is more than a century old, will Government take steps to revise it ?

The Honourable Sir Harry Haig : We have no such proposal under consideration.

Mr. K. C. Neogy : Has the Honourable Member received any representation complaining about the inadequacy of these allowances ?

The Honourable Sir Harry Haig : I think we have received a number of representations at various times. Any representations received are always examined.

Mr. K. C. Neogy : Has any such representation resulted in any enhancement of the allowance ?

The Honourable Sir Harry Haig : I should require notice of that question.

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is impossible for the Government to lay down a scale ?

The Honourable Sir Harry Haig : I should be very glad if the Honourable Member will suggest what he has in mind.

Mr. Lalchand Navalrai : I only know this that the Honourable Member has not followed my question. The Honourable Member said that it depended upon the discretion of the officer who gave them these allowances. I am asking whether it is not possible that the officer may frame a scale of the allowances to be given and that those should be continued ?

The Honourable Sir Harry Haig : I said, Sir, that it depended on the individual circumstances of the detenu. I do not quite understand how the Honourable Member proposes to tabulate those individual circumstances.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

SEPARATE MUSEUM FOR ORISSA.

4. ***Mr. B. N. Misra** : (*a*) Will Government be pleased to state :

(*i*) the amount of money set apart for archæological work in the various provinces of India ;

(*ii*) the amount set apart for Bihar and Orissa ; and

(*iii*) the amount spent every year in Orissa ?

(*b*) Has the amount spent in Orissa been found sufficient for the purposes of the archæological findings in Orissa ?

(*c*) Will Government be pleased to state the place in Orissa where the Archæological Department has worked ?

(*d*) Do Government propose to institute a separate museum for Orissa which is going to have a separate Province of its own ?

Mr. G. S. Bajpai : (*a*) and (*b*). If the Honourable Member will kindly indicate the years for which the information is required, I shall endeavour to obtain it for him.

(*c*) The principal monuments where special repairs have been carried out are the Black Pagoda at Konarak, Rock Edicts of Asoka at Dhauli, Raja Rani and other temples at Bhuvanesvara, the caves of Khandagiri and Udaigiri, etc.

(*d*) 'Museums' are a provincial subject under the Devolution Rules, and it will be for the new provincial Government of Orissa to consider whether or not to establish a museum.

DISSATISFACTION OF ORIYAS ON ACCOUNT OF NON-INCLUSION OF CERTAIN AREAS IN THE PROPOSED ORISSA PROVINCE.

5. ***Mr. B. N. Misra** : (*a*) Are Government aware of the dissatisfaction of the Oriyas on account of the non-inclusion of (*i*) the Singbhum District (Bihar and Orissa), (*ii*) the southern portion of Midnapur (Hijli District in Bengal), (*iii*) Parlakhimedi, Tarala, Mandasa, Tekkali of the Ganjam District, (*iv*) the Jaipur Agency of the Vizagapatam District, and (*v*) Fuljhar of the Central Provinces ?

(*b*) Will Government be pleased to state the number of meetings that have communicated to Government the dissatisfaction felt by the Oriyas ?

(*c*) Are Government aware that there is a very influential section among the Oriyas who say that unless all the areas demanded by the Oriyas are included they will not accept the province ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*). Up to the 31st July, 1933, the Government of India have received 87 representations protesting against the omission from the proposed Orissa province of all or some of the areas referred to by the Honourable Member. Not all these representations purport to be the outcome of meetings held ; some are from individuals and others from local associations or bodies. 80 out of the 87 representations received deal with Ganjam areas.

(*c*) Government are not aware of such an attitude on the part of any influential section among the Oriyas.

Mr. M. Maswood Ahmad : Is it a fact that the separation of the Orissa province has affected four provinces, that is, Madras, Bengal, Central Provinces and Bihar ?

The Honourable Sir Joseph Bhore : I think that is quite correct.

Mr. M. Maswood Ahmad : Was there any Muslim member on the Orissa Boundary Committee ?

The Honourable Sir Joseph Bhore : My Honourable friend has put a question on that point. When I come to it, I will give him a reply.

Mr. M. Maswood Ahmad : What step was taken by Government to know the Muslim point of view about the boundary of Orissa ?

The Honourable Sir Joseph Bhore : I have no doubt that the Committee appointed conducted a very complete inquiry and received representations from individuals interested.

Mr. Gaya Prasad Singh : Are Government aware that the claim of the Oriyas to the inclusion of Singbhum in their new province is quite unjustified ?

(No answer.)

Mr. Gaya Prasad Singh : Are Government aware that the Committees which were appointed in this connection have unanimously rejected the claim of the Oriyas for the inclusion of Singbhum in their new province ?

The Honourable Sir Joseph Bhore : My Honourable friend may refer to the reports of the Committees concerned.

Mr. Amar Nath Dutt : May I put a question to the questioner himself ? May I know the grounds on which the Oriyas have asked for the inclusion of the southern portion of Midnapore in the province of Orissa ? Is it on the ground of conquest or what else ?

The Honourable Sir Joseph Bhore : That question is not addressed to me, Sir.

Mr. Amar Nath Dutt : If it is not on the ground of conquest, will he kindly state whether he will claim up to the northern portion of Burdwan, that is, Katwa ?

Mr. Gaya Prasad Singh : Is it not a fact that on ethnological, historical, linguistic and racial grounds Singbhum cannot be included in the new province of Oriyas ?

Mr. President (The Honourable Sir Shanmukham Chetty) : To whom is the question addressed ?

Mr. Gaya Prasad Singh : Anybody can answer it—either the questioner himself, or the Government Member. (Laughter.)

Maulvi Muhammad Shafee Daoodi : May I know whether the protest made by Oriyas includes Singbhum also definitely ?

The Honourable Sir Joseph Bhore : I think so, but I am not quite definite upon that point.

Mr. S. C. Mitra : Are not Government aware that the people of the Midnapore district strongly protested against their inclusion in the newly created province of Orissa ?

The Honourable Sir Joseph Bhore : I take my Honourable friend's word for that.

Mr. Gaya Prasad Singh : Is it not a fact that the people of Singbhum also protested against the proposed inclusion of Singbhum in the Oriya province ?

The Honourable Sir Joseph Bhore : It is likely.

DIFFICULTIES AND HARDSHIPS OF PILGRIMS RETURNED FROM HEDJAZ.

6. ***Mr. Lalchand Navalrai** : (*a*) Has the attention of Government been drawn to the statement of Mrs. Mariam H. Shariff Hussain, given to the Associated Press on May 6th, 1933, that there were innumerable difficulties and hardships in the way of pilgrims who had just returned from Hedjaz ?

(*b*) Are Government aware that the disembarkation at Jeddah is very troublesome and that the belongings of pilgrims are mixed up while unloading the same, causing great inconvenience to the pilgrims ?

(*c*) Do Government propose to take any steps for the thorough reformation of the *Muallims* ? If so, what steps ?

(*d*) Are Government aware that the pilgrims who travel third class in steamers have meagre arrangements for fresh air, water, latrines and bathrooms and are supplied with very coarse and unsatisfactory food by hotels on board the steamers ?

(*e*) If so, will Government be pleased to state what steps the Haj Committee have recommended to guard against such inconveniences, and what steps do Government propose to take in the matter ?

Mr. G. S. Bajpai : (*a*) Government have seen the report of the statement made by one Mariam Khatun, wife of Hafiz Sharif Husain, which appeared in the *Aljamiat* of the 16th May, 1933.

(*b*) In order to minimise such difficulties Government approved, as an experimental measure during the last season, of the introduction of an arrangement by which the shipping Company undertook responsibility for the transport of passengers and their luggage from ship to shore and *vice versa* in return for a fixed sum of money. This arrangement will be continued, if the reports, which have not yet been received from the authorities at Jeddah, indicate that it proved successful.

(*c*) As the Honourable Member is already aware, a Bill to regulate the activities of persons who offer to assist pilgrims to the Hedjaz was introduced in this House and referred to a Select Committee. Further action to be taken in regard to this Bill is under the consideration of Government.

(*d*) and (*e*). The question of improving the arrangements on board the pilgrim ships has for some time engaged the careful attention of Government. A report of the Haj Inquiry Committee which deals, *inter alia*, with this subject will be found in the Library of the House. It is probably within the memory of the Honourable Member that in the light of the recommendations made by this Committee, the Indian Merchant Shipping Act, 1923, was amended during the last Legislative Session. A draft of statutory rules under the Amending Act has been

prepared and will soon be published. It is expected that the rules will come into force before the commencement of the next pilgrim season.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether there is any recommendation in connection with part (*b*) of this question in the confidential report of the Haj Inquiry Committee ?

Mr. G. S. Bajpai : My Honourable friend seems to assume that there is a confidential report.

Mr. M. Maswood Ahmad : Do Government suggest that there is no confidential report by the Haj Inquiry Committee ?

Mr. G. S. Bajpai : So far as I know.

Mr. M. Maswood Ahmad : Was any item of the confidential report of the Haj Inquiry Committee considered by the Standing Haj Committee on Hedjaz ?

Mr. G. S. Bajpai : My Honourable friend is a member of the Haj Committee and if any confidential matters were discussed by the Committee, I hope he will, as a member of that Committee, treat them as confidential. (Laughter.)

Kunwar Hajee Ismail Ali Khan : In view of the fact that this House has passed the Port Haj Committee Bill to remove such difficulties of the pilgrims, may I know what steps Government have taken and when these Committees will come into existence ?

Mr. G. S. Bajpai : My Honourable friend is aware that Port Haj Committees have to be set up by the Local Governments. We have addressed Local Governments and have impressed upon them the desirability of bringing these Haj Committees into being before the next season starts.

Mr. M. Maswood Ahmad : Is it a fact that minutes of the proceedings of the Standing Haj Committee are confidential ?

Mr. G. S. Bajpai : My Honourable friend as a member of that Committee ought to be aware as well as I am of the procedure which is followed by that Committee and the conditions under which its proceedings are recorded.

Mr. M. Maswood Ahmad : Is it not a fact that several portions of that minute were referred on the floor of the House by the Honourable Members at the time of the discussion of the Merchant Shipping Act ?

Mr. G. S. Bajpai : I do not recollect having read *verbatim* anything from the proceedings of the Haj Committee.

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to see the debates ?

Mr. G. S. Bajpai : It is open to my Honourable friend to contradict me after referring to the debates.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if there is any truth in the allegations made by Mrs. Mariam ?

Mr. G. S. Bajpai : Well, Sir, the statement covers very wide ground and I daresay that there is an element of truth here and there.

Mr. Lalchand Navalrai : May we, then, know that there are difficulties which have to be overcome ?

Mr. G. S. Bajpai : Sir, I have never suggested that there are no difficulties that have not to be overcome.

Mr. Lalchand Navalrai : May I know, therefore, if there is any Committee or any persons deputed to take care of the luggage of the pilgrims when they arrive at Jeddah ? Is there any arrangement at present to vouchsafe the difficulty that is pointed out by Mrs. Mariam ?

Mr. G. S. Bajpai : If the Honourable member had followed the answer which I gave to part (*b*) of his question, he would have appreciated the fact that we have made arrangements which are being tried, and, on receipt of the report of the working of those arrangements during the last Haj season, Government will decide what further steps, if any, are necessary.

Mr. Lalchand Navalrai : May I concisely know what are the arrangements ?

Mr. G. S. Bajpai : With your permission, I will read the answer again :

"The shipping company undertook responsibility for the transport of passengers and their luggage from ship to shore."

Mr. Muhammad Azhar Ali : Did the Honourable Member make enquiries about the complaints made by Mrs. Mariam H. Shariff Hussain ?

Mr. G. S. Bajpai : No such enquiry was necessary, because most of the complaints made by the lady had already been dealt with by the Haj Enquiry Committee.

RELEASE OF MAHATMA GANDHI.

7. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if any move was made by the Indian National Congress or by any other public men for the release of Mahatma Gandhi ?

(*b*) What are the grounds and conditions on which Mahatma Gandhi has been released ?

(*c*) Are Government in a position to state that the Civil Disobedience Movement has been withdrawn ?

(*d*) Was Mahatma Gandhi or any Congressman given to understand that the Government would not consider the Civil Disobedience Movement withdrawn merely by its suspension ? If so, what was the response ? If not, why not ?

(*e*) Were there any conditions laid down for the release of political prisoners ? If so, what ?

(*f*) Were these conditions brought to the notice of Mahatma Gandhi when he suspended the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : (*a*) to (*f*). I think the Honourable Member's question was drafted some time ago and refers to conditions now out of date. I do not think there is anything I can add to the Government communiqués and the various statements issued by Mr. Gandhi and Mr. Aney, which the Honourable Member has no doubt read.

Mr. Lalchand Navalrai : May I know whether Government are aware that Mahatma Gandhi said that if he was allowed an interview he would place facts of such nature that they would be acceptable to Government ?

The Honourable Sir Harry Haig : Mr. Gandhi made some statement of that sort, but when he was asked exactly what he meant I think he made it clear that he had nothing definite in his mind, but that he intended to rely on the inspiration of the moment.

Mr. Lalchand Navalrai : Inspirations many times are not wrong.

The Honourable Sir Harry Haig : I have every respect for inspiration.

Mr. Lalchand Navalrai : Was Mahatma Gandhi actually asked as to what he had to say at the interview ?

The Honourable Sir Harry Haig : No, Sir. We did not pursue that question.

Mr. Lalchand Navalrai : Was it not fair to give an opportunity to Mahatma Gandhi to unfold what he had in his mind ?

The Honourable Sir Harry Haig : The position of Government is stated in the telegram which was sent on behalf of His Excellency the Viceroy.

Mr. N. M. Joshi : May I ask whether Government can give us some information as regards the recent relation between the Government and Mahatma Gandhi and his fast ?

The Honourable Sir Harry Haig : There is a short notice question on that subject later on.

Mr. Muhammad Azhar Ali : Did the Government in any way stop Mahatma Gandhi from unfolding his feelings or expressions of mind ?

The Honourable Sir Harry Haig : No, Sir.

ENFORCEMENT OF THE ATTENDANCE OF PERSONS AT POLICE STATIONS BY POLICE OFFICERS.

8. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if there is a practice in India in general and in centrally governed areas in particular that police officers enforce the attendance of persons without any order in writing on the pretext that such persons are supposed to be acquainted with the facts and circumstances of the case before them ?

(*b*) Is it a fact that they keep them in attendance for a long time without examining them and only allow them at intervals to go for their meals and night rest ?

(*c*) Is it a fact that the provisions of section 160, Code of Criminal Procedure, which require the enforcement of attendance by order in writing and also require subsequent attendance by order in writing ? If so, what steps have Government taken against such methods of the police ?

(*d*) Do Government know that such persons, as are so brought to the police stations on the pretext of getting information from them, are detained and eventually arrested and sent up as accused persons ? If so, under what law or order of Government is this procedure carried on ?

(*e*) Will Government be pleased to state if suspects are being called upon to appear before police officers without being arrested under section 54 and other sections of the Code of Criminal Procedure, are kept with the latter on the ground of making enquiries from them, are many times passed on to the hands of the Zamindars for getting information from them and finally arrested and sent to Court, reckoning the time of the arrest when they finally put handcuffs on them and send them to Court without showing their entire detention ?

(*f*) Have Government authorised such detentions ?

(*g*) Are Government aware that such procedure as aforesaid has been condemned by various High Courts in India from time to time ? What steps have Government taken to see such procedure remedied ?

(*h*) Are Government prepared to issue a clear and definite circular, warning the police officers against such acts, and taking such other measures as Government deem necessary ? If not, why not ?

The Honourable Sir Harry Haig : My replies to the various clauses of this question are confined to centrally administered areas, with which the Government of India are primarily concerned, but I have no reason to suppose that the alleged practices exist in the provinces.

(*a*) and (*b*). The answer is in the negative.

(*c*) The question does not arise.

(*d*) and (*e*). No such cases have come to notice.

(*f*) No.

(*g* No such judgments have been specifically brought to the notice of Government. The second part does not arise.

(*h*) As the answers to the preceding clauses show, there is no need for the issue of any instructions on the subject.

Sardar Sant Singh : Did the Government make enquiries from the Local Governments of centrally administered areas as to the way in which section 160, Code of Criminal Procedure is administered ?

The Honourable Sir Harry Haig : Enquiries were made from all the centrally administered areas.

Sardar Sant Singh : May I inform the Honourable Member that the practice complained of is widely prevalent and the answer is not in accordance with facts ?

The Honourable Sir Harry Haig : I am giving the House the gist of the answers received from the administrations.

Sardar Sant Singh : May I inform the Honourable Member that the practice exists in almost all the police stations throughout India. The suspects are sent for, detained there without arrest in order to avoid peremptory provisions of section 167, Code of Criminal Procedure, and are harassed a good deal ?

The Honourable Sir Harry Haig : I can only reply that the officers from whom we enquired deny the existence of this practice.

Mr. Lalchand Navalrai : As the question pertains to the whole of India, may I know whether the Government are precluded from making enquiries from other provinces and knowing the truth ?

The Honourable Sir Harry Haig : The Government of India have a special responsibility in regard to centrally administered areas.

Mr. Lalchand Navalrai : May I know whether the Government of India have no responsibility with regard to what happens in other parts of India ?

The Honourable Sir Harry Haig : The Government of India prefer not to interfere more than is necessary with the administration of Provincial Governments which, we hope, before long, will be autonomous.

Mr. Lalchand Navalrai : May I know if Local Governments do a great wrong and it comes to the notice of the Government of India by a regular question in the House, yet the Government of India will abstain from making enquiries ?

The Honourable Sir Harry Haig : May I remind the Honourable Member that Provincial Governments have their own Legislative Councils in which it would seem natural that questions of this kind, if indeed abuse does exist, would be raised ?

Mr. Lalchand Navalrai : May I know, therefore, with such autonomy as at present exists, the Government of India have no interference at all in a question like this ?

The Honourable Sir Harry Haig : The Government of India do not propose to take the matter up with the Local Governments.

Mr. Lalchand Navalrai : May I know definitely one thing ? Have the centrally administered areas informed the Honourable Member that there is actually a practice going on in this manner that suspects are called to the *thanas*, they are kept there without any warrant for three or four days.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot make a speech.

Mr. Lalchand Navalrai : What I am submitting is that these suspects are put up before a Magistrate after an unauthorised detention of five or six days, my question is whether the Honourable Member knows this ?

The Honourable Sir Harry Haig : I have already answered the Honourable Member's question that the allegations were brought to the notice of the centrally administered areas and the Chief Commissioners have said that they are not aware of any such cases.

Mr. B. R. Puri : May I know if the Government realise the utter futility of making enquiries from the parties concerned against whom allegations are made and may I also add that the Government would be pleased to indicate the nature of the evidence that they expect in support of the allegation that this scandal does actually prevail and before what forum we are to place that evidence ?

The Honourable Sir Harry Haig : If there were any such cases, I should suppose there would be complaints which would come to the notice of the local administration.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether he is prepared to issue orders even in the centrally administered areas that in view of these things being brought to the notice of the House the *challan* should show that they were arrested from the moment they were brought into the *thana* ?

The Honourable Sir Harry Haig : I think the reference which we have already made to the local administrations as a result of the Honourable Member's question would be sufficient notice or reminder to them of the state of the law, but I am perfectly prepared to forward copies of these supplementary questions and answers to the local administrations concerned.

Mr. Lalchand Navalrai : And also to the Local Governments ?

The Honourable Sir Harry Haig : Yes, Sir ; I do not mind sending to them also.

Sardar Sant Singh : Do Government propose to make inquiries from the Bar Associations of the various districts under the direct control of the Central Government ?

The Honourable Sir Harry Haig : No, Sir ; I do not propose to make any further inquiries.

Mr. B. R. Puri : May I know, why ? Do Government really believe that the Bar Associations are not competent to give sound information on this point or is it because the Bar possess first-hand information as to what is actually happening ?

The Honourable Sir Harry Haig : I take it that we have had the views of the Bar Associations before us. We know what the allegations are and the Local Governments will now know also.

PERSONS WHIPPED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

9. ***Mr. Lalchand Navalrai:** (*a*) Will Government be pleased to state how many prisoners were whipped in the years 1932 and 1933, respectively, for offences connected with the Civil Disobedience Movement ?

(*b*) Were they whipped under the sections of the Indian Penal Code for offences involving theft, damage to property and assembly for unlawful purposes or under any other law ?

(*c*) Were they so whipped under the orders of the Magistrates who convicted them or under the executive orders, or both ?

(*d*) Will Government be pleased to state if in the opinion of the Magistrates no other punishment was suitable for these prisoners in place of the sentence of whipping ? If the answer be in the affirmative, what were the reasons for the same ?

The Honourable Sir Harry Haig : (*a*) 541 in 1932 ; 85 in 1933 up to the 30th June.

(*b*) In the great majority of cases the punishment of whipping was inflicted for offences under the Indian Penal Code. In some instances this punishment was awarded for offences under other enactments.

(*c*) The whipping in all cases was inflicted under magisterial orders.

(*d*) I have no doubt that magistrates passed sentences of whipping in view of the fact that they considered them suitable.

Pandit Satyendra Nath Sen : Do Government remember that a Resolution for including whipping in the list of punishments for crimes against women was opposed by Government in this House last year ?

The Honourable Sir Harry Haig : Yes, Sir ; I think that is correct.

Pandit Satyendra Nath Sen : Do Government think that these technical offences are more heinous than crimes like abduction, rape, etc. ?

The Honourable Sir Harry Haig : I am not prepared to accept the suggestion that these offences were all technical.

Pandit Satyendra Nath Sen : Is it not a fact that these offences were connected with the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : Sentences were passed in the ordinary course of events and perhaps the House will remember that in connection with the legislation which was passed last autumn we made a provision which we hoped would relieve magistrates from the necessity of this kind of punishment, namely, that the responsibility in the case of juveniles was placed on the parents.

Mr. Jagan Nath Aggarwal : Is it not time that the Government of India considered the desirability of abolishing this punishment ?

The Honourable Sir Harry Haig : I must leave the Honourable Member to argue that out with his Honourable friend sitting behind him (Pandit Satyendra Nath Sen).

Mr. Lalchand Navalrai : Can the Honourable Member state if the instructions of Government are being faithfully followed ?

The Honourable Sir Harry Haig : I think the Honourable Member will notice from the figures I have given that the number of punishments of whipping was very much reduced in 1933.

HOUSING PROBLEM OF THE INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY AT JAMALPUR.

10 ***Mr. S. C. Mitra :** (*a*) Is it known to Government that the housing problem of the Indian employees of the East Indian Railway at Jamalpur is growing more acute day by day, no quarters having been provided for them and there being hardly any private quarters available there ?

(*b*) If it is not known to the Government, are they prepared to enquire into this ?

Mr. P. R. Rau : Government are aware that there is a demand for more quarters for Indian employees at Jamalpur.

Mr. Gaya Prasad Singh : What provision is being made for meeting that demand ?

Mr. P. R. Rau : That is dealt with in the next question.

HOUSING PROBLEM OF THE INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY AT JAMALPUR.

11. ***Mr. S. C. Mitra :** (*a*) Is it known to Government that a plot of land measuring 119.3 acres at a cost of Rs. 98,467 was purchased at

Jamalpur for building quarters for the Indian employees as far back as 1922 and that not even a brick has been laid in the course of these ten years involving the Railway in loss of interest for the capital thus blocked ?

(*b*) Will Government please say if it is their intention to build quarters in the near future ?

(*c*) If the answer to part (*b*) be in the negative, will Government please state how they propose to solve the housing problem of the Indian employees at Jamalpur ?

(*d*) Is it a fact that out of 235 quarters at Jamalpur 212 have been let or reserved for the European and Anglo-Indian employees, leaving only 23 quarters for the Indians ?

(*e*) If the answer to part (*d*) be in the affirmative, will Government please state how they propose to remove the racial discrimination ?

(*f*) Is it a fact that at times some quarters are allowed to remain vacant indefinitely and are not let out to Indian claimants, involving the Railway in loss of rent ?

(*g*) If the reply to part (*f*) be in the affirmative, do Government propose to stop the practice in order to let out as many quarters as possible to Indians applying for them ? If so, how ?

Mr. P. R. Rau : (*a*),(*b*) and (*c*). The plot of land referred to was acquired for building not only quarters for Indian employees but also a High English School and a hostel for Indian apprentices. These two buildings, as well as quarters for certain staff of the Technical School, have been built on the land up to date, but owing to financial stringency further expenditure on the provision of quarters has had to be deferred. The Administration reports that more quarters will be built as funds become available.

(*d*) There are at Jamalpur 220 quarters of European type, 72 quarters of Indian clerical type and 249 quarters for inferior employees.

(*e*) Government understand that the question of racial discrimination does not arise, as the existing quarters are generally allotted to and occupied by the staff for whom they were originally provided.

(*f*) and (*g*). Vacancies of quarters are generally of short duration and of unavoidable nature. Moreover, as recognised by the Honourable Member in his next question, European type quarters are not always suited to Indian employees and sometimes not liked by them.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether Indian employees are more in number than Europeans at Jamalpur and whether the number of quarters is greater for Europeans or for Indians ?

Mr. P. R. Rau : I have already given the information as regards the second part of the question. As regards the first part, I should think the answer is obvious.

Mr. M. Maswood Ahmad : That is, the Indians are more in number ?

Mr. P. R. Rau : Of course.

Mr. M. Maswood Ahmad : But the number of quarters is less.

Mr. S. C. Mitra : Will the Honourable Member take into consideration the fact that although Indians prefer Indian style quarters, they might prefer European style quarters instead of having no quarters at all ?

Mr. P. R. Rau : As a matter of fact, the Administration recognises that and does make quarters that are likely to be vacant for long periods available to Indian employees.

HOUSING PROBLEM OF THE INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY AT JAMALPUR.

12. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the few quarters let out to the Indian employees of the East Indian Railway at Jamalpur are not provided with arrangements such as squatting, latrines, courtyards separated from adjoining Europeans' quarters ?

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

(*c*) Is it a fact that for the last two years the white-washing and cleaning of the quarters which is most essential for sanitation and health have been stopped ?

(*d*) Is it a fact that in certain cases house-building advances have been refused to employees desiring to build houses of their own (which is admissible under the rules) on the ground that there are Railway quarters at Jamalpur, while the Railway administration cannot provide quarters when requested ?

(*e*) If the answer to part (*d*) be in the affirmative, do Government propose to issue instructions to the Railway administration not to refuse such advances ?

Mr. P. R. Rau : (*a*) All Indian clerical type quarters are provided with courtyards and latrines to suit Indian customs but it is possible that some Indian employees have been occupying European type quarters which are not provided with such facilities.

(*b*) The present state of affairs will be remedied when additional Indian type quarters are provided as funds become available.

(*c*) No. The Administration reports that, although revenue expenditure has been curtailed during the last few years, whitewashing and cleaning of quarters essential for sanitation and health have been carried out.

(*d*) In three cases, in which house building advances have been refused, Government understand that railway quarters were available which though of European type were similar to those occupied by other Indian staff in similar categories to the applicants.

(*e*) I am sure the Administration will deal sympathetically with requests for house building advances from staff for whom railway quarters cannot be made available.

SUPPLY OF RULE BOOKS TO THE EAST INDIAN RAILWAY EMPLOYEES.

13. ***Mr. S. C. Mitra :** (*a*) Is it a fact that one of the clauses of the service agreement executed by the old East Indian Railway employees states that each of them has been supplied with a rule book under which they are guided, whereas for the employees no rule book pertaining to them has been supplied to them nor are they available for purchase ?

(*b*) If the answer to part (*a*) be in the affirmative, do Government propose to take action to print such rule books and to supply each of the employees with a copy or at least offer them for sale ?

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

EMPLOYMENT OFFICER AT THE JAMALPUR WORKSHOPS.

14. ***Mr. S. C. Mitra :** Will Government please say how the appointment of an Employment Officer at the Jamalpur Workshops has been justified compared with such an appointment in the North Western Railway ?

Mr. P. R. Rau : There is not much difference in the arrangements in the two railways. In the North Western Railway workshops at Moghalpura there is an officer who, though called by a different name—Assistant Personnel Officer—performs practically the same duties as the Employment Officer at Jamalpur.

CONTINUANCE OF THE EAST INDIAN RAILWAY BAND AT JAMALPUR.

15. ***Mr. S. C. Mitra :** Will Government please state the reasons for the continuance of the East Indian Railway Band at Jamalpur at a monthly cost of Rs. 850 chargeable to Revenue and Rs. 750 chargeable to Staff Benefit Fund in these days of economy when the staff are being discharged ? Is it a fact that it serves only a very small fraction of the employees of the administration ?

Mr. P. R. Rau : The question of the future of the East Indian Railway band as well as of similar bands on other Railways is at present engaging the attention of Government.

RESOLUTIONS PASSED BY THE INDIAN NATIONAL CONGRESS HELD IN CALCUTTA.

16. ***Mr. Gaya Prasad Singh :** (*a*) Are Government aware that the following are some of the resolutions passed at the 47th Session of the Indian National Congress held in Calcutta recently :

" (*i*) This Congress re-affirms the resolution passed at its 44th Session at Lahore in 1929 declaring complete independence as its goal,

(*ii*) This Congress holds civil disobedience to be a perfectly legitimate means for the protection of the rights of the people, for the vindication of national self-respect and for the attainment of the national goal " ?

(*b*) Are Government aware that the Congress also passed resolutions declaring its adherence to the programme of civil disobedience and the boycott of British goods, and condemned the White Paper as " inimical to the vital interests of India, and devised to perpetuate foreign domination in this country " ?

(c) Will Government kindly state how, in spite of elaborate precautions, such resolutions came to be passed ?

The Honourable Sir Harry Haig : (a) and (b). The Honourable Member has correctly described some of the resolutions which it was intended to pass if the Congress Session had been held at Calcutta.

(c) The holding of the Session was prevented and no resolutions were actually passed.

Mr. Gaya Prasad Singh : Is it not a fact that these Resolutions were actually passed even when the assaults on the delegates were taking place in the tram shed at the Esplanade Junction ?

The Honourable Sir Harry Haig : No, Sir ; my information is that the resolutions were not passed.

Kunwar Hajee Ismail Ali Khan : May I know what was the attendance in the session ?

The Honourable Sir Harry Haig : I suppose there were a few hundred people present.

PERSONS ARRESTED, RELEASED AND PROSECUTED IN CONNECTION WITH THE HOLDING OF THE CONGRESS SESSION IN CALCUTTA.

17. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state even approximately the total number of persons arrested in the country in connection with the holding of the recent session of the Congress in Calcutta, the number of persons released, and the number of persons against whom prosecutions were instituted ? Under what sections of the law were such persons arrested, and subsequently released ?

The Honourable Sir Harry Haig : I lay on the table a statement giving the required information.

Statement showing the approximate number of persons arrested and released in connection with the attempt to hold the Congress Session at Calcutta and the number against whom action was taken.

Total Number of persons arrested.	Number released.	Number prosecuted.	Section of the law under which arrests were made.
1,765	1,441	324	Action was mainly taken under section 17 of the Criminal Law Amendment Act of 1908 and section 151 of the C. P. C., and in a few cases under section 54, Criminal Procedure Code, section 188/511 of the Indian Penal Code; section 18 of the Indian Press (Emergency Powers) Act of 1931, sections 3 and 14 of the Bombay Special (Emergency) Powers Act, 1932, and section 3 of the Bengal Public Security Act, 1932.

ALLEGATIONS OF ASSAULT MADE ON THE CONGRESSMEN AFTER THEIR ARREST IN CALCUTTA.

18. ***Mr. Gaya Prasad Singh :** (a) Will Government be pleased to state if the enquiry made by the Government of Bengal into the allegations of assault, made on the Congressmen after their arrest in Calcutta, contained in the statement of Pandit Madan Mohan Malaviya, a copy of which was forwarded to the Honourable the Home Member, was a public enquiry, or a judicial enquiry ; and were the persons on whom the assault was alleged to have been committed examined ? If not, why not ?

(b) Are Government aware that Pandit Madan Mohan Malaviya has challenged a public enquiry into the affair ; or, in the alternative, he challenges Government to prosecute him ?

(c) In view of the serious nature of the allegations, do Government propose either to hold a public and impartial enquiry into the matter, or to sanction prosecution of Pandit Madan Mohan Malaviya ?

(d) Do Government propose to lay a copy of the report of the Bengal Government on the table, with such other connected papers as may be available ?

The Honourable Sir Harry Haig : (a) and (c). I would refer the Honourable Member to the *Communiqué* issued by the Government of India on the 29th May, 1933, which makes it clear that the Government of Bengal caused a departmental enquiry to be made into these allegations. The departmental enquiry satisfied the Local Government that no case was made out against the police, and there is therefore no occasion for Government to take any further action. If the persons alleged to have been assaulted were prepared to establish their case before a judicial tribunal, the Courts were open to them and they could have instituted criminal complaints. This, however, they did not choose to do. The persons said to have been assaulted were not examined in the course of the departmental enquiry as they were all released between the night of 1st April and 7th April, while the statement of Pandit Madan Mohan Malaviya which was the basis of the subsequent enquiry was not put forward till the 9th April.

(b) Yes.

(d) No.

Mr. Gaya Prasad Singh : Was Pandit Madan Mohan Malaviya written to to substantiate his charges ?

The Honourable Sir Harry Haig : No.

Mr. Gaya Prasad Singh : Why ?

The Honourable Sir Harry Haig : Because the Government thought it desirable in the first place to hold a departmental inquiry.

Mr. Gaya Prasad Singh : Who were examined in the course of this departmental inquiry and who held the inquiry ?

The Honourable Sir Harry Haig : The inquiry was held by the Commissioner of Police.

Mr. Jagan Nath Aggarwal : What kind of inquiry was it, public or private ?

The Honourable Sir Harry Haig : It was a departmental inquiry and that means it was private.

Mr. Gaya Prasad Singh : Who were the persons, if any, who were examined in the course of that inquiry ?

The Honourable Sir Harry Haig : The statements of the officials concerned were taken and the whole circumstances were very carefully reviewed.

Mr. Gaya Prasad Singh : The very officers against whom allegations of assault were made were examined and they denied it : is that the position of the Government ?

The Honourable Sir Harry Haig : The whole circumstances of the case were examined very carefully : there were written records regarding the reception of these people : various facts were known to the public and the Government ; and on top of that the Commissioner of Police held a very careful departmental inquiry.

Mr. Gaya Prasad Singh : What time did this farcical inquiry take ?

The Honourable Sir Harry Haig : I cannot accept the description of the Honourable Member and the adjective that he has applied to the inquiry : it was in fact a very careful one. The allegations of Pandit Malaviya were made, I think I said, on the 9th April, and we received the conclusions of the Bengal Government towards the end of May.

Mr. D. K. Lahiri Chaudhury : Has the attention of Government been drawn to the recent statement in this connection made by Mr. Prentice in the local Legislative Council ?

The Honourable Sir Harry Haig : I have not got it with me.

Mr. D. K. Lahiri Chaudhury : Is it not a fact that Mr. Prentice stated on the floor of the Bengal Legislative Council that a light *lathi* charge was made ?

The Honourable Sir Harry Haig : That is quite possible : it was not denied that the crowds at the Congress session time were dispersed : that is not denied.

Mr. D. K. Lahiri Chaudhury : Light *lathi* charges were made by the police ?

The Honourable Sir Harry Haig : What is denied by the Government is the assertion that delegate after delegate, as he stood up to move the resolutions, was violently attacked by sergeants wielding *lathis* with all their might.

Mr. B. R. Puri : May I know what was the agency which conducted the inquiry in the first place ?

The Honourable Sir Harry Haig : I have already answered that question.

Mr. B. R. Puri : The Police Commissioner was the officer inquiring into the allegations made against the police subordinates : is that the position ?

The Honourable Sir Harry Haig : I have already answered the question.

Mr. B. R. Puri : May I know if, apart from the actual parties concerned, namely, the police officers against whom allegations were made, any independent evidence was also recorded ?

The Honourable Sir Harry Haig : I have not got with me the full record of the departmental inquiry : that is with the Government of Bengal.

Mr. B. R. Puri : Under the circumstances, do the Government of India feel quite satisfied, knowing as we do that no other evidence was at all recorded ?

The Honourable Sir Harry Haig : Yes ; we are quite satisfied.

Mr. B. R. Puri : In view of the assurance that the Honourable Member has just now given, that it is open to any parties who feel aggrieved to seek redress in proper Courts by proving their cases against the offending police officers, may I know if the Government of India are prepared to give the assurances that the necessary sanction will be given to the parties who seek that sanction before these police officers can be prosecuted ?

The Honourable Sir Harry Haig : That is a question that must be addressed to the Local Government. The Government of India are not administering the affairs of Calcutta, and that is a question which both in law and in practice must be addressed to the Local Government.

Mr. B. R. Puri : Do the Government of India recognise the utter hollowness of this suggestion which is now being given to us on the floor of this House that an aggrieved party should seek his redress in the ordinary Courts, when they are not prepared to tell us or give us an assurance that the proper sanction, which is an impediment in the way of a private party seeking redress, will be given ?

The Honourable Sir Harry Haig : Has the Honourable Member got any reason to suppose that anybody has applied for sanction and that any difficulty has been put in his way ?

Mr. B. R. Puri : I can cite a recent instance of the Lahore D. A. V. College Professor who was assaulted by the police : I was a party who applied for the sanction and I was refused that sanction and ultimately we had to sue the offending police officers on the civil side and we got damages to the extent of Rs. 10,000.

The Honourable Sir Harry Haig : The Honourable Member has misunderstood the point of my question. I was not referring to conditions in the Punjab : I was referring to the incidents in Calcutta.

Mr. B. R. Puri : It is all one Government.

Mr. Lalchand Navalrai : May I know from the Honourable Member a definite reply whether on the inquiry that they have made into the allegations of Pandit Malaviya, they take it that what Pandit Malaviya has said is absolutely untrue ?

The Honourable Sir Harry Haig : The position of Government is explained very fully in the Government communiqué.

Mr. Gaya Prasad Singh : Are Government aware that I have got in my possession letters written by some of those who were assaulted during police custody, from my province of Bihar, and are Government prepared to make inquiry into this matter ?

The Honourable Sir Harry Haig : No : I was not aware of that.

Mr. S. C. Mitra : If I followed the Honourable Member correctly, he said that in the departmental inquiry they could not examine the persons who were assaulted, because they were released : is that the case ?

The Honourable Sir Harry Haig : No : I think that by the time the allegations were made, all the persons who were alleged to have been assaulted were no longer in police custody.

Mr. S. C. Mitra : May I take it that Government do not doubt that the assaulted persons are very material witnesses and that it was within the power of the Government to get the addresses of these people who were released at the time of enquiry and their addresses must have been in the police registers ?

The Honourable Sir Harry Haig : They came no doubt from different provinces, but I do not deny that it would have been possible to get hold of them had the Government been satisfied that there was a *'prima facie* case for making an inquiry : of that they were not satisfied.

Mr. S. C. Mitra : Do not Government think that the evidence of the persons who were assaulted by the police is material and that they are satisfied with recording the opinions of the police officers who were only examined in the departmental inquiry ?

The Honourable Sir Harry Haig : The view of the Government was that there was no *prima facie* case.

Mr. Gaya Prasad Singh : Why was not Pandit Madan Mohan Malaviya prosecuted for making such a serious allegation against the police ?

The Honourable Sir Harry Haig : That, I think, would have been quite an unnecessary proceeding.

Mr. Gaya Prasad Singh : That will expose the truth, you mean ?

The Honourable Sir Harry Haig : No : we do not want to encumber our Courts with cases whenever an allegation is made, which we do not consider to be true.

Mr. Gaya Prasad Singh : My question is : the Government did not dare prosecute Pandit Madan Mohan Malaviya for fear that the truth might come out : is that correct ?

The Honourable Sir Harry Haig : No ; Government are perfectly satisfied about the truth of this case.

Mr. Gaya Prasad Singh : But not the public.

Mr. K. C. Neogy : Is it a fact that one circumstance on which the Government communiqué reflects is that, although the Bengal Legislative Council was open till the 4th of April, no allegation of this character with regard to the assaults committed upon certain people in the police station were made in the Bengal Legislative Council itself ? 12 NOON.

The Honourable Sir Harry Haig : That is one of the points put forward by the Bengal Government.

Mr. K. C. Neogy : Does the Honourable Member know that the people who made those complaints were actually in police custody till the 4th of April, and that the process of their release began from that date and went on till the 7th, and that the Bengal Legislative Council had meanwhile adjourned, namely, on the 4th of April ?

The Honourable Sir Harry Haig : That does not cover the allegations about what happened when the attempt to hold the session, on, I think, the 1st of April, was made.

Mr. K. C. Neogy : Does that cover the point with regard to the assaults committed upon people in police custody ?

The Honourable Sir Harry Haig : No, Sir ; that argument only goes a certain distance, and I have indicated the limits of it.

Mr. K. C. Neogy : Is the Honourable Member now prepared to say that the official communiqué itself, in no far as it did not distinguish between the two sets of allegations, tried to mislead the public with reference to a very important particular, namely, that although the Bengal Legislative Council was open, none of these allegations were made in that Council ?

The Honourable Sir Harry Haig : No, Sir ; I cannot at all agree that the communiqué was in any way misleading.

Mr. K. C. Neogy : Does the Honourable Member challenge the fact that I have mentioned, namely, that the people who were assaulted remained in custody till the 4th April, and that the Bengal Legislative Council adjourned on that date ?

The Honourable Sir Harry Haig : I must again repeat what I have already stated to the Honourable Member that the first of these allegations was undue violence in the dispersal of the crowd on the 1st of April.

Mr. K. C. Neogy : Does the Honourable Member recognise that Pandit Madan Mohan Malaviya's statement complained more about the assaults committed upon helpless people in police custody than upon assaults committed upon delegates when the session was held, because he said they were perfectly prepared for that kind of violence ?

The Honourable Sir Harry Haig : Whatever the point of Pandit Malaviya's complaint may have been, he made these allegations which were not true, in fact the incidents took place on the 1st of April and no complaints were made in the Bengal Legislative Council though it was in session till the 4th April.

Mr. K. C. Neogy : Does the Honourable Member recognise then that it was physically impossible for these complaints to be made in the Bengal Legislative Council in so far as those complaints related to incidents which happened in the police stations, simply because the people who might have made these complaints were in police custody till the 4th, if not till the 7th ?

The Honourable Sir Harry Haig : That may be so ; but I still maintain my original point that with regard to the dispersal of the crowd on the 1st of April, that is a perfectly good argument.

Mr. K. C. Neogy : Does the Honourable Member then recognise that the press communiqué in so far as it did not distinguish between these two sets of allegations did seek to mislead the public ?

The Honourable Sir Harry Haig : Certainly not.

Mr. K. C. Neogy : Will the Honourable Member now issue a press communiqué correcting the previous communiqué in this particular matter ?

The Honourable Sir Harry Haig : No, Sir ; I have no doubt quite sufficient publicity is given to the Honourable Member's question.

SHORT NOTICE QUESTION AND ANSWER.

MR. GANDHI'S FAST.

Mr. M. Maswood Ahmad : (*a*) Will Government please state whether Mr. Gandhi has started a fast unto death ?

(*b*) If so, will they please state :

(*i*) what facilities were denied to him for untouchable work which were unacceptable to him ;

(*ii*) what restrictions on interviews and correspondence were imposed ;

(*iii*) what were his demands ; and

(*iv*) why these demands were unacceptable to Government ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the press communiqué issued by the Government of India on the 18th August, 1933.

Mr. Lalchand Navalrai : Will the Honourable Member kindly inform us what that communiqué was ? We do not remember it now.

The Honourable Sir Harry Haig : I should be very glad to lay a copy on the table of the House.

Mr. Lalchand Navalrai : For the purpose of putting supplementary questions, I should be glad if the Honourable Member would kindly give a concise statement of it.

The Honourable Sir Harry Haig : I must explain to the Honourable Member who apparently is not in the habit of reading newspapers that it was a long and elaborate communiqué, and I am afraid I am not in a position to summarise it.

Mr. Lalchand Navalrai : I do read communiqués which appear to me to be reasonable, but I say that I forget what that particular communiqué was, and if the Honourable Member will give us a brief summary of it, I shall be very glad.

Mr. Gaya Prasad Singh : Will Government be pleased to give us the latest information with regard to the condition of Mahatma Gandhi's health ?

The Honourable Sir Harry Haig : A telegram which we received last night said that the general condition of Mr. Gandhi at noon yesterday was reported to be fair.

Mr. Lalchand Navalrai : May I know, Sir, what is meant by Government by abandonment of civil disobedience ? Does it mean that the Civil Disobedience Movement should be ceased and should not be revived at any time ?

The Honourable Sir Harry Haig : I think, Sir, that when in the past we have used the phrase abandonment of civil disobedience we have not intended that any one should pledge himself never for fifty or a hundred years to have recourse to the weapon, but that they should genuinely and unequivocally abandon it now.

Mr. M. Maswood Ahmad : Is it a fact that the facilities given to Mahatma Gandhi on the previous occasion have been denied to him now ?

The Honourable Sir Harry Haig : That is so.

Mr. M. Maswood Ahmad : What are the facilities that are denied to him now ?

The Honourable Sir Harry Haig : On the previous occasion Mr. Gandhi was allowed full freedom to see any visitors and to conduct any correspondence, to give press interviews, in fact to behave in this particular respect as if he were a free man. On the present occasion the Government have declined to allow Mr. Gandhi to give press interviews, they have restricted the number of visitors to two a day and have also restricted the number of letters that he should be allowed to write to five a day.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether the facilities that were given to Mahatma Gandhi on the previous occasion were in any way misused by him ?

The Honourable Sir Harry Haig : It is not a question of misuse, but whether they can really be reconciled with the position of a prisoner.

Mr. D. K. Lahiri Chaudhury : Will Government explain what they mean by mass civil disobedience and individual civil disobedience ?

The Honourable Sir Harry Haig : These are not phrases invented by Government. They occur, I think, in Mr. Aney's statement, and I think it would be for Mr. Aney or Mr. Gandhi to explain precisely what they mean.

Mr. S. C. Mitra : May I ask what a State Prisoner is ? Is he a prisoner ?

The Honourable Sir Harry Haig : He is, Sir, but as we were discussing earlier this morning, he has certain privileges which are not enjoyed by an ordinary prisoner.

Mr. S. C. Mitra : Is Mahatma Gandhi a prisoner ?

The Honourable Sir Harry Haig : Yes.

Mr. S. C. Mitra : Then why is he given facilities which are denied to other prisoners who have been convicted for civil disobedience, mass or individual ?

The Honourable Sir Harry Haig : That is certainly a pertinent question, and it was a matter which Government took into very serious consideration before they reached their conclusion on this occasion, but they thought that as they had given certain facilities for the prosecution of this movement, it would not be reasonable to withdraw them altogether.

Mr. K. C. Neogy : Do I take it then that there is no question of principle involved in this particular decision of the Government in so far as they have already allowed certain relaxations in the ordinary jail rules ?

The Honourable Sir Harry Haig : Well, Sir, we can argue for a long time as to what is a principle and what is not. But I would say that unlimited facilities are not really consistent with jail discipline.

Mr. Jagan Nath Aggarwal : If some concessions have now been made in the case of Mr. Gandhi, would it not be fair to give him all the concessions which were granted to him as a State Prisoner and which he did not abuse on that occasion ?

The Honourable Sir Harry Haig : No, Sir. We considered that very carefully and we came to the conclusion that the facilities offered to Mr. Gandhi were ample to enable him to make the contribution which he might require to make to that movement.

Mr. S. C. Mitra : May I take it that the facilities and privileges given to him were given as a matter of political consideration, unlike in the case of other prisoners ?

The Honourable Sir Harry Haig : No, Sir. I think one must recognise that the underlying motive was that there should be no unreasonable obstacle interposed to work which was believed to be of social importance.

Mr. S. C. Mitra : Do the Government think now that it is not of social importance—doing work for untouchables—or are there any other grounds now for thinking that the conditions have changed as regards the work for untouchables ?

The Honourable Sir Harry Haig : No, Sir. The position of the Government is that the facilities they have offered they consider quite sufficient to enable Mr. Gandhi to make an effective contribution to that movement.

Mr. S. C. Mitra : Why were not those restrictions imposed on the last occasion ? Whether State Prisoner, or ordinary prisoner, they are all prisoners in the ordinary legal sense of the term.

The Honourable Sir Harry Haig : Well, perhaps, it was unwise not to impose these restrictions originally. But the House must remember that at that time the movement was just started and Mr. Gandhi's contention really was that he must have certain facilities in order to inaugurate that movement ; otherwise, it might be still born.

Mr. Muhammad Azhar Ali : Are Government aware that the limitations now imposed are against the Poona Pact ?

The Honourable Sir Harry Haig : No, Sir. I do not understand the argument.

Mr. M. Maswood Ahmad : Do Government contemplate any trouble in allowing Mr. Gandhi the same facilities which were allowed to him on the previous occasion ?

The Honourable Sir Harry Haig : Yes, great trouble to jail discipline.

Mr. B. R. Puri : May I know, is it on account of the fact that the Government are in sympathy with the Harijan movement that these concessions are given, or is it on account of the personality of the man ?

The Honourable Sir Harry Haig : Government did not want to appear to be impeding efforts to raise the status and condition of the depressed classes.

Mr. B. R. Puri : Is that the only consideration for which these concessions are made, or is there any other consideration also, relating to the personality of the gentleman ?

The Honourable Sir Harry Haig : No, Sir. I think it is fair to say that that is the real reason.

Mr. M. Maswood Ahmad : Are Government prepared to release Mr. Gandhi on medical grounds if they find his life in danger ?

The Honourable Sir Harry Haig : I am not prepared to make any statement as to what our action may be in the future.

Mr. B. R. Puri : If these concessions have no reference to the personality of Mahatma Gandhi, are the Government prepared to allow the same concessions to other prisoners also who may be disposed to take interest in the Harijan work or in any other noble work ?

The Honourable Sir Harry Haig : No, Sir. It is not a question of the personality of Mr. Gandhi, but of the position that he occupies with reference to this Harijan movement.

Mr. B. R. Puri : Is it, then, the Harijan movement, or Mahatma Gandhi ? I want you to recognise the distinction. If the Government of India are showing these facilities to Mahatma Gandhi because he is Mahatma Gandhi, then let the Government make it clear. But if it is on account of the nature of the work with which the Government are in sympathy, then Government should frankly say so as other questions might arise. Therefore I want the Honourable Member to state what the position of the Government is. Are you showing these facilities because the nature and quality of the work is such that the Government want to see it promoted, or is it because it is constrained to show these concessions because the man with whom Government are dealing is a Mahatma Gandhi ?

The Honourable Sir Harry Haig : I have already answered my Honourable friend's question.....

Mr. B. R. Puri : You have successfully evaded giving a definite reply.

The Honourable Sir Harry Haig : ....to the best of my ability by saying that these concessions are given because of the position that Mr. Gandhi holds in this Harijan movement.

Mr. B. R. Puri : Would you grant similar concessions to Mr. Aney or any other Congressman if he were to intimate to you that he is about to start a similar work ?

The Honourable Sir Harry Haig : No, Sir ; he would not have the same position in the movement.

Mr. B. R. Puri : Then it is both position as well as nature of the work ?

The Honourable Sir Harry Haig : Yes.

Mr. B. R. Puri : Well, then, why did you not say so in the beginning ? (Laughter.)

The Honourable Sir Harry Haig : That is precisely what I said in my first answer to the Honourable Member's question which apparently he did not listen to. (Laughter.)

Mr. B. R. Puri : May I know on what considerations the Government have put Mahatma Gandhi in " A " Class ? He is obviously not a man who is leading European mode of life, but just the opposite of it, and he is a man who possesses no property. If it has no reference to the personality of the man, may I know on what other considerations he was put in " A " Class—certainly not under any recommendation of the Court ?

The Honourable Sir Harry Haig : Mr. Gandhi appears to have a traditional claim to " A " Class.

Mr. B. R. Puri : Then, I take it that you concede the principle that inside the prison wall Mahatma Gandhi is entitled to preferential treatment—you concede that, don't you ? Once you clear your position with regard to that point, then I shall get along to the next question.

The Honourable Sir Harry Haig : No, Sir. It seems to me that I am being put to an elaborate cross-examination which I hope will not continue until lunch time.

Mr. Lalchand Navalrai : Mine is a simple question. I would like to know from the Honourable Member if the visitors who visited Mahatma Gandhi when he was a State Prisoner were sent in with the permission of the Superintendent or not, and whether some of them were rejected or not ?

The Honourable Sir Harry Haig : My impression is that anybody who claimed to see Mr. Gandhi to discuss these untouchable questions was allowed to go.

UNSTARRED QUESTIONS AND ANSWERS.

RETRENCHMENT OF ACCOUNTANTS FROM THE MILITARY ACCOUNTS DEPARTMENT, RAWALPINDI.

1. **Mr. Gaya Prasad Singh:** (*a*) Is it a fact that six passed Accountants (Subordinate Accounts Service) were compulsorily retrenched from the Military Accounts Department, Rawalpindi, while unpassed and unqualified clerks were retained ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to lay on the table a statistical statement showing the total number of Accountants, passed Subordinate Accounts Service permanent and temporary clerks retrenched in the Military Accounts Department in each District ?

(*c*) Is it a fact that Government, with the concurrence of the Secretary of State, have decided to re-employ the retrenched individuals in the vacancies that might occur in future ?

(*d*) If the reply to part (*c*) be in the affirmative, will Government be pleased to state the reasons as to why the temporary clerks in the Military Accounts Department have recently been confirmed ?

(*e*) Is it also a fact that the Military Accountant General has stated that he does not intend to re-employ the retrenched individuals in the Military Accounts Department ?

(*f*) Is it true that certain individuals in the Military Accounts Department, Quetta and Lahore, on the recommendations of their respective Controllers, were immediately taken back after being served with notice of discharge ?

(*g*) If the reply to the above questions be in the affirmative, will Government be pleased to state the reason for not taking similar action in cases of Rawalpindi retrenched passed Accountants (Subordinate Accounts Service) who were also recommended very highly by their Controller ?

The Honourable Mr. A. H. Lloyd : (*a*) In the Rawalpindi Office ten accountants (Subordinate Accounts Service) and six clerks, who had passed the qualifying examination for this service but were not yet placed in vacancies, were retrenched because the Selection Board found them to be definitely inefficient. Many efficient clerks, included in a different grade of the Military Accounts Department from the Accountants and Subordinate Accounts Service passed clerks, were retained in service. No person is admitted to the Department in a clerical capacity unless he has certain specified educational qualifications and in addition has passed an initial qualifying examination.

Retrenchment was carried out in the Military Accounts Department in all grades of subordinate appointments. The Selection Boards classified all men who in their opinion fell below the standard of efficiency required in their grade in order of positive demerit ; and those who stood highest in that order were retrenched to the extent of the quota of reductions required in that grade.

(*b*) A statement is placed on the table.

(*c*) While Government have decided to consider favourably the re-employment of those discharged for no fault of their own, they are certainly not prepared to re-employ those discharged for inefficiency ; and inefficiency was the sole criterion employed in the recent retrenchments in the Military Accounts Department.

(*d*) In view of what has been said above this does not arise. Temporary clerks are confirmed on their merits as vacancies arise.

(*e*) Yes : for the reasons already given in reply to parts (*a*) and (*c*).

(*f*) " No " as regards Quetta. In Lahore, one man who had been selected for retrenchment owing to extreme deafness but who had not demitted office and who later obtained an instrument overcoming his only disability was continued in service.

(*g*) Does not arise.

Statement showing the number of Accountants, Passed Subordinate Accounts Service Clerks, permanent and temporary clerks retrenched in the Military Accounts Department in each District.

Controller of Military Accounts.	Accountants.	Passed Subordinate Accounts Service Clerks.	Permanent Clerks.	Temporary Clerks.	Total.
Northern Command	10	6	28	1	45
Eastern Command	7	..	27	5	39
Southern Command	13	..	30	2	45
Western Command	3	1	11	..	15
Controller of Military Accounts and Pensions, Lahore.	5	1	25	..	31
Burma District	..	..	7	..	7
Controller of Army Factory Accounts, Calcutta.	5	..	28	4	37
Controller of Royal Air Force Accounts, Ambala.	2	..	4	..	6
Controller of Marine Accounts, Bombay.	..	..	4	..	4
Total ..	45	8	164	12	229

TRANSFER OF THE CONTROL OF THE BADRINATH TEMPLE TO THE RULER OF THE TEHRI ESTATE.

2. **Pandit Ram Krishna Jha :** (*a*) Is it a fact that Government are going to transfer the control of the Badrinath Temple to the Ruler of the Tehri Estate ? If so, what has led to this change in the matter of control of Badrinath Temple (district Garhwal, U. P.) ?

(*b*) Are Government aware that the Sanatanist institutions and the leading Sanatanist Hindus throughout the country are against the transfer of the control of the Badrinath Temple (district Garhwal, U. P.), from the Government to the Ruler of the Tehri Estate ?

(*c*) Are Government aware that such transfer will affect the scheme laid down by the High Court in 1899 with respect to the traditions of worship observed at the Badrinath Temple ?

Major W. K. Fraser-Tytler : The question of the transfer of the Badrinath temple to the Tehri State has been raised by the Tehri Darbar and is at present being considered by the Government of the United Provinces whose attention has been drawn to the Honourable Member's question.

DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.

3. **Mr. Bhuput Sing :** Will Government be pleased to state whether the authorities of the East Indian Railway intend to divert the Up and Down Punjab Mails *via* Grand Chord (Gaya line) ? If so, what are the benefits to be gained by the change and are Government aware :

(*a*) that by such a change a vast portion of the travelling public going over long distances will be put to inconceivable inconvenience, as the Punjab Mail is the quickest train having connections everywhere on the main line ;

(*b*) that by this contemplated change a large influx of passengers coming from Loop line, North Behar and Patna will suffer considerably ;

(*c*) that through the Grand Chord line, with no important stations or centres excepting Gaya, are run two mails and three expresses ; and

(*d*) that it would be extremely convenient for the large number of travelling public from Patna and Mokama and all other portions of North Behar if the original arrangement is retained, so that they can get direct through connections both up and down country ?

Mr. P. R. Rau : Government understand that it is intended to run the Up and Down Punjab Mails *via* the Grand Chord from 1st October, 1933, but at the same time to extend the 5 Up and 6 Down Mails, which at present run only between Moghalserai and Lahore to Howrah, running *via* the main line practically to the same timings as the Punjab Mails now run. This it is considered will improve the service.

(*a*) and (*b*). No.

(*c*) By suitable re-arrangements the number of trains over the Grand Chord and the main line will remain the same as at present.

(*d*) In view of the fact that a through 1st and 2nd class carriage will run between Patna, Delhi and Kalka or Lahore *via* Allahabad, Government consider that the proposed changes will not result in any inconvenience.

DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.

4. **Mr. Bhuput Sing :** (*a*) Will Government be pleased to state how the proposed running of 5 and 6 Lahore Mails to Howrah and running them *via* Patna—as a substitute—will in any way remedy the extreme inconveniences to be caused by the diversion of the Punjab Mail to the Grand Chord ?

(*b*) Do Government know that no direct connections from Loop and Main lines are kept through Moghalserai to Delhi and to Allahabad, Cawnpore and other important stations of the East Indian Railway ?

(*c*) Before finally deciding on the change, do Government propose to put the matter before the Central Advisory Committee ?

Mr. P. R. Rau : (*a*) and (*b*). As I have already stated Government are of opinion that the proposed changes will not result in any inconvenience to any appreciable portion of the travelling public.

(*c*) This is more a matter for the Local Advisory Committee of the East Indian Railway.

RETRENCHMENT OF ACCOUNTANTS FROM THE MILITARY ACCOUNTS DEPARTMENT, RAWALPINDI.

5. **Mr. Gaya Prasad Singh :** (*a*) Is it a fact that six passed Accountants (Subordinate Accounts Service) were compulsorily retrenched from the Military Accounts Department at Rawalpindi, while unpassed and unqualified clerks were retained ? If so, why ?

(*b*) Is it a fact that Government with the concurrence of the Secretary of State, have decided to re-employ the retrenched individuals in the vacancies that might occur in future ?

(*c*) If the reply to (*b*) above be in the affirmative, will Government be pleased to state the reasons as to why the temporary clerks in the Military Accounts have recently been confirmed ?

(*d*) Is it true that certain individuals in the Military Accounts Department at Quetta and Lahore, on the recommendations of their respective Controllers, were immediately taken back after being served with notice of discharge ?

(*e*) If the reply to (*d*) above be in the affirmative, will Government be pleased to state the reason for not taking similar action in cases of Rawalpindi retrenched passed Accountants (Subordinate Accounts Service), who were also recommended very highly by their Controller ?

The Honourable Mr. A. H. Lloyd : The attention of the Honourable Member is invited to the reply given to his unstarred Question No. 1 placed on the table today.

RECRUITMENT OF THE MINISTERIAL ESTABLISHMENT OF THE CONTRACTS DIRECTORATE, ARMY HEADQUARTERS.

6. **Mr. Gaya Prasad Singh :** (*a*) Is it a fact that the ministerial establishment of the Contracts Directorate, Army Headquarters, is recruited independently of the Public Service Commission ?

(*b*) Is it because the Director of Contracts wanted to recruit men with special commercial training that this exemption was given ?

(*c*) Is not the work of the Indian Stores Department and the Contracts Directorate identical ? If so, why has not the exemption been extended to the former Department ?

(*d*) Will Government be pleased to state what are the special commercial qualifications of officers of the Office of the Director of Contracts ?

(*e*) Is it not necessary that officers and clerks should all be recruited from the commercial community ?

(*f*) Is it a fact that two officers of this office are due to vacate their appointments in 1934 ? If so, do Government propose to appoint in their place Indians having commercial attainments ?

(*g*) Is it a fact that some new clerical appointments have been sanctioned for this office ? If so, will Government be pleased to state the names of those appointed and the special commercial training each of them underwent before appointment ?

(*h*) Is it a fact that the Director of Contracts held an examination for the recruitment of these men ? If so, will Government be pleased to state why this examination could not be conducted by the Public Service Commission ? Can Government not arrange all recruitment to this office through the Public Service Commission, fixing certain minimum commercial qualifications ? If not, why not ?

(*i*) Is it a fact that some clerks recruited in this office in 1928 are still temporary ?

(*j*) Is it a fact that these temporary clerks were not allowed to appear in the Departmental Examination held by the Public Service Commission in 1931, whereas temporary clerks having one year's service in other offices were allowed to appear at that examination ? If not, why not ?

(*k*) Will Government be pleased to state what steps they propose to take to enable those clerks to try elsewhere ?

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) Partly for this reason, and partly because it was considered desirable to test personally the commercial qualifications of the candidates and their general aptitude for the special work that they would be called upon to perform.

(*c*) The work of the Contracts Directorate is similar to that of the Indian Stores Department. That Department has not found it necessary as a general rule since 1924 to recruit men with commercial experience, but it has been necessary, even since that date, to recruit a small number of individuals otherwise than through the Public Service Commission in view of the technical qualifications or previous experience required.

(*d*) There is no question of academic commercial qualifications in the case of officers. A knowledge of army requirements is essential ; and officers for the Contracts Directorate are selected from those who have showed marked business capacity in the quasi-commercial services of the Army, namely, the Ordnance and Army Service Corps.

(*e*) No.

(*f*) The answer to the first part of the question is in the affirmative. The answer to the second part is in the negative, as special military knowledge is required.

(*g*) 11 new temporary appointments were sanctioned last January

The names of those appointed are as follows :

1. S. Mayuranathan.
2. Ram Chand Mehra.
3. Kasturi Lal Sobti.

4. Nikka Ram Law.
5. Vidya Parkash Lal Tejpal.
6. Shokat Husain.
7. Harbans Lal Jain.
8. Shiva Shankar Lal Rohatgi.
9. Parkash Rup Kaila.
10. Jogindar Singh.
11. S. F. Rahman.

Government are not prepared to publish the qualifications of individuals in their service.

(*h*) The Director interviewed the candidates personally with reference to the particular duties they would be called upon to perform; and also tested their general intelligence by giving them a general knowledge paper and a paper on commercial arithmetic to answer in writing. As previously explained in answer to Mr. Lalchand Navalrai's question No. 1368, dated 7th November, 1932, it is considered that better results are obtained in this way than by depending on a regular examination held by the Public Service Commission.

(*i*) Yes.

(*j*) The special examination in question was held for the benefit of temporary clerks in offices for which the ordinary recruitment is made by the Public Service Commission, and was not therefore open to the temporary clerks in the Contracts Directorate.

(*k*) It has always been open to the temporary clerks of the Contracts Directorate to take the open competitive examination held by the Public Service Commission if they satisfy the prescribed conditions.

GRIEVANCES OF THE MUSLIM EMPLOYEES OF THE DEHRA DUN POSTAL DIVISION.

7. **Lieut. Nawab Muhammad Ibrahim Ali Khan**: (*a*) Will Government be pleased to state the number of Muslims appointed in the Mussoorie Head Post Office and its town Sub Offices in the inferior cadre during the years 1931, 1932, 1933, in officiating and permanent vacancies, and, if the ratio of 33 per cent. is not maintained, are Government prepared to take suitable action in case any deliberate evasion to observe the recent and repeated orders of the Government is noticed against the Post Master, Mussoorie?

(*b*) Are Government aware of the grievances of the Muslim Postal employees of the Dehra Dun Division, which were duly represented to higher authorities? If not, are Government prepared to call for the original files and peruse them so that truth may dawn?

(*c*) What action do Government propose to take in the matter in order to redress the grievances of the aggrieved community and punish the party at fault?

The Honourable Sir Frank Noyce: (*a*) I regret that the information is not available; I may point out that the Honourable Member appears to be under a misimpression, as there is no rule that Muslims should constitute 33 per cent. of the staff.

(*b*) I do not know to what grievances the Honourable Member refers.

(*c*) Government are not in a position to take any action, in the absence of information as to the grievances and of evidence that any person is at fault.

EXAMINATION FOR RECRUITMENT OF POSTAL CLERKS.

8. **Lieut. Nawab Muhammad Ibrahim Ali Khan**: Will Government be pleased to state their reasons for not sending the papers of the examinees at the examination held for recruitment of clerks for approval to the Postmaster-General, during the month of March, 1930? Is it a fact that the orders for the stoppage of recruitment were received later on in the month of June, 1930?

The Honourable Sir Frank Noyce: I regret I am unable to answer the Honourable Member's question for want of particulars as to the incident to which he refers. If he will be more explicit both as to the examination and to the Postal Circle about which he requires information I will do my best to obtain it for him.

MOTION FOR ADJOURNMENT.

RESERVATION OF APPOINTMENTS FOR MINORITY COMMUNITIES.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. I have received a 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 for the purpose of discussing a definite matter of urgent public importance, which runs as follows:

"The proposed reservation of appointments in all departments under the Government of India and controlled by it for minority communities whereby out of 33 1/3 per cent. of the appointments reserved for nomination for minorities 25 per cent. are proposed to be reserved for Muslims, 6 per cent. for Anglo-Indians, the remaining 2 1/3 per cent. for other minorities, totally excluding the depressed classes from such reservation."

Before enquiring whether any Honourable Member has any objection to this motion, the Chair would like to hear from the Honourable the Mover how he considers his motion to be in order especially in relation to rule 12, sub-rule (*ii*) which says that the motion must be restricted to a specific matter of recent occurrence. The Chair would like to know what is the matter of recent occurrence which has given rise to this motion.

Sardar Sant Singh (West Punjab: Sikh): Sir, this motion is in order, because the matter is of recent occurrence. I understand that a confidential circular was issued by the Government of India to the heads of Departments some time after the last Session and before the beginning of this Session, in which they have stated that further recruitment, which depends upon nomination only, should be on the lines mentioned in my adjournment motion.

As I understand the Standing Order, I think that anything that occurs in the interval when the House is not sitting is of recent occurrence on the day when the House opens and that is my justification for putting forward this adjournment motion on this, the first meeting day of the House.

[Sardar Sant Singh.]

As regards the subject matter of this motion, the Government propose to lay down a policy in the matter of the recruitment to the services and as such my submission is that the Members of this House come to know of a certain policy of Government from various sources. My information is that at a certain meeting of the Members comprising the Government of India certain instructions were laid down and certain decisions were arrived at. In those decisions, I complain that too much importance has been given to one community,—and other communities, especially the Sikh community and the depressed classes have been denied those rights.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not go into the details of his motion at this stage. Does the Chair understand him to say that he has got definite information in his possession that the Government of India have taken a decision that with regard to the recruitment of services the principles laid down in his Resolution now should be adopted in future ? Does the Chair understand the Honourable Member to say that the Government of India have taken that decision and that that is his information ?

Sardar Sant Singh : That is my information. The Government of India have taken that decision in regard to the services controlled by them.

Mr. President (The Honourable Sir Shanmukham Chetty) : Has the Leader of the House got anything to say on this ?

The Honourable Sir Joseph Bhore (Leader of the House) : Yes, Sir, I take objection to this motion and I base that objection....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not want to hear any objection from the Honourable Member just now. The Chair wants information from the Honourable Member. Has the Government of India taken any decision, according to which the recruitment to services will be made according to the principles enunciated in this motion ?

The Honourable Sir Joseph Bhore : The Government have taken no decision in regard to that matter. The question of communal proportions in the services is undoubtedly engaging their attention, but they have taken no final decision in the matter.

Sardar Sant Singh : In that case I do not want to press my motion.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the House that the following letter has been received from the Private Secretary to His Excellency the Viceroy :

"I have the honour to inform you that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1933, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

1. The Indian Marine (Amendment) Act, 1933,
2. The Children (Pledging of Labour) Act, 1933,
3. The Indian Forest (Amendment) Act, 1933,
4. The Cotton Textile Industry Protection (Amendment) Act, 1933,
5. The Wheat Import Duty (Extending) Act, 1933,
6. The Salt Additional Import Duty (Extending) Act, 1933,
7. The Indian Finance Act, 1933,
8. The Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Act, 1933,
9. The Provincial Criminal Law Supplementing Act, 1933,
10. The Auxiliary Force (Amendment) Act, 1933,
11. The Indian Merchant Shipping (Amendment) Act, 1933,
12. The Indian Income-tax (Amendment) Act, 1933,
13. The Safeguarding of Industries Act, 1933, and
14. The Indian Tariff (Amendment) Act, 1933."

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table the information promised in reply to starred question No. 1119 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 3rd April, 1933.

CASUALTIES DUE TO RASH DRIVING IN NEW DELHI AND DELHI CITY.

*1119. The number of casualties due to rash driving during the three years in question was as follows :

1930	12
1931	19
1932	13

The number of prosecutions for rash driving not attended with untoward results was as follows :

1930	18
1931	13
1932	43

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to parts (*d*) to (*h*) of starred question No. 429 asked by Mr. Muhammad Anwar-ul-Azim on the 21st February, 1933.

APPOINTMENT OF MUSLIMS IN THE SIND AND BALUCHISTAN CIRCLE.

*429. (*d*) No.

(*e*) and (*f*). Do not arise in view of the reply given to part (*d*).

(*g*) No. The Muslim population both literate and illiterate in Sind is 73 per cent., in Baluchistan 89 per cent., and in the entire Postal Circle 76 per cent.

(*h*) 29.84 per cent., including the Railway Mail Service.

The Honourable Mr. A. H. Lloyd (Finance Member) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 1122 asked by Mr. B. N. Misra on the 5th April, 1933 ;

(*ii*) the information promised in reply to starred question No. 1123 asked by Mr. B. N. Misra on the 5th April, 1933 ;

(*iii*) the information promised in reply to starred question No. 1132 asked by Mr. Gaya Prasad Singh on the 5th April, 1933 ; and

(*iv*) the information promised in reply to unstarred questions Nos. 73 and 74 asked by Kunwar Hajee Ismail Ali Khan on the 8th March, 1933.

COMPLAINTS ABOUT ADULTERATION IN COUNTRY LIQUOR BOTTLES.

*1122. (*a*) Government have received no such complaints from the public.

(*b*) No. Differences in retail prices may, however, have prompted smuggling.

DUTY ON COUNTRY LIQUOR.

*1123. (*a*) Yes. In 1931-32 the country liquor shops were licensed on fixed fees whereas in 1932-33 the licenses were put to auction, resulting in an increase of 111 per cent. in license fees. The duty on country liquor was reduced from Rs. 10 to Rs. 7-8-0 per gallon.

(*b*) Yes. The duty on country liquor has again been reduced to Rs. 6-4-0 per gallon for the current year. The licenses auctioned in February, 1933, resulted in a decrease in revenue by Rs. 1,530 only.

(*c*) The decrease being negligible, no special reasons can be assigned to it.

(*d*) Yes. The sale price of Rs. 3 per bottle of country liquor in Delhi leaves very little margin of profit to the licensees as a bottle of the liquor costs him about Rs. 2-13-0 (Re. 1-7-0 being purchase price and Re. 1-6-0 being incidence of license fees) excluding such other expenses as cost of carriage, rent of shop, pay of staff, etc., etc.

RETRENCHMENT OF INCOME-TAX OFFICERS IN BIHAR AND ORISSA.

*1132. (*a*) Of the three officers retrenched, one volunteered himself for retrenchment. As regards the other two, the principle of selection for retrenchment on the ground of inefficiency was applied.

(*b*) Yes.

(*c*) The answer to the first part of the question is in the affirmative. The correctness of the allegation in the latter part of the question is not admitted.

(*d*) As inefficient officers were involved, there was no reason to consider any such question.

(*e*) No.

(*f*) No.

LICENCE FEES FOR *Charas* SHOPS IN DELHI.

73. The revenue from license fees for Charas shops in Delhi during 1931-32 exceeded the revenue for 1930-31, 1929-30 and 1928-29 by Rs. 35,010, Rs. 66,310 and Rs. 109,260, respectively.

INCREASE OR DECREASE IN THE EXCISE REVENUE IN DELHI.

74. The excise revenue realised from license fees in Delhi for 1932-33 and 1933-34 exceeded the revenue for 1931-32 by Rs. 1,04,116 and Rs. 1,13,576, respectively.

Major W. K. Fraser-Tytler (Foreign Secretary) : Sir, I lay on the table :

(*i*) the information promised in reply to starred questions Nos. 55 and 56 asked by Mr. M. Maswood Ahmad on the 2nd February, 1933 ; and

(*ii*) the information promised in reply to starred questions Nos. 94, 95 and 96 asked by Mr. Nabakumar Sing Dudhoria on the 27th September, 1932.

GENEALOGICAL TABLE OF THE DELHI ROYAL FAMILY PREPARED BY THE CHIEF COMMISSIONER OF DELHI.

*55. (*a*) Yes.

(*b*) A copy of it is laid on the table.

GENEALOGICAL TREE OF THE EX-ROYAL FAMILY OF DELHI, 1916.

SHAHJAHAN.

AURANGZEB

SHAH ALAM I.

- Mohammad Jahandar Shah.
  - Alamgir II.
    - Umdataz Zamani Begam.
    - Shahalam II.
      - Mohammad Akhtar Shah II.
        - Bahadur Shah II.
- Azimush Shan.
  - Hamaun Bakht.
    - Izzat Afza (married daughter of Alamgir II, King of Delhi).
      - Shujaat Afza *alias* M. Bhuchu.
        - Hidayat Afza *alias* M. Ilahi Baksh.
          - M. Suleman Shah (died 1890).
          - M. Suraya Jah *alias* Kewan Shah (died 1913).
          - Iqbal Shah (died 1892).

ABU ZAFAR SIRAJ-UD-DIN MOHAMMAD BAHADUR SHAH II.

M. DARA BAKHT *ALIAS* MIRAN SHAH/*ALIAS* MIRZA SHABBU.

1. buaighan Bakht *alias* M. Kale (childless).
2. M. Karimush Shuja *alias* Abbu.
   - 1. M. Mohammad Shah.
   - 2. M. Mahmud Shah.
   - 3. M. Masud Shah. D.
   - 4. Ahmadi Begam. (a)
   - 5. Fatima Begam. (a)
   - 6. Asghari Begam. (a)
   - . Azimush Shuja.
   - M. Ahmad Shah.
     - Ashraf Zamani Begam. (a)
     - M. Mohammad Shuja, (a).
       - mina Sultan Begam.
       - Saleh Zamani Begam.
         - Aisha Begam.
3. M. Jhammun (childless).
4. M. Ahmad Akhtar.
5. M. Muhammad Zubiruddin.
   - ehar Jahan Begam .D.
6. Muhammad Mahmud Akhtar (hanged) (childless.)
7. M. Nasir-ud-din *alias* Nasir-ul-Mulk (childless).
8. Ziaul-Mulk.
   - M. Khurshed Alam. D.
     - M. Jani Alam. (a)
     - Bilqis Zamani Begam. (a)
     - Iqlim Zamani Begam. (a)
   - Sanwar Sultan. (a) (insane).
9. M. Haider Ali (childless).
10. M. Ferozshah.
    - Shahjehan Begam. (a) (Was in receipt of a charitable pension of Rs. 5 per mensem but this was discontinued after marriage).
11. M. Azam Shah (childless).
12. M. Ahmad Shah (childless).
13. M. Gohar Sultan (hanged).
14. M. Ghulam Mohiuddin (childless).
15. Zaibuz Zamani Begam *alias* Poti Begam.
16. Imtiazuz Zamani Begam *alias* Bhola Begam.
    - 17. Fateh Afroz Bano Begam. D.
    - 18. Malka Begam. Died before Mutiny.
    - 19. Saadat Zamani Begam. D.
    - 20. Sadiq Zamani Begam. (a)
    - 21. Maindo Begam. D.

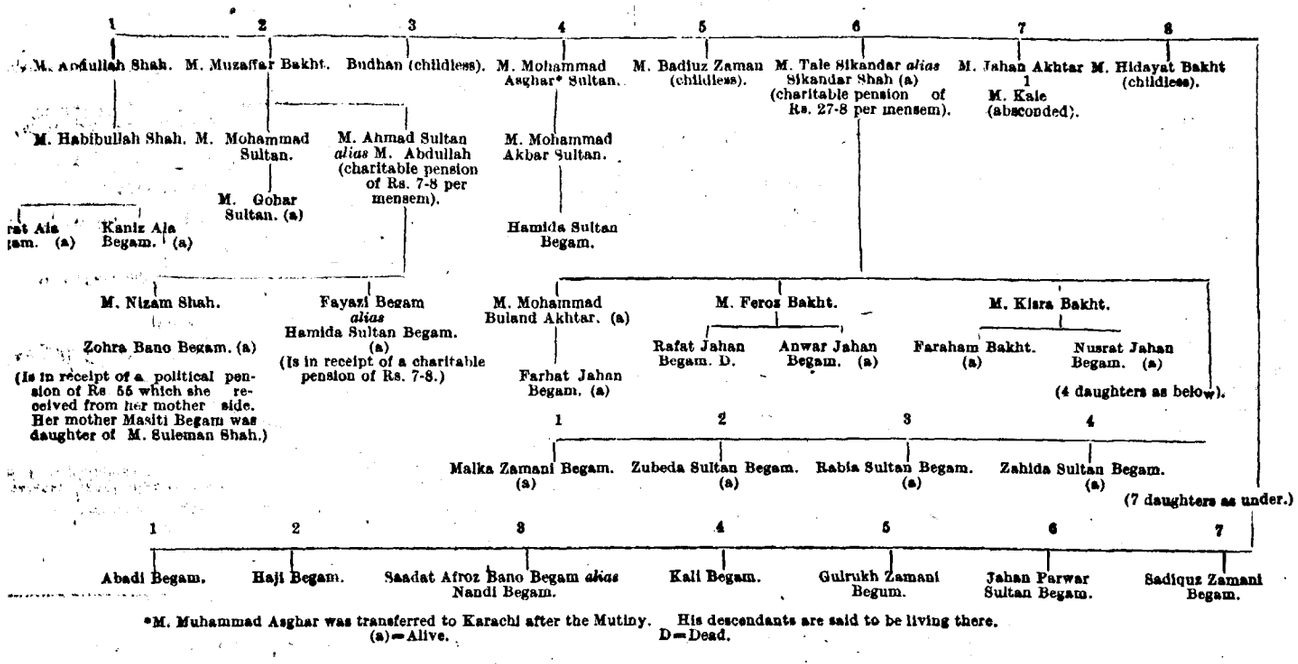
Note.—(a)=Alive. D.=Dead.

BAHADUR SHAH II.

2

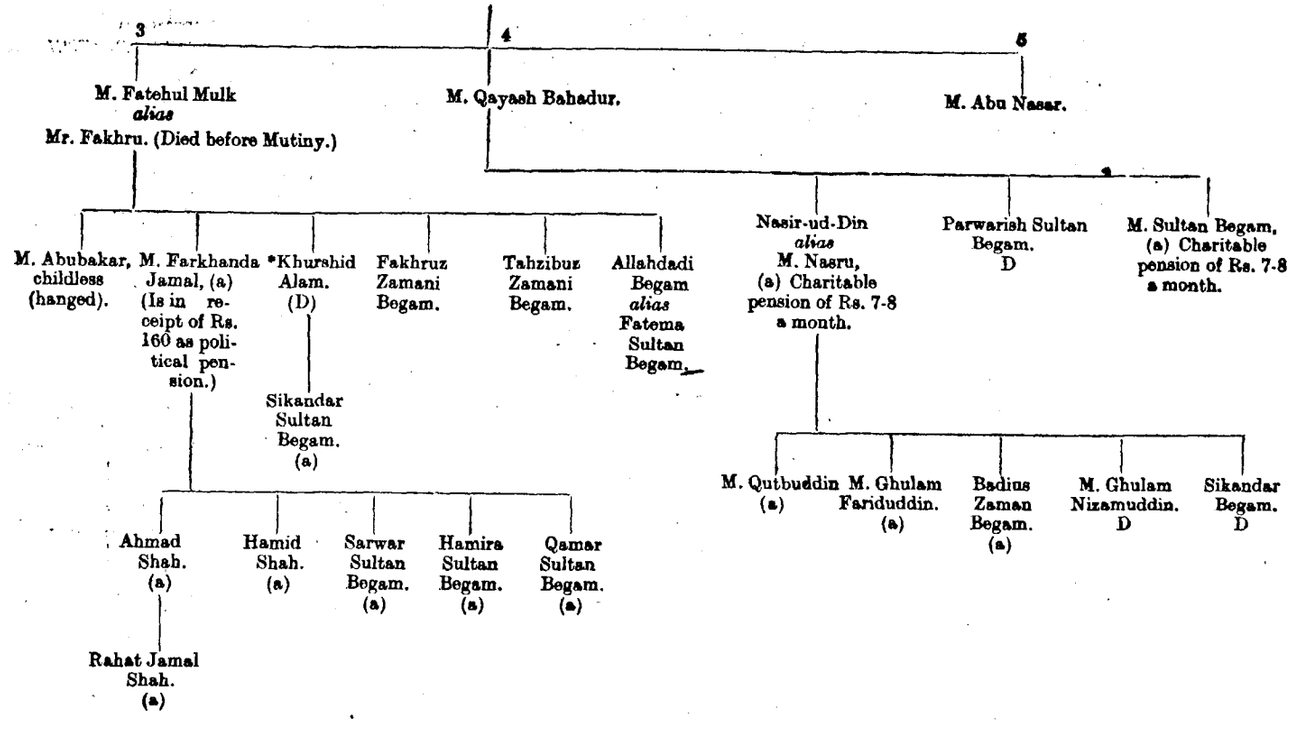
M. KAIKAUS *alias* SHAHRUKH.

(Died before Mutiny.)



*M. Muhammad Asghar was transferred to Karachi after the Mutiny. His descendants are said to be living there.
(a)=Alive. D=Dead.

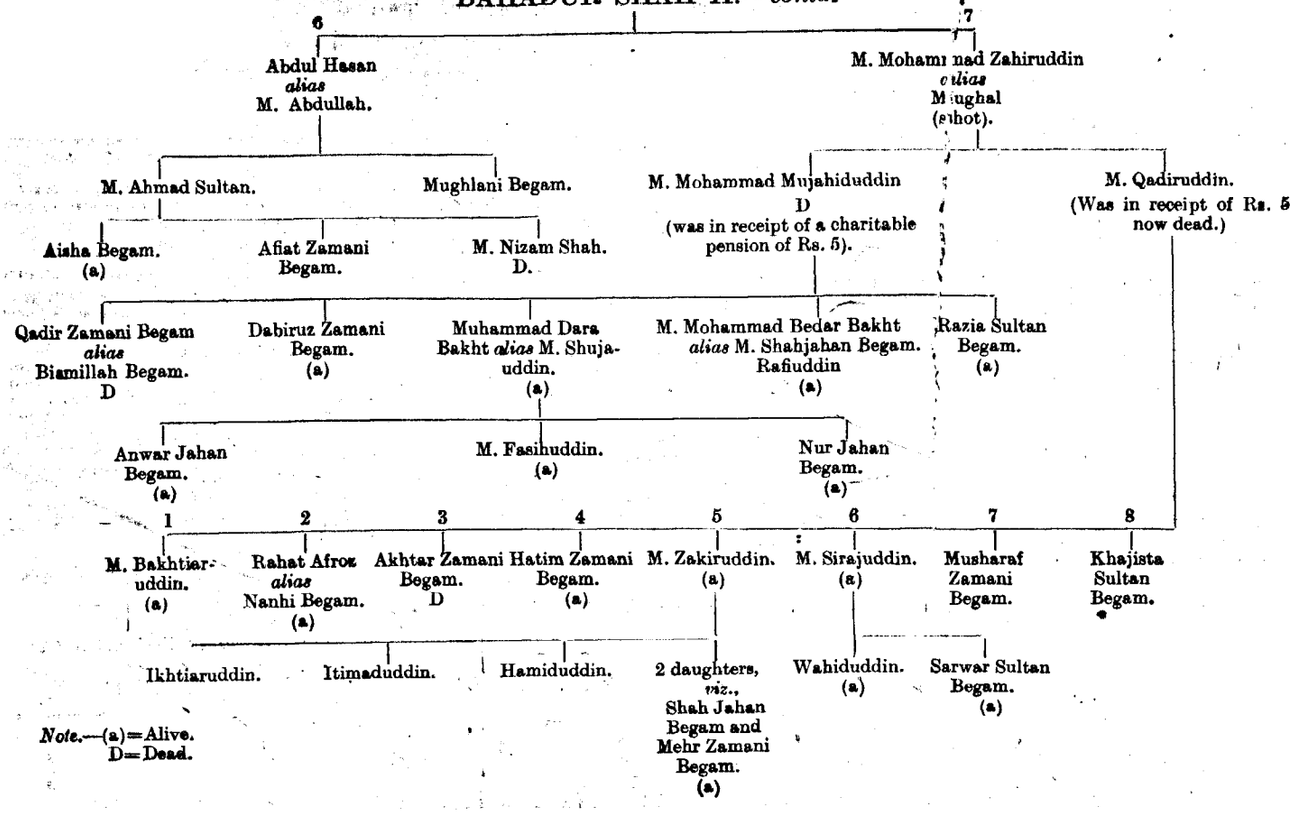
BAHADUR SHAH II.



Note.—(a) = Alive.

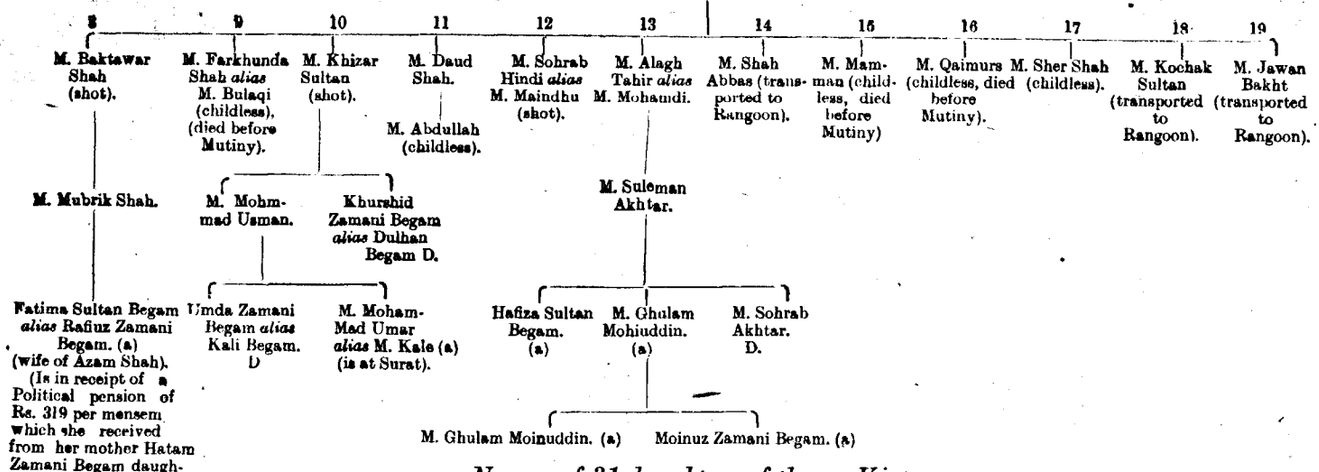
D=Dead, *His widow is in receipt of a pension of Rs. 15.

BAHADUR SHAH II.—*contd.*



Note.—(a)=Alive.
D=Dead.

BAHADUR SHAH II—*concld.*



Names of 31 daughters of the ex-King.

Kashifa Sultan Begam.	Dabiruz Zamani alias Agha Begam.	Rafatuz Zamani Begam alias Nanhi Begam.	Hasan Zamani Begam.	Khatunuz Zamani Begam alias Majho Begam.	Dabiruz Zamani Begam.	Salik Zamani Begam.	Quresh Sultan Begam.
1 Qutbuz Zamani Begam alias Qutbi Begam.	2 Chhoti Begam.	3 Daulat-un-nisa Begam alias Bulaqi Begam.	4 Kulsum Begam.	5 Mariam Zamani Begam.	6 Rabia Sultan Begam.	7 Khurshid Zamani Begam, alias Peari Begam.	8 Hatim Zamani Begam.
9 Tahniat Ara Begam.	10 Nawab Begam.	11 Shahia Begam.	12 Barati Begam.	13 Khairun Nisa Begam.	14 Nanhi Begam II.	15 Mubarik Zamani Begam alias Aurang Zamani Begam.	16 Sultan Zamani Begam alias Sultan Begam.
17 Basti Begam	18 Haji Begam	19 Mohabat-un-Nisa Begam alias Abadi Begam.	20 Aram Bano Begam.	21 Afsar Zamani Begam alias Aisha Begam.	22 Rahat Zamani Begam.	23 Dina Begam.	24
25		27	28	29	3	31	

Note.—(a)=Alive.
(D)=Dead.

PENSION AID TO THE DELHI ROYAL FAMILY.

*56. (*a*) The expenditure on account of political pensions, including compassionate allowances paid to the Delhi *ex*-Royal family in the last financial year, amounts to Rs. 43,229.

(*b*) Rs. 16,799.

(*c*) Central Funds.

(*d*) 44-Territorial and Political Pensions—Central.

(*e*) No. Political pensions are paid to members of the Delhi *ex*-Royal family residing elsewhere than Delhi.

PROPERTIES OF THE NAWAB NAZIMS OF BENGAL AND BIHAR AND ORISSA.

*94. (*a*) Though it has always been maintained that the Nawab Nazims had no right to alienate Nizamut property, nevertheless the British Government ruled in 1836 that the Nawab Nazim should not be allowed to alienate lands, buildings, plate and other hereditary property belonging to the Nizamut.

(*b*) The decision was communicated to the Agent to the Governor General for his guidance in case the Nawab evinced a disposition to alienate lands, etc.

(*c*) No.

(*d*) No jagirs or gifts appear to have been granted by any Nawab Nazim after Nawab Mobarak-ud-Dowlah.

PROPERTIES OF THE NAWAB NAZIMS OF BENGAL AND BIHAR AND ORISSA.

*95. (*a*) No document can be traced among the old records showing the origin of the Nizamut lands or any definite recognition of them by the Supreme Government. The British Government having, apparently, on acquiring the country admitted the Nazims to possession of the ramnas and continued it unquestioned ever since.

(*b*) After considerable difficulty and the examination of innumerable papers, some of which were proved to be forged while the authenticity of others was doubtful, the Commissioners prepared lists of State and private properties.

(*c*) A copy of the list is laid on the table.

List of Nawab Nazim's Private Properties.

Name of Mahal.
Bakrigali Mohalla.
Kularia.
Jot Ramath Pal.
Sain Kuli Masjid.
Gunditola—shops.
Riasat Bagh.
Dewan Motilal Bagh.
Bagh Firdos Ali Khan.
Kambar Ali Khan Bagh.
Begamganj Bagh.
Panchraha, two plots of land.
Lal Bagh—Waris Ali and Inayat Ali.
Hosain Bagh—Nakavitola.
Aishbagh.
Udwant Bagh.
Karimabad Bagh—Itwar Ali Khan.
Chanda Bagh.

PROPERTIES OF THE NAWAB NAZIMS OF BENGAL AND BIHAR AND ORISSA.

*96. (*a*) The last Nawab Nazim had a life interest only in such property as he acquired by means of special grants from the Nizamut Deposit Fund, that is to say, from the portion of the annual allowance appropriated to the family as distinguished from his own stipend ; also property acquired by the Nawab by reason of his holding the dignity of Nawab Nazim for the time being by succession to the estate of his predecessor, or by inheritance from other persons whose estates pass, under the custom of the family, to the Nawab Nazim for the time being.

(*b*) No.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 1090 asked by Pandit Satyendra Nath Sen on the 1st April, 1933.

POPULATION OF NEW DELHI.

*1090. (*a*) (1) 64,855 (Census 1931).

(2) to (7). The information asked for is not readily available.

(8) (1) 29 million gallons per month.

(2) 31 million gallons per month.

(3) 25 million gallons per month.

(9) Hot weather. 10 million gallons per month.

Winter. 16.5 million gallons per month.

(*b*) There are seven public stand-posts on the roads in New Delhi. In addition water taps are available near Tonga Stands, Dhobi Ghats and Peon quarters. These water taps are accessible to the public. During summer temporary 'Piaos' are permitted at suitable places.

(*c*) Yes.

(*d*) The exact meaning of the question is not understood.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 634 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933.

PLACING OF CERTAIN CLERKS ON SPECIAL DUTY IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

*634. (*a*) Yes.

(*b*) The Agent, North Western Railway, reports that four temporary posts were created in the following grades for varying periods during the years 1931 to 1933 for work in connection with retrenchment, co-ordination of Personnel work, Labour Commission, etc., but against the four posts referred to above, two permanent posts, *viz.*, one in Grade VII and one in Grade V were held in abeyance for the periods 17th July 1931 to 23rd October 1932 and 1st January 1932 to 31st January 1933, respectively. Consequently only two temporary posts, *viz.*, one in Grade VII and one in Grade I are now in operation :—

2 posts in Grade VII on Rs. 500 each,

1 post in Grade V in the scale Rs. 215—15—275, and

1 post in Grade I in the scale Rs. 29—3—60.

(c) The clerks appointed to two Grade VII posts were given Rs. 500 each and the clerk appointed in Grade V post was given Rs. 215 in the scale Rs. 215—15—275. Extra pay allowed to the clerks placed on special duty and the percentage which that bears to their substantive rate of pay are shown below :

	Substantive pay of the incumbent of each temporary post.	Rate of extra pay allowed during the incumbency of temporary post.	Proportion which the extra pay bears to substantive rate of pay.
	Rs.	Rs.	
Grade VII post (i)	330	170	51·5
Grade VII (ii)	440	60	13·6
	460	40	8·5
	480	20	4·2
Grade V post (iii)	190	25	13·2
	200	15	7·5
	200	30	15·4
	200	45	22·5
	200	60	30·0

(iv) The Grade I post was filled by the appointment of a temporary typist on Rs. 30 per mensem in grade Rs. 39—3—60.

DEATHS OF SIR ZULFIQAR ALI KHAN AND KHAN BAHADUR SARFARAZ HUSSAIN KHAN.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, it is once more our mournful duty to record the passing of yet another Member of this House. Sir Zulfiqar Ali Khan was connected with the reformed Indian Legislature ever since its inception in 1920, first as an elected Member of the Council of State, then as an elected Member of this House and subsequently as a nominated Member of this Assembly. But, Sir, his connection with the public life of this country was not limited to his parliamentary activities. He was a member of the Indian Central Committee which was appointed to work with the Statutory Commission on Constitutional Reforms. He was also a member of the Indian Delegation to the Assembly of the League of Nations at Geneva. His record of service for the public and for his community was both long and varied, yet I venture to think that he will be specially remembered for those personal qualities which impressed those with whom he was brought into contact—for that delightful old-world courtesy worthy of one whose name finds a place in the golden book of the Punjab, for that never failing urbanity which seemed to be proof against all trials, for that kindliness and generosity which marked the true gentleman. I would ask you, Sir, to convey to his widow and his

relatives our deep sense of loss at his demise and our warm sympathy with them in their bereavement.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, on behalf of the Independent Party I desire to associate ourselves with the tribute that has been paid by the Honourable the Leader of the House to the memory of Nawab Sir Zulfiqar Ali Khan. By the Nawab Sahib's sad and sudden death the Assembly has lost one of its outstanding personalities and the Muslim community one of its most distinguished leaders. The Assembly is distinctly poorer to-day by the loss of a Member of his eminence. He was undoubtedly one of the leaders of thought in the Assembly and his wise, sagacious and experienced utterances were always heard with respect and attention in the various sections of the House. The Honourable the Leader of the House has already made a reference to his personal qualities. He was pink of courtesy, highly cultured and was the finest specimen of gentleman that we have ever come across. He was held in very great esteem by all sections of the House. The loss to the Assembly by his death is great, but the loss to the Muslim community is irreparable. He belonged to that glaxy of leaders who devoted their time and energy for the awakening of political consciousness and creating healthy public life in our community. It is sad to contemplate, Sir, that in recent years we had to mourn the loss of men like Maulana Muhammad Ali, Sir Ali Imam, Mian Sir Muhammad Shafi and Mr. Hasan Imam, and to-day we are expressing our deep sorrow at the passing away of another towering figure in the person of Sir Zulfiqar Ali Khan.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I beg to associate myself and the members of the Nationalist Party with all that has fallen from the lips of the Leader of the House. In the death of Nawab Sir Zulfiqar Ali Khan we have lost a very charming personality who, by his urbanity of manners and winning disposition, won the hearts of all of us. The Honourable the Leader of the House has already recounted the various activities of the late Nawab Saheb, and I do not want to repeat them. I only request you, Sir, that you will be pleased to convey an expression of our sincere condolence, to the members of the bereaved family.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, in the absence of the Leader of our Party, I wish to associate the Centre Party and myself with the sentiments of sorrow and regret expressed by the Leader of the House and Leaders of other Parties on the loss sustained by this House and the country by the demise of Sir Zulfiqar Ali Khan, whose unselfish services ungrudgingly rendered in the cause of his community and country will be remembered long and gratefully by his countrymen.

Mr. G. Morgan (Bengal : European) : Sir, I should like to associate myself and the Party which I represent with the sentiments expressed by the Leader of the House at the great loss which has been sustained by the death of Sir Zulfiqar Ali Khan. I feel it a personal loss, as I esteemed it a great privilege to count him as a friend and it was a great shock to me to see his death stated in the public press. I, therefore, ask you, while associating myself with the sentiments expressed by the Leader of the House, to convey to his bereaved family the sense of loss which we in this House have sustained.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : Sir, I rise on behalf of these Benches as well as on my own behalf to associate with the sentiments which have been so ably and pathetically voiced by the previous speakers. Nawab Sir Zulfiqar Ali Khan combined in himself the very best of Indian and European culture. His was a noble personality. When I recall to mind his highly polished manners and his characteristic simplicity, I feel that the Punjab may well mourn the loss of a son of whom she might be proud. Besides his political career, he was a veritable student of history throughout his life. His books on that subject bear ample testimony to his keen insight. In Sir Zulfiqar Ali Khan's demise the community has suffered an irreparable loss. On this occasion I cannot do more than pay my tribute to the memory of the deceased.

Sir Abdulla-al-Mámün Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : I rise, Sir, to associate myself with what has fallen from the Leader of the House and other previous speakers and, in doing so, I desire to pay my personal tribute to the memory of one with whom I was closely connected in public life. Scarcely had we recovered from the shock of the untimely death of Sir Muhammad Shafi and Sir Ali Imam when Death singles out and removes from our midst yet another of our veteran leaders. Nawab Sir Zulfiqar Ali Khan was a Member of the old Imperial Council. His aristocratic name and fine personality early captivated my imagination. I first became acquainted with him in Calcutta when he went there to attend meetings of the Imperial Legislative Council. Amongst the Muslim Members of the old Imperial Council he alone took a deep and keen interest in the welfare of the Muslims of Bengal and, in order to gain first-hand knowledge, he took the trouble of visiting distant provincial towns like Barisal and Dacca. Many years flew over our heads since then and with the transfer of the capital to Delhi, Calcutta ceased to be the centre of attraction for men of light and leading like the late lamented Nawab Sahib. But when I came to the Assembly in 1926, I found Nawab Sahib here as an elected Member. Our old acquaintance was renewed and with his help and co-operation we founded the All-India Muslim Legislators' Association with His Highness the Aga Khan as its President and Nawab Sir Zulfiqar Ali Khan as one of its Vice-Presidents. With his help and co-operation we also founded the Central Muslim Party in the Assembly which he led with conspicuous ability, tact and success during the whole term of the last Assembly. In 1928, Nawab Sir Zulfiqar Ali Khan and myself were appointed members of the Indian Central Committee and for nearly two years we travelled together with the Simon Commission in India and in England and worked in the closest association and co-operation with each other. Of late, the late Nawab Sahib rarely visited and attended the Assembly and when he did so he was morose, silent and quiet. Little did I realise then that the sands of his time were running fast and the Hour Glass of his life was about to be shattered. His death creates a void which cannot be easily filled and is an irreparable loss to Islam and to India. To me it means a painful wrench and a great personal loss. As the Leader of the House has remarked, a perfect gentleman, a generous host, a genuine friend and the pink of courtesy, he always maintained the high and noble traditions of the ruling house to which he belonged. I dare say long would the House miss the tall aristocratic figure which adorned the Benches of

this House and long and deeply would I mourn the loss of a true friend and echo the words of the poet :

O, for the touch of a vanished hand,
And the sound of a voice that is still.

Mr. President (The Honourable Sir Shanmukham Chetty) : I would like to associate the Chair with the tribute that has been paid to the memory of our late colleague, Sir Zulfiqar Ali Khan. The death of this great personality has not merely created a gap in the public life of this country, but has left in the minds and hearts of many of us a deep sense of personal loss, for all those in this House who had the privilege of working with him will remember the personality of the late Nawab and they would for many years to come cherish in their memories recollections of his hospitality and friendship. It will be my duty to communicate to the members of his family the deep sense of sorrow and loss that this House feels on the passing away of one of its Members.

Mr. Gaya Prasad Singh : Sir, it is my melancholy duty to bring to the notice of the House the death of another colleague of ours, the late Khan Bahadur Nawab Sarfaraz Hussain Khan, who was a Member of this Assembly for many years. He occupied a very prominent position in the public life of my province, Bihar. He was for about 25 years intimately connected with the Patna City Municipality as its Chairman, and sometime as its Vice-Chairman. In that capacity he rendered yeomen service to the local public. He identified himself with the nationalist activities of his province, and even beyond the range of his province. He was the President of the Bihar Provincial Conference which was held at Monghyr some years back. He was loved and respected both by Hindus and Mussalmans alike. He was singularly free from communal tinge, and in his work as a Member of the Legislative Assembly, he identified himself with the Swaraj Party which was then formed under the leadership of the late Pandit Motilal Nehru. He worked here for many years, and his assiduousness to duty and his sense of discipline and regularity of attendance were remarkable. He was loved and respected by every section of the House, and in his death we have lost a very charming personality, and one who occupied a prominent place in the public life of this country. His death has created a void in public life ; and I would request you, Sir, to convey to the Members of the bereaved family an expression of our heartfelt feelings of sympathy and condolence.

The Honourable Sir Joseph Bhore : Sir, Khan Bahadur Sarfaraz Hussain Khan was a Member of the first, second and the third Assemblies. He was known personally to a great many of us here and I think I can say without fear of contradiction that in his time there was no other personality in the Assembly who was more universally liked. Quiet and unassuming, he made a host of friends and, I am sure, never a single enemy. As regards his work, I can say this, that it left an impression upon my mind of great assiduity and of tireless energy and I am sure that I will be voicing the feelings of Members on this side if I associate myself very warmly with what has fallen from Mr. Gaya Prasad Singh.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I was intimately connected with Khan Bahadur Sarfaraz Hussain Khan and his public life. Although he belonged to a very

[Maulvi Muhammad Shafee Daoodi.]

aristocratic family of Bihar, he led the life of a commoner and his house was the rendezvous of all who have had anything to say to him. His life as the Chairman and Vice-Chairman of the Patna Municipality was well known to everybody. No one had any complaint against him. An overwhelming majority was satisfied with his work, but when the public life of India took a different course, he associated himself with the new state of things with the same zeal although he was of mature age. He was a zealous Member of the Assembly and a very enthusiastic member of the Swaraj Party. By dint of his labour, he has shown how a public man should discharge his duty. Even in the last days when he could not come to the Assembly, on account of ill health, he took a keen interest in the proceedings of the Assembly. He used to read the reports of the Assembly and took a great interest in seeing what the other Members of the Assembly were doing. When he was called upon to explain any important question which was agitating the mind of the Assembly, he would take delight in discussing the *pros* and *cons* of it. He was a man of charming personality and he has left us to mourn his loss very deeply.

Mr. R. S. Sarma : The warm tributes paid to one who was known as the Father of the House, are warmly shared by the members of my Party.

Mr. G. Morgan : I rise to associate myself and the European Group with the sentiments expressed by the Leader of the House and the leaders on the other side.

Captain Sher Muhammad Khan Gakhar : I rise to associate myself and those on these Benches with the expression of sorrow expressed by the Leader of the House and the Leader of the Nationalist Party and other Members of the House.

Sir Abdullah-al-Mámún Suhrawardy : I rise to pay my personal tribute to the memory of the departed. I believe I am the only Member of this House who was a colleague of the late Khan Bahadur Sarfaraz Hussain Khan in the Bengal Legislative Council before the creation of the province of Bihar. When I first entered the Bengal Legislative Council under the Morley-Minto Reforms, I found there, amongst others, Mr. Ali Imam, Mr. Wasi Ahmad, Maulvi Fakhruddin and Khan Bahadur Sarfaraz Hussain Khan. Alas, the hand of Death has fallen heavily of late on the province of Bihar and Sir Ali Imam, Mr. Hasan Imam, Sir Muhammad Fakhruddin and Khan Bahadur Sarfaraz Hussain Khan have passed away in quick succession. With Khan Bahadur Sarfaraz Hussain Khan disappears the last of the stalwarts of Bihar. With these words, I associate myself with what has fallen from Mr. Gaya Prasad Singh and the Leader of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : I should like to associate the Chair with the tribute that has been paid to the memory of Khan Bahadur Sarfaraz Hussain Khan. It was my privilege to work in close association with the Khan Bahadur in the second and third Assemblies. I distinctly remember the enthusiasm and the energy which Khan Bahadur Sarfaraz Hussain Khan put forth in his work which was the envy of the younger Members of this House. He was regular in his seat and he took the greatest interest in the work of the Assembly. He loved the work of the Assembly and the Assembly in its

turn loved the unassuming but charming personality of Khan Bahadur Sarfaraz Hussain Khan. It shall again be my duty to convey to his relatives the deep sense of sorrow that this House feels at the loss of one whom they all so well loved.

THE INDIAN MEDICAL COUNCIL BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The next item on the order paper of the day is a motion in the name of Mr. G. S. Bajpai " that the Honourable Sir Bepin Behary Ghose be appointed to the Select Committee on the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register ". With regard to this motion, the Chair would like to make an announcement. A similar question arose in the past as to whether in cases when the Law Member was not a Member of the House at the time the motion was made, but was subsequently nominated to the House, it was necessary to have a specific motion that he should be included in the Select Committee. On that occasion a ruling was given by my predecessor that :

" My opinion is that the Law Member does not, under Standing Order 40, become an *ex-officio* member of a Select Committee constituted before he became a Member of the Assembly."

The circumstances under which this ruling was given were, however, different from the present circumstances. On the last occasion the Law Member of the Government of India was not a Member of the Legislative Assembly at the time the motion for a Select Committee was made. Subsequently the Law Member of the Government of India was nominated a Member of this Assembly and in those circumstances my predecessor held that he does not become an *ex-officio* member of the Select Committee but that a specific motion must be made to that effect. But in this particular case the House would remember that the Law Member of the Government of India was a Member of this House when the motion to refer the Medical Council Bill to Select Committee was made. But in the meantime the personnel of the office changed ; the Honourable Sir Bepin Behary Ghose has taken place and he has also been nominated as a Member of this Assembly and he has taken the oath of allegiance. Under those circumstances I hold that it is not necessary to make a specific motion as contemplated by Mr. Bajpai to enable the present Law Member to take his seat in the Select Committee.

THE INDIAN PETROLEUM BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances.

The motion was adopted.

The Honourable Sir Frank Noyce : Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (THIRD AMENDMENT) BILL.

The Honourable Mr. A. H. Lloyd (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment).

The motion was adopted.

The Honourable Mr. A. H. Lloyd : Sir, I introduce the Bill.

THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by Mr. A. Raisman on the 12th April, 1933 :

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (*Second Amendment*), be referred to a Select Committee consisting of the Deputy President, the Honourable Sir Joseph Bhore, Bhai Parma Nand, Mr. S. G. Jog, Mr. Gaya Prasad Singh, Mr. Muhammad Azhar Ali, Mr. B. V. Jadhav, Mr. S. C. Mitra, Sir Leslie Hudson, Khan Bahadur Haji Wajihuddin, Mr. B. N. Misra, Sir Muhammad Yakub 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. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I feel fortunate that I have caught your eye first to speak on this Bill which, as it is, might be considered as only a formal Bill and as such the House might give it that weight, but, Sir, from my point of view, and, I think, from the point of view of many others, this is an important matter in which there are certain principles involved.

Now, there is no doubt that what is now asked is that this Bill, which is called the Indian Merchant Shipping Amendment Bill, be sent to Select Committee. The discussion which took place on the last occasion when this Bill came up before the House supports me in the view that there are certain principles from the Indian point of view which must be ventilated and which should be favourably considered by this House. As the Bill stands, it is said that it is intended to have more precautionary measures for the safety of passengers and goods on steamers and for that purpose this Bill should be enacted to give effect to those safeguards. So far as that goes, I would call this Bill not only a harmless but a useful one, because everybody would like that when passengers and cargo are carried by sea there must be all kinds of precautions against accidents and against other casualties which would go to jeopardise marine transport. From that point of view it is all right, but, in considering that, I would point out to the House that Indian interests, so far as this marine business is concerned, are absolutely neglected by Government. In the first place, I must draw the attention of the House to the fact that Government have for a long time been adopting a practice which appears to me to be very objectionable and it is this that whenever they have to make any law of this nature or of its kind, they mature everything, themselves give their sanction to it, or enter into agreements, and then bring them to the House for, so to say, a formal sanction. This is most objectionable. In this case what we find is this. It is asked that sanction should be given to the International Convention that has been already made on this question. It is not only in this instance that such a procedure has been adopted which seems to me to be quite objectionable but we remember the case of the Ottawa Pact

where everything was cooked up, finished and then brought before this House. I ask, Sir, is it fair ? I think this practice should now cease and matters that are brought before the House should be brought as original and sanction obtained before pacts are made. In this case also, before this International Convention was entered into, the points that were decided there, should have been discussed here first and sanction obtained to them from this House.

I will now pass on to the other question. The second question which is very important is that Government should let this House know how far they have helped Indians in this marine line business, in having their own merchant ships, and how far they have helped Indians to carry goods and passengers in their own ships. To me it appears Government have entirely failed. Last time speeches were made on this point, but it was late at night, following the Parliamentary practice, though done with vengeance because it is not the Parliamentary practice to sit for the whole day from 11 o'clock in the morning and again at night, but that apart in the speeches made at that time this important point was raised, and it is very fortunate that this discussion was not finished then. On this point I find that the first speaker was the Honourable Mr. B. Das who is an engineer himself and we know what interest he takes and what ability he possesses. He has said that the Indian marine intellect is not being advanced at all in India and it is high time now that the Government should turn their attention in that direction. The complaints that will be made on that point are these : the first is that there is no encouragement given to the creation of Indian merchant ships ; and the second is that there is no encouragement or help given by Government to candidates or people to go and train themselves for this mercantile marine. With regard to the second complaint, the Honourable Mr. Das said that there were no Board of Trade examinations in India : those examinations were a passport to the.....

1 P.M.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : May I interrupt the Honourable Member on a point of information ? Not only are there Board of Trade examinations in India, but they are held every month.

Mr. Lalchand Navalrai : I know that that was the reply given by Mr. Raisman, and I was not going to leave it at all—I was going to touch upon it and add to what Mr. Das said : but what I wanted to emphasise by a personal experience, which would satisfy the Honourable the Leader of the House and also Mr. Raisman, was that there were no facilities given for passing that examination. What Mr. Raisman then said on a point of explanation was :

"May I say that anybody can take the Board of Trade Examination in India and that people do so every month."

The point is this : it is certainly news to me that every month they have been taking these Board of Trade Examinations. But may I say that there are certain preliminaries to be gone through before a certificate is obtained, and the facilities are not given for these preliminaries. I do not think Indians can get themselves easily qualified to appear for this examination. Last February, when this Assembly was sitting, a young man came to me from Sind and he wanted to pass this examination, and for that he said to me that he had to go through a training of 18 months on a British or any other ship that goes abroad to foreign countries ;

[Mr. Lalchand Navalrai.]

and, unless and until he had that training, he could not appear for this examination. I asked him for further information and he satisfied me that he was a fit and experienced person in that line for being allowed to get this training on a ship in order to enable him to pass the examination. I say, when these people are coming forward anxiously desiring to take this course, they should be given every help and encouragement. I approached several persons in this connection and I must say that I approached even Sir Leslie Hudson on this point, and he very kindly told me that he would speak to the P. & O. Company and gave me a letter to them. I handed this over to that young gentleman and he went round. But he could not get entrance for training anywhere on a foreign boat. He got the reply that only British and foreign people were allowed to take this training. If this is not a fact that they do not allow Indians or at any rate put impediments in their way in that direction, I would like to be corrected. The young man told me that even if he got into any Indian company, it was no good, because the Scindia Steam Navigation Company was a company working on the coast and if a man goes and gets his training on coastal ships, he would not be entitled to appear for this examination. Under these circumsstances, it is for the Government to answer what encouragement or assistance they give in these matters : but, I must say, it is a deplorable thing. They say here that people are passing the examination every month. This is news to me : and, with all deference to the Honourable the Leader of the House and to Mr. Raisman, I will not be satisfied with a general statement of that kind. I would like to know who are those people who were allowed to appear and who have passed the examination and where they got these preliminary facilities. Unless I get full information on this point, I will not be satisfied and the Government remain condemned on this question of Indianisation. I may say that the young man I was talking about is so enthusiastic about it that he is still at Bombay trying to get these facilities and he is still unable to get into any foreign company for this purpose. Of course, the interests of Indians are ignored or neglected but I have nothing to say against the principle of this Bill which is that certain measures are to be taken for the purpose of creating more precautions for the safety at sea. But I do say that there is another principle that the Government should follow and that is that the Indian intellect should be increasingly directed to this marine side so that we may have our own ships carrying cargo and passengers : what happens at present is that shipping belonging to British and foreign countries carry goods and passengers, including Indians, and they take so much money from us : but they do nothing in return by way of Indianising or training Indians. I would certainly not object to this Bill going to Select Committee, because, after all, it is a useful Bill. It is for the Committee to deal with the details. but I must insist upon this position that the Government must consider this question of Indianization of marine before this Bill is passed. I trust and hope that satisfactory explanation will be given as to how far they are going to advance the Indian intellect in this marine line ; and, after they satisfy the House on that point, I will be in a position to give my vote in favour of the Bill.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

The Honourable Sir Joseph Bhore : Sir, I would like to make a short appeal to this House to allow this Bill to go to the Select Committee without further debate. No one anticipated, Sir, that such dry and technical matters as those dealt with in this Bill would have inspired such continued oratorical efforts as we heard on the last day, or, should I say, last night of the last Session. Evidently, Sir, we had failed to take full account of the stimulating effect of an after dinner sitting, an effect which seems to have persisted till today. I would, however, like very shortly to refer to two or three matters which have been raised in the course of the debate both on the last occasion and on this.

My friend, Mr. Mitra, and, if I remember rightly, Mr. Ranga Iyer as well, felt some difficulty in understanding the principle of the Bill. Now, Sir, I would like to explain the main principle of the Bill in just a few words.

Most of the maritime nations of the world agreed recently on two main points connected with shipping. They agreed firstly that in the interests of human life at sea certain standards of construction and equipment should be insisted on in respect of passenger vessels, and, secondly, they agreed that in respect of safety of human life and property at sea certain common international rules should be imposed to prevent overloading of passenger and cargo vessels. Now, Sir, all that this Bill does is that it seeks to ratify the International Conventions which give effect to these principles and which were agreed to at certain International Conferences. Now, Sir, if I remember rightly, on the last occasion when we discussed this matter, my friend, Mr. Maswood Ahmad, who is not here unfortunately, interjected that he could not accept the principle of the Bill. I would have liked, Sir, if he had been present here, to give him a solemn assurance that this Bill does not impose any limit to the number of questions which an Honourable Member may ask in this House ; but, Sir, I do not think that my friend, Mr. Maswood Ahmad, would object to securing a greater measure of safety for human life and property on the high seas.

I come next, Sir, to my friend, Mr. B. Das. Unfortunately he also is not here today. Mr. B. Das travelled entirely outside the scope of the Bill, and in that he seems to have found a docile, a blindly docile, supporter in my friend, Mr. Lalchand Navalrai. He left on one side entirely the principle of the Bill and he denounced the Government for having failed to do what they could to stimulate a sea sense among educated Indians. Now, Sir, that is exactly what we have been trying to do in the training ship "Dufferin", and I would have asked my friend, Mr. B. Das, if he could spare the time, to spend three years in the "Dufferin", for, I am perfectly sure we would have made a new man of him. I extend the invitation to Mr. Lalchand Navalrai.

Mr. Lalchand Navalrai : Is that ship risky now ?

The Honourable Sir Joseph Bhore : No, Sir ; not at all.

Mr. Lalchand Navalrai : It was so said in the Standing Finance Committee, and some money was given to put it right.

[Sir Frank Noyce.]

the Act has been greatly enlarged, for we have no desire to make any distinction between Government employees and others in any respect so far as this Act is concerned. The definition of a plantation has been widened and we have included persons engaged in gas works. Finally, at the end of the Schedule Honourable Members will find three entirely new classes of workers. I think, therefore, that Honourable Members will realise that the number of additional workers whom the Select Committee propose to include is very substantial, and they will, I hope, agree that we have gone about as far as it is reasonable to do at the present time. I hope that in the future, as in the past, Government will from time to time add fresh classes of workers by notification, and I may add that Government are engaged at present in framing a satisfactory definition of the forest workers who should come under the Act. I have every anticipation that in the course of a few weeks we shall be in a position to issue a notification in this respect.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee, be taken into consideration."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, as I am one of those who have appended a minute of dissent on some of the recommendations of the Select Committee, I want to say a few words explaining our position.

This Bill has emerged from the Select Committee, with many important changes, and I gladly recognise that the Honourable Sir Frank Noyce was very sympathetic in considering cases of inclusion of fresh categories of workers within the scope of the Bill, and, as he claims, the measure has been liberalised to a very considerable extent. But I must say at the same time that while he gave with one hand he took away with another. In some very important respects he has gone back on the recommendations of the Royal Commission on Labour,—I am referring particularly to the recommendation about the maximum and minimum scale of compensation to be awarded in case of death or permanent disablement. The Government justify their action on the ground that since the Royal Commission recommended there has been a considerable change in the price level. My Honourable friends, Messrs. Morgan and Mackenzie, also support this view that the change in the price level necessitates a change in the scale of compensation. That argument, I submit, is entirely irrelevant. The Royal Commission was never influenced in their recommendation by the consideration of price levels, and for this reason. When the Workmen's Compensation Act came into operation in 1924, the index number for all articles stood at 155. When the Commission made their recommendation in 1930, it came down to 137. If the Royal Commission were influenced by the consideration of price level, they would have recommended a reduction of compensation instead of an increase, because there was a fall of 18 points in the cost of living index. I maintain that the consideration of price level has nothing to do with the scale of compensation. Price level is a fluctuating item, and the scale of compensation is fixed and permanent.

The principles, Sir, on which the Royal Commission based their recommendation are entirely different. They based their recommendation about the maximum and minimum scale on this. They fixed their minimum just to avoid the granting of an excessively low amount as compensation ; and they fixed the maximum on the principle that the industry should not be hit hard Acting on these two principles, and not on a consideration of price level, they made their recommendations. I may remind the House that the Royal Commission included such eminent industrialists as Sir Victor Sassoon, Sir Alexander Murray, Mr. G. D. Birla, and Sir Ibrahim Rahimtoola, and they agreed to this higher scale, because they considered it reasonable. When the Bill was circulated for opinion, the employers raised the objection that the industry was being hit hard by this high scale of compensation. We are very familiar in this House with the usual cry of the employers that this industry or that industry is in danger. The Government of Bombay, which is the Government of an industrial province, considered that this scale of compensation was quite suitable, and as far back as 1932 the Government of India too had the same opinion and incorporated this recommendation in the Bill, but it is a pity that under the pressure of capitalist employer class the Government have surrendered to their unreasonable demands.

This is all I have to say for the present.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, when the Bill was sent to the Select Committee, I had hoped that the Select Committee would make many substantial improvements. I quite recognise that in the matter of bringing new classes within the scope of this legislation some improvement has been made, but in this connection we have to remember that the Royal Commission has admitted that in the matter of workmen's compensation there is no justification for restricting the classes to be brought within the scope of this legislation only to the organised industries or to hazardous industries and, therefore, the sooner we bring all the classes of workers within the scope of this legislation, the better it is. In this connection I would like to suggest to the Honourable Member in charge of this Department that he should seriously consider the question of compulsory insurance against the risk of accidents. It is admitted that unless there is a system of compulsory insurance, the workmen's compensation works as a hardship against individual employers. Therefore it is necessary that a compulsory system of insurance should be established so that it would be easier to bring in the employees of smaller employers within the scope of this legislation. I, therefore, suggest that he should seriously consider the question of compulsory insurance against the risk of accidents for the employees in all trades and industries, because unless that is done, it will be difficult for the scope of the Bill to be enlarged. It is a matter of satisfaction that the Honourable Member has an intention of publishing early rules as regards the application of this legislation to the workers in the forest industries, but our disappointment in regard to the report of the Select Committee is in regard to the rates of compensation. We had hoped that the rates of compensation which the Royal Commission has recommended and which the Government had included in their original Bill would be improved. On the other hand the Government have gone back upon their original proposals. This is due to the influence of the capitalists. Evidently the Honourable Member in charge of this Department seems to be very susceptible to the influence from that direction.

The Honourable Sir Frank Noyce : I protest against the statement of my Honourable friend, Mr. Joshi. It has been my endeavour in dealing with all the recommendations of the Labour Commission to hold the scales as evenly as is possible for a fallible human being to do.

Mr. N. M. Joshi : The Honourable Member may have done his very best to hold the scales even, but it is quite possible that when he made those attempts he might have made mistakes and I hope he will recognise that he has made a mistake in spite of the great effort he has made. When he introduced the Bill originally, I am quite sure he had considered the Bill very carefully. I do not know what happened between the introduction of the Bill and the meeting of the Select Committee which made him change his views. If the influence of the capitalists had no effect, I do not know what other thing produced that effect upon him. I do not wish to deal with that point in detail as I have got an amendment on that point. On the whole I feel that in the matter of the rates of compensation Government should have been more generous and in this connection we must remember this, that it is always said that our industries are backward, that our standards of life are low in India, but I would like Members of this Assembly to consider this. How long are we going to be obsessed by this feeling that our standard is low and, therefore, we should not undertake bold measures. If we are always influenced by this sort of inferiority complex, we shall never come up to the level of people in the other countries. We should get over this feeling that we are a backward country and that our standard of life is low and, therefore, it must remain very low. Let us be a little bold and take bold measures and not be frightened by the fact that if we act boldly, our industries will suffer and our country will go to the dogs. I have nothing more to say at this stage.

Mr. S. G. Jog (Berar Representative) : I had no intention of prolonging this discussion, but, as a member of the Select Committee, I had much to do with the report. Those of us who were in the Select Committee would recognise that we had to meet two extremes, Mr. Mody, the capitalist, on one side, and Mr. Joshi and his followers on the other. I am myself not a capitalist. I have not involved myself in the labour movement. We had to see that an even balance is maintained. In the discussions that took place in the Select Committee, there was a regular scuffle between Mr. Mody on one side and Mr. Joshi on the other. I must congratulate Mr. Joshi on his enthusiasm for the welfare of the workers, but at the same time we must see that we face things as they are. The Labour Commission sat long ago and world conditions have undergone such a change that its recommendations must undergo a fresh and more critical and closer examination in the light of existing circumstances. At that time probably the state of the industry was very prosperous, but since then things have gone wrong throughout the world and India is no exception to this. Many of us had to see that the welfare of labour is maintained. At the same time we wanted to see that no unnecessary restriction is placed on the industry. If the industry survives and prospers, there is every chance of securing prosperity for the workers, but if the industries are affected, what will happen to the workers ? I hope this aspect of the case will appeal to Mr. Joshi and those of his way of thinking. I do not yield to Mr. Joshi in my desire for the welfare of labour. Many of these people made representations to me and I tried to meet their wishes in the Select Committee to the best of my ability. At the same time I

could not ignore the difficulties of the industrial class and on many occasions we had to find out the golden mean between two extremes. As you will observe, I am a signatory to the majority report and in considering the compensation we had to take into account the changed circumstances, the changed living and the fall in prices. When the recommendations and the scale of compensation were given, things were quite different and we had to change many of those things under the changed circumstances. We have given the best consideration to both the views of the labour as well as of the industrialist. I must also say that on many points the Honourable Member in charge, Sir Frank Noyce, was extremely sympathetic and he tried to meet more Mr. Joshi than Mr. Mody. On the whole, I find that the report of the Select Committee is extremely satisfactory although it may not have come up exactly to the expectations of Mr. Joshi. I hope, with these few remarks, that the Select Committee's report will be adopted.

3 P.M.

Dr. R. D. Dalal (Nominated Non-Official) : Mr. President, I rise to speak very briefly on a topic raised by my Honourable friends Mr. Joshi, Mr. Jadhav, and other signatories of the minutes of dissent to the report of the Select Committee, to which the Bill further to amend the Workmen's Compensation Act was referred. The subject involved is the question of inclusion of hookworm disease (Ankylostomiasis) within the scope of compensation for Industrial Diseases. My Honourable friends make a recommendation that hookworm disease should be classified as an occupational disease for workers working on plantations and in mines. This subject was brought forward at the second meeting of the Select Committee, and I took an active part in this question. So far as I understand the Workmen's Compensation Act, the object of the Act as regards the scheduling of Industrial Diseases is preventive ; so I presume that the contention advanced by my Honourable friends for the extension of compensation in case of hookworm disease is that the extension would ensure greater care on the part of employers and would have enormous effect in the improvement of sanitary condition of plantations and mines. I heartily congratulate my Honourable friends Mr. Joshi and Mr. Jadhav on the deep interest they take in the health and welfare of the labourer, and I admire their boldness to plunge into public health questions. My Honourable friend Mr. Jadhav was my Chief in Bombay, and I entertain warm affection and regard for the Labour Representative from Bombay ; and much as I should like to please them, I deeply regret being unable to see eye to eye with them in this matter.

Mr. N. M. Joshi : You saw eye to eye with us in the Select Committee.

Dr. R. D. Dalal : Now, Sir, if the House will only bear with me for just a few minutes, I hope to be able to show that hookworm disease cannot be considered as a disease incidental to the nature of employment. It is true that hookworm disease is prevalent on plantations and in mines, but, Sir, when we turn to this question, we find that it is a most difficult and complicated question ; and we are at once plunged in a maze of uncertainty. It has to be determined whether the labourer is suffering from Ankylostomiasis, whether or not the disease did arise from his work, and who is the particular employer who ought rightly to be called upon to pay compensation, because the labourer passes from employer to employer, and so it is a very difficult matter indeed to fix the date when the infection was contracted. I may remind the House that coolies on plantations and

[Dr. R. D. Dalal.]

in mines are recruited from parts of the country, where hookworm disease naturally exists. The highest incidence of Ankylostomiasis is met with in the Madras Presidency, next comes Bihar and Orissa, then Bengal, Assam and so on. A study of the Epidemiology of Ankylostomiasis shows that the degree of hookworm infection is the same amongst organised labour force and uncontrolled villagers. I admit that sometimes hookworm infection is regarded as being greater amongst organised labour force than amongst villagers. But, Sir, this can be easily explained. On plantations and in mines the medical and public health arrangements are of a high order, and the organised labour force are under the control and special care of qualified medical officers who draw attention to hookworm infection amongst the Coolies and treat them for it, whereas villagers are not under any medical supervision, so nothing is heard of hookworm prevalence amongst them, and it is assumed that hookworm is relatively uncommon amongst them. Sir, I am profoundly convinced that occupation plays no part at all in the Epidemiology of Ankylostomiasis. Compensation should be restricted to cases in which disease is really specific to an Industry. If Ankylostomiasis be included in the Schedule for Industrial Diseases, the same arguments would apply equally to Malaria, Kala Azar, and water-borne diseases which are prevalent on plantations and in mines as well as amongst the general population. If we regard Malaria, Kala Azar, Ankylostomiasis and other diseases as diseases incidental to employment on plantations and in mines, we shall get into hopeless muddle. Now, Sir, to pursue the subject further, I shall with your permission explain to the House that Ankylostomiasis is caused by the presence of hookworms in the upper part of the Small Intestine. I need hardly point out that promiscuous soil pollution is an almost universal habit in India ; so the larvæ of the worms enter the body through the skin of the feet of the persons who walk bare-footed on fæcally contaminated infected soil, or from the infected soil to the food by dirty hands, or by drinking dirty muddy contaminated, infected water. Now, this at once brings us to the measures for the control of Ankylostomiasis. Keeping the feet off the polluted soil or keeping the feet covered by boots during the act of defæcation is a most powerful factor in controlling hookworm infection and in bringing it down to a negligible and harmless level. Therefore, the ideals for the eradication of hookworm infection are the prevention of indiscriminate soil pollution by the construction of suitable sanitary latrines and the provision of pure drinking water supply. But, Sir, these ideals are already provided for by legislation. Sections 5, 9, 13 and 14 of Indian Factories Act of 1911 and sections 6 and 17 of Indian Mines Act of 1923 contain express provisions for adequate latrine accommodation and for sufficient and suitable supply of water fit for drinking and for the inspection thereof. But, Sir, apart from legislation, apart from the Factories and the Mines Acts, the health of the labourer on plantations and in mines is a question of primary importance to the employer, who realises that in carrying out the duty of conserving the health of his worker, he is also serving his own best interests. A high morbidity rate—a high sickness rate amongst the Coolies would handicap production and would reduce earning capacity, and it stands to reason that it is much easier to attract labour to and to keep labour on healthy plantations and healthy mines than on unhealthy areas where Malaria, Kala Azar, Ankylostomiasis and other diseases are rife ; so, apart from legislation, the employers themselves of their own accord voluntarily provide hospitals and dispensaries, medical and public

health arrangements, and recreation facilities. Now, Sir, let me turn for a moment to the common law of nature, which has in my opinion an important bearing on this question. All of us are mortal, and our death is preceded by some disease caused by something in our environment touching the weak spot in our separate organisations. That is the common law of nature. Then, Sir, is it not true in one sense that our diseases are due to our occupations ? That is to say, the human frame breaks down because the weak spot is touched or affected by something in our surroundings. It, therefore, behoves us not to make legislation an absurdity by attempting in a Bill dealing with compensation for workmen to deal with common misfortunes and universal maladies from which none of the general population are free and which could not be dealt with in any measure directed against particular and special misfortunes. Sir, one of the objects of the Workmen's Compensation Act is to reduce litigation as much as possible ; so, I feel very strongly that the House should not take a false step or the House might land the workmen in a most unfortunate and unsatisfactory position arising out of the litigation they might be compelled to engage in in their attempts to prove their case. I, therefore, earnestly hope that the conclusion which I have advanced in reasoned order with such clarity, conviction, and force as I am capable of will not be refused if it cannot be refuted.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I do not claim to belong to the capitalist group nor do I belong to such workmen to whom this Act would apply, but still I am a sort of worker and I am glad to say that from the sections that are incorporated in the Act, I have not been able to spot such sections which are to work great hardship on the poor workmen. This is all due, as several of our friends referred, to the sympathetic attitude of the Honourable Member in charge of the Bill. I do not see why my Honourable friend, Mr. Joshi, should be so much agitated as to have said what he did about the susceptibility of the Honourable Member. I would like to lay the blame on the members of the Committee themselves and, if they were in a majority, it was for them to have taken objection to those objectionable portions of the Bill. Sir, my Honourable friend cannot blow hot and cold in one breath. Today my friend says that the Act was so framed that it was due to the Honourable Member's sympathy. At the same time he says, he is at least susceptible to some other influence. I should say that it is not a question of susceptibility. I do not hold any brief for the Honourable Member, because he can take charge of himself. As I have been through the Bill, I find there are very few objectionable portions. There may be one or two points as regards the price level, but I think that question too does not work much now in the present state of affairs in our country to the hardship of the workmen in the country. Sir, nobody can say that the capitalist at present is not trying his level best to reduce the unsatisfactory condition of the workmen. I think the workmen should take charge of themselves and they have got several cures in their own hands. They can at any time stand up for their rights and Mr. Joshi, I think, can lead them very easily. From what I found in this Bill before it came from the Select Committee, I find now that the Bill is much better and it has been much improved in the interest of the workers. I heartily support that this Bill be passed.

The Honourable Sir Frank Noyce : I have only very few words to add to this discussion. I am very glad that my Honourable friend,

[Sir Frank Noyce.]

Mr. Azhar Ali, has made the point that an Honourable Member in charge of a Bill has only one voice and one vote in a Select Committee. The members of the Select Committees are chosen from all parts of the House and the decisions of the majority must be taken to represent the views of the House. There is one point which I should like to impress upon the House. Mr. Abdul Matin Chaudhury and Mr. Joshi said that the Bill made sweeping reductions in the amount of compensation which could be awarded. That is very far from being the case. If the House will look at the Schedule which is attached to the Bill, they will find that there are no less than 17 classes of workmen included in it. The changes made by the Select Committee as regards death and permanent disablement of adults affect only four of these classes, two at the top and two at the bottom, those whose wages are below Rs. 10 and from Rs. 10 to Rs. 15 and those whose wages are between Rs. 100 and Rs. 200 and above Rs. 200. These are the sweeping changes which we are alleged to have made in the scale of compensation. There are also three small changes in the compensation for temporary disablement which were meant to smooth out the scale. As to the reasons which actuated the Select Committee in making these reductions, I shall have more to say when we come to discuss the amendments which stand in the name of Mr. Joshi. Mr. Joshi tells us that he had hoped that Government would be more generous in this matter of compensation. I would ask him why Government should have been more generous than the Commission of which he was a member. I would also ask him why he should talk of generosity on the part of the Government. They are not here dealing with their own money, but they are dealing with the money of the employers and it is to that extent.....

Mr. N. M. Joshi : Have you accepted the recommendations of the Commission ?

The Honourable Sir Frank Noyce : That, Sir, is another question. That was not the burden of Mr. Joshi's complaint as I understood him. His complaint was about the scales in the original Bill and he expected that they would have been more generous. As I am endeavouring to point out, there is no reason whatever why the Government in framing this scale should have gone beyond the recommendations of the Commission of which he was a member. I should like to express my agreement with him on one point. I do agree with him that compulsory insurance is the true solution of this problem. But, Sir, that is unfortunately an idea for the future. As the Royal Commission pointed out in their report, the administrative expenses would be tremendous and it is out of question to inflict them on industry in present conditions or, I fear, in conditions that are likely to obtain for some period to come. That is all I have to say except to express my own firm conviction that the Select Committee, in the course of their examination of this Bill, made changes which have given the workmen far more than they have taken away.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 2 stand part of the Bill.

Mr. G. Morgan (Bengal : European) : Sir, I beg to move the amendment which stands in my name :

"That for part (*i*) of clause 2 (*a*) of the Bill, the following be substituted :

'(*i*) in clause (*d*), after the word 'unmarried' in both places where it occurs, the words 'or widowed' shall be inserted'."

The reason for this amendment, Sir, is not in any antagonism to the Bill or the principle of the Bill nor with any so-called capitalist feeling. We all know that the rights of labour must be recognised and the care of labour should receive sympathetic attention. But, in analysing this clause, we feel that there will be practical difficulties in accepting the clause as in the Select Committee's report. Proof of dependence is one which may give rise to considerable difficulties and will, we think, let in the lawyer element. Indeed the amount to be paid to some of the dependants who have got to prove dependence might be exceeded by the fees which they have to pay to those who plead their cause, and, if there were any difficulties of that description, it would be certain to cause labour discontent and unrest, which, from the employer's point of view, is to be deprecated. The effect of this amendment would be to abolish the Committee's proposal to divide the dependants into two categories, to abolish the proposal that those in the second category should be called upon to prove dependence and to abolish the Select Committee's proposal that illegitimate children and widowed daughter-in-law should be added to the list of dependants. It is a reversion to the original list of dependants as in the existing Act, but to the existing Act is added (*a*) a widowed daughter, (*b*) a widowed sister. My amendment would then read as follows :

"(*d*) 'dependant' means any of the following relatives of a deceased workman, namely,—

a wife, a husband, parent, minor son, unmarried or widowed daughter, married daughter who is a minor, minor brother, unmarried or widowed sister, and includes the minor children of the deceased son of the workman, and where no parent of the workman is alive, a paternal grandparent."

That is the clause of the Bill which was submitted to the Select Committee, and the main object of my amendment is to decrease the large numbers of dependants which were added by the Select Committee, and to do away with the proof of dependence. I recommend my amendment to the acceptance of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That for part (*i*) of clause 2 (*a*) of the Bill, the following be substituted :

'(*i*) in clause (*d*), after the word 'unmarried' in both places where it occurs, the words 'or widowed' shall be inserted'."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have no intention to enter into the fight between capitalist and labour. I am neither a capitalist nor a labourer, but I speak from a disinterested point of view. The object of the proposed amendment is that the specific relatives mentioned by Mr. Morgan should be given compensation whether they are dependant upon the worker or not. Another amendment is coming which says that others, when not wholly or partly dependent on the workman, should also get compensation. Sir, I do not see eye to eye

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with these amendments. I find that it is necessary that the relatives should be given compensation, but only those relatives who can be presumed to depend upon the workman or those who prove that they were actually dependent upon the workman. If you are not going to put that bar that they should prove that they are dependants, then it would mean that any person can come forward and say that he should get it as a relative. They go as far as the grandparent to get compensation, but why not, further on, three degrees or five degrees removed ? They will come forward and say that they want compensation. Therefore, I submit, that the provision that has been made.....

Mr. N. M. Joshi : Sir, on a point of order, may I ask you how this point arises on the amendment moved by Mr. Morgan ?

Mr. Lalchand Navalrai : I will explain. Mr. Morgan does not want that the widowed sister should not be dependent upon the worker. You say that the widowed sister and other relative should be added and the words " dependant " or " not dependant " should be taken away.

Mr. G. Morgan : I read out the clause and it begins :

" ' Dependant ' means any of the following relatives, etc."

and in that is included widowed daughter or widowed sister. These are the two additions I wish to make, and that is the only amendment I move at the present moment.

Mr. Lalchand Navalrai : If that is the meaning of the amendment, I cannot understand why, if a widowed sister or widowed daughter has any other means of support, they should be given any compensation. My point is only this that the relatives that have been mentioned in the Select Committee's report are such as can be presumed to be dependent and that will mostly remove the question of the proof of dependence. Therefore I think that what the Select Committee have done, they have done rightly and disinterestedly. I think any insinuation that they have taken sides is out of the question. But what I submit is that they have given their full consideration to a matter which was a great contest between capitalist and labour. Both were pulling their strings very hard and I think they found out a reasonable medium. I should, therefore, like not to support this amendment.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this amendment. The question now is, how is the compensation to be divided. Mr. Morgan wishes to enlarge the list and bring in more members of the deceased workman's family who were omitted in the Bill.

The Honourable Sir Frank Noyce : May I interrupt the Honourable Member ? Mr. Morgan does not wish to bring in a new class, but to change the category.

Mr. B. V. Jadhav : I do not mean that Mr. Morgan wanted to bring in a new class, but he wants to bring in more members of the workman's family.....

The Honourable Sir Frank Noyce : No.

Mr. B. V. Jadhav : In addition to the unmarried daughter he wants to bring in the widowed daughter.....

Mr. G. Morgan : Might I explain ? It seems to me so clear that I cannot understand what the trouble is. My amendment is the clause in the original Bill which was sent to Select Committee, with the additions of " or widowed daughter or widowed sister ". The dependants in my amendment, which, with your permission, Sir, I may read out again—though it is rather tiring for the House—are as follows :

" ' dependant ' means any of the following relatives of a deceased workman, namely, a wife, a husband, a parent, minor son, unmarried or widowed daughter,—(*that is an addition*)—married daughter who is a minor, minor brother or unmarried or widowed sister—(*that is an addition*)—and includes the minor children of a deceased son of the workman and where no parent of the workman is alive, the paternal grandparent."

This is the full clause as it would read if my amendment were accepted.....

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : I could not understand one thing from the amendment of the Honourable Member. How can a married daughter be a minor ? Under the Sarda Act there can be no minor married daughter !

Mr. B. V. Jadhav : I understand that wherever the word " unmarried " occurs, the words " or widow " should be inserted : that is to say, just as an unmarried daughter is entitled to a share in the compensation, so also a widowed daughter will be entitled to a share in the compensation according to the amendment moved by Mr. Morgan. In the same way, as an unmarried sister is entitled to a share in the compensation, so also a widowed sister is entitled to a share in the compensation according to the amendment ; and I support both of these. In case of an unmarried daughter, her claim to a share is undisputed : in the case of a widowed daughter, some may object that she may have other means of subsistence and, therefore, she is not in need of any share in the compensation : if she has got nothing left from her late husband, then of course she would have to come back to the original family and she will be dependent on the workman. We may presume that among workmen there is not much property left behind for the maintenance of widows, therefore, almost in every case the widowed daughter is almost sure to go back to her father's house. The same is the case with regard to the widowed sister and, therefore, I support Mr. Morgan in his amendment that wherever the word ' unmarried ' occurs, the words ' and widowed ' should be added.

Mr. A. G. Clow (Government of India : Nominated Official) : May I explain, Sir ? I think the Honourable Member who spoke last is under a misapprehension. The whole House, as far as I know, is agreed that these two relatives mentioned by Mr. Morgan should be included in the Bill. The effect of Mr. Morgan's amendment will be, in the first place, to exclude certain other relatives whom he mentioned, and, in the second place, to include these particular relatives without any proof of dependence. Whether Mr. Morgan's amendment is accepted or rejected, the two relatives in question will be dependants in some circumstances or other.

Mr. President (The Honourable Sir Shanmukham Chetty) : In other words, Mr. Morgan's amendment means that a widowed sister or daughter would be entitled to share in the compensation without proof of dependency ?

Mr. A. G. Clow : That is so : though it would still rest with the Commissioner to decide whether they should share or not.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I have been trying to understand what was the meaning of Mr. Morgan's amendment : but unfortunately I have not been able to follow it. There are two amendments here : one is No. 3 and the other is No. 4. I can quite understand No. 4—he wants to get rid of the distinction made in the Bill, namely, those who are to be held to be dependants and those who have to prove that they are dependants. That is the effect of amendment No. 4. But I do not understand whether we are dealing with the two amendments or only with one amendment, and what is that.....

Mr. President (The Honourable Sir Shanmukham Chetty) : We are dealing with No. 3.

Mr. S. C. Sen : Then may I understand that by No. 3 he means that wherever the word ' unmarried ' is mentioned, the words ' or widowed ' should be added ? If we are dealing with amendment No. 3 and it refers to the original Act and his amendment is only to add those words, then I do not think anybody can have any objection. But we are changing the whole clause (*d*) here by the Bill and we have put in a new clause (*d*) in place of the one in the original Act. So, if he sticks to amendment No. 4, how this amendment No. 3 can be worked ? That is my difficulty. Amendment No. 3 relates to (*d*) as it now stands in the original Act, but here in the Bill we have changed (*d*) and put in a new (*d*).....

Mr. President (The Honourable Sir Shanmukham Chetty) : If the chair has understood the position correctly, according to the Workmen's Compensation Act the Commissioner has to decide which of the dependants of a workman are entitled to a share in the compensation : these dependants are divided into two classes, those who can get compensation by proving dependency and those who can get it without proof.

Mr. A. G. Clow : At present there is no need of proof of dependency ; as the Act stands, all the relatives named are treated as dependants ; they have merely to prove relationship. What the Select Committee has done has been to divide the dependants into two categories, and to enlarge the list : they have divided them into those who need not prove that they are dependants, and those who have to prove that they are dependants. The object of Mr. Morgan's amendment is to go back upon that decision and to have only one category, and slightly to enlarge the list of dependants under the present Act.

Mr. S. C. Sen : As I understand Mr. Clow, if amendment No. 3 is allowed, amendment No. 4 cannot remain, because amendment No. 3 only refers to the definition of dependants as it now exists in the Act. It has nothing to do with the Bill. Therefore, if that is passed as it exists in the original Act, amendment No. 4 cannot come in at all. Amendment No. 4 only applies if.....

Mr. G. Morgan : On a point of order, Sir. Amendment No. 4 has not been moved.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member might discuss this point when amendment No. 4 is reached.

Mr. S. C. Sen : Then, Sir, I have nothing more to say.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, it will, I venture to think, save the time of the House if I, with your permission, deal comprehensively with all the three amendments which have been put forward to clause 2 of the Bill as it might possibly have the effect of clearing up a considerable amount of misapprehension. Now, Sir, as was stated by the Select Committee in their Report, this clause of the Bill as introduced into this House was designed to add certain relatives to the list of those included in the definition of " dependants ". I had better give the House that definition, I think. This is the definition in the Act as it stands at present :

> " ' Dependant ' means any of the following relatives of a deceased workman, namely :—a wife, husband, parent, minor son, unmarried daughter, married daughter who is a minor, minor brother or unmarried sister, and includes the minor children of a deceased son of the workman and, where no parent of the workman is alive, a paternal grandparent."

Now, Sir, in the Bill as introduced into this House it was proposed to add certain relatives, and those relatives were widowed daughters and widowed sisters,—the subject of Mr. Morgan's amendment. The majority of the Select Committee, however, thought it desirable to add certain other relatives who, though not infrequently dependent on a deceased workman, would not be included in the definition of " dependants " even as enlarged by the Bill. They felt, however, as has been stated in their Report, that so long as no proof of dependence was required, it was inexpedient to enlarge the definition, as every addition must obviously increase the risk of compensation going to persons who have no equitable claim. They, therefore, endeavoured to meet this difficulty by dividing the dependants into two categories, placing in the first category those who are practically in all cases actually dependent, and, in the second, those who may or may not be in that position ; and they provided that, whilst those in the first category need not be called upon to prove dependence, those in the second category should be so required. They felt that, if this modification were made, certain additions could safely be made to the second category. They therefore included illegitimate children, widowed sisters and widowed daughters-in-law. Now, Mr. Morgan wants to go back to the Bill as it was originally introduced. Mr. Joshi wishes all proof of dependence eliminated. I have listened with great respect to what Mr. Morgan and Mr. Jadhav have had to say, but I think they have failed to meet the main points in favour of the Select Committee's proposals. I will state very briefly what, in my opinion, those points are. Looking at the matter from the point of view of the employer, I do not see how the new system need add one anna to his costs. It will still be open to him to say that he does not want to be a party to the distribution proceedings. In the alternative he can contest relationship, but not dependence. In other words, in no case need an employer contest dependence so that

[Sir Frank Noyce.]

he can treat the Act exactly as if it did not contain the provision to which objection is now taken. At the same time, he has the option, if he desires it, of contesting the claims of certain dependants on a ground which was not previously available. Looking, Sir, at the matter from the point of view of the dependants, I would point out that the second category includes those who are not ordinarily dependent. It is important to remember, as regards this category, especially in the case of the relatives, the Labour Commission wanted to add to it, that is, the widowed daughters and sisters, that the presumption is against dependence; for these relatives are generally supported by the family they are married into, and not by the family they are born in. And I need hardly point out to the House that the inclusion of illegitimate children, if no proof of dependence is required, opens the door for a very large number of spurious claims. As I understand the position as it is at present,—I was myself for a short time a Commissioner of Labour,—some proof of dependence is or should be always required by the Commissioner in the case of relatives in the second category. Personally, when I was Commissioner myself, as I said it was only for a very short period, if I found that there were any dependants in the first category, I did not award any compensation to any one in the second category without very good evidence of the extent of dependence.

Another point, and I think it is an important point in favour of the Select Committee's proposal, is that the present Act has the effect in some cases of giving the whole of the compensation to persons who never got a pie from the deceased in his lifetime. I admit that such cases are rare, but I have no doubt that they do occur, and it seems to me that an added advantage of the amendments which have been made in the Bill by the Select Committee is that they make it possible to prevent such an anomaly.

I cannot agree with the argument that there has been any departure from the principle underlying the Act as it is at present. It is not, in my view, a principle underlying the Act that compensation should be given to relatives whether they are dependent or not. The Act relied on the Commissioner to ensure that compensation was really compensation; in other words, that it went, as far as possible, to compensate those who actually suffered by the death of the deceased and was not a gift to people who were in no way financially injured. The result of the amendments introduced into the Bill by the Select Committee is merely to alter the method by putting this conception into the Act itself, and, in so doing, it maintains a principle which is common to all Workmen's Compensation legislation.

To sum up, it is, I maintain, and as the Report of the Select Committee observes, quite impossible to go on adding to the list of dependants and still to provide that there should be no proof of dependence. The acceptance of Mr. Morgan's second amendment and if Mr. Joshi's amendment would mean that in cases where the only relatives left is one of the more distant ones, that relative would get the whole of the compensation whether he or she was actually dependent or not. As some of the relatives included will not, amongst Hindus at least, ordinarily be dependent on the deceased, I submit for the consideration of the House that this would be an improper provision. It is for these reasons that I regret I must oppose all the three amendments. I trust that I have done something to clear up the position to the satisfaction of the House.

Mr. Abdul Matin Chaudhury: I am glad that my Honourable friend Mr. Morgan realises the difficulty of proving dependence. It may be necessary to divide the workers into two categories, one having a prior claim over another, but to insist on proof of dependence will involve them in great hardship, because the workmen are generally illiterate poor men living in distant villages, and if they are to produce proof of dependence it will involve them in litigation which I think will swallow up a good bit of the compensation that we are trying to give them. Again, the trouble and worry and expense of adducing proof of dependence will deter many of them from putting in their claim for compensation, and surely we should not prescribe a course that will have such a deterrent effect. The Labour Commission never recommended that proof of dependence should be insisted upon.

The Honourable Sir Frank Noyce: The Labour Commission never recommended the addition of so many relatives to the list. Obviously if you introduce such relatives as illegitimate children, you must insist on proof of dependence.

Mr. Abdul Matin Chaudhury: I may refer to the views of the Bombay Government in their memorandum submitted to the Royal Commission about the difficulties of administering the Act if proof of dependence is insisted upon. This is what they say:

"The bulk of the employers favour proof of dependence, although some of them recognise the considerable administrative difficulties involved in getting proof of dependence. Workers' interests are divided on the subject. While it is true that the assumption of dependency often leads to considerable sums of money being paid out to people who have not the slightest claim ever to have been dependent on the deceased workman, for example, husbands in respect of the death of their wives, the joint family system, which is still common among the working classes in India, means that all the members of a joint family are in some degree or other inter-dependent upon each other. It would, therefore, be extremely difficult to administer the Act where proof of dependency was required to entitle a person to compensation. If any provision insisting upon proof of dependency were introduced, it would open the door to a large volume of litigation between relations which would be a very distinct drawback to the Act. Moreover, it would enormously increase the work of the commissioners and entail long delays in the distribution of compensation. A comprehensive list of dependants, as at present, but with no proof of dependency, seems to be the best system for Indian conditions."

I find that Mr. Morgan and Mr. Joshi are in agreement on this point. From the point of view of the Government there is administrative difficulty if proof of dependence is required. Why should Government then go out of their way and change the Act and bring in the necessity of proving dependence when the Royal Commission does not recommend it?

Mr. N. M. Joshi: Mr. Morgan seems to have two objects in view. His first object is that the requirement of proof of dependence should be taken away. I am in sympathy with that. His second object is that the list of dependants should not be increased to the extent to which the Select Committee has increased. I do not sympathise with that object. I think Mr. Morgan has got another amendment on the paper. He will be well advised to move that amendment and I am sure that he will get more sympathy for it.

[Mr. N. M. Joshi.]

As regards the point raised by the Honourable Member in charge of Industries and Labour—I admit I must speak about him with great caution as his nerves seem to be very sensitive today—I would like the Honourable Member to consider this carefully. He must choose either of two courses ; either he must agree to give to the man who is injured compensation in accordance with his responsibilities. If he has a large number of dependants depending upon him the compensation should be sufficient for the maintenance of the dependants. I can understand his saying, let there be proof of dependence, if the object is that the responsibilities which he has on his shoulders ought to be met by the employers. As a matter of fact, the English law requires proof of dependence, but the English law makes provision that if the man has got more children compensation should be increased. That is what the English law does. If the Honourable Member is willing that the compensation should be increased when the number of dependants is larger and dependence is proved, I can understand it ; but so long as he is willing to give only a certain amount of compensation there is really no meaning why he should ask for proof of dependence. As a matter of fact, this question has been very carefully considered even by the Royal Commission. The Royal Commission does not recommend that the previous system which our workmen's compensation law has followed should be changed. If the Honourable Member wants to change that system, let him do so, but he cannot do it by merely asking for proof of dependence. If he wants proof of dependence, then he shall have to change the whole system of workmen's compensation law which we have followed so far and also give compensation in accordance with the responsibilities which the injured man has. I would therefore suggest that the Honourable Member who moved this amendment should not press it, but that he should move his next amendment with which we sympathise.

Mr President (The Honourable Sir Shanmukham Chetty) : The question is :

" That for part (*i*) of clause 2 (*a*) of the Bill, the following be substituted :

' (*i*) in clause (*d*), after the word ' unmarried ' in both places where it occurs, the words ' or widowed ' shall be inserted '."

The motion was negatived.

Mr. G. Morgan : Notwithstanding the fact that the Honourable Member has already told us that he will oppose it, I move the amendment which stands in my name and which reads as follows :

" That in part (*i*) of clause 2 (*a*) of the Bill, for the proposed clause (*d*) the following be substituted :

' (*d*) ' dependant ' means any of the relatives of a deceased workman, namely, a wife, a minor legitimate son, an unmarried legitimate daughter, a widowed mother, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent '."

The effect of this amendment is merely to do away with proof of dependence and to classify all dependants under one head. It leaves the list of dependants exactly the same as was suggested by the Select Committee, but does not make it necessary for those dependants to prove dependency.

The reason why we wish to do away with proof of dependency is that we see great difficulty in practical working, and also, as I have said before, there is the possibility of applicants becoming a prey to legal advisers if I may use that word. They would, instead of gaining by any sum which the Commissioner might give them, find that they had to pay something extra. I think I am right in saying that the Honourable Member in his remarks said—I stand corrected if I did not hear him properly, it is very difficult to hear in this House—when any one in the second category came forward with a claim he himself required very good evidence before any relief was given. If I am wrong in what I say, I shall be no doubt corrected.

4 P.M.

The Honourable Sir Frank Noyce : The Honourable Member is perfectly right. I said that if there were any relatives in the first category, such as a wife, a minor legitimate son, an unmarried legitimate daughter or a widowed mother, they had the first claim. They seemed to my mind, as they must to all Commissioners of Labour, to have the first claim and if more distant relatives appeared and made claims, one had to make quite sure, in order to be just to the nearer relatives, that they were actually in receipt of assistance from the deceased.

Mr. G. Morgan : That is my point. Then I was correct in what I said. If that was the position under the old Act there is no necessity now to make it a statutory obligation. The Commissioners themselves say : " We must have further proof. We do not admit your claim ". That is perfectly just. The Honourable Member himself says that there would be no compensation unless the Commissioner himself is satisfied. I am quite ready to accept that position, but if you make it a statutory obligation, they will have to come forward with proof. That brings in the legal aspect of documentary proof which will be an extra expense for those who wish to bring forward proof. If this amendment is accepted, it would be better for the practical working of this clause.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in part (*i*) of clause 2 (*a*) of the Bill, for the proposed clause (*d*) the following be substituted :

' (*d*) ' dependant ' means any of the relatives of a deceased workman, namely, a wife, a minor legitimate son, an unmarried legitimate daughter, a widowed mother, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent '."

Mr. A. G. Clow : I listened with some care to see if my Honourable friend would meet the arguments of the Honourable Member in charge of the Bill in dealing with the previous amendment ; but so far as I have been able to follow him, he has not attempted to deal with any of the reasons which induced the Select Committee to introduce the distinction to which he objects. This amendment, if I may say so, is open to much more objection than the one which he previously moved. So long as you are willing to stand by the list of the relatives that the Labour Commission suggested, up to that point, I see no very great objection in doing without proof of dependence. But if you want to introduce a considerable number of other relatives, including illegitimate children, it seems to me

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you are incurring a very grave danger, if you say that these should be treated as dependants whether they were in fact dependent or not. Mr. Morgan suggested that as the Commissioner requires proof already, there is no object in making this a statutory requirement. But the point is that if there are no relatives in class 1, and there are relatives in class 2 who were not really dependent, it is no use the Commissioner calling for proof, because he cannot reject their claim. Even if he finds that they never saw the deceased in their life or drew an anna from him, if they are the only dependants left, he must disburse the full amount of compensation to them under the present Act. I oppose the amendment.

Mr. Lalchand Navalrai : I do find that Mr. Morgan has made his amendment very clear. He means to say that he wants to lay down a definition of dependant. I submit that that will be very wrong. I am a Hindu and I know how widowed daughters and widowed sisters are maintained. The widowed daughters and sisters, at least in our part of the country, remain in the house of their husbands even after their death. They have enough of property to live upon and if this amendment is accepted, an anomaly will arise. I will illustrate my point. A workman has a son and also a widowed daughter. If the widowed daughter is dependent upon the workman, the son will be very willing to give her a share, but if she is not and has means of her own, then this amendment will compel the Commissioner to give her also a share, whether she deserves it or not. Therefore, I submit that this amendment should not be accepted. I oppose it.

Mr. N. M. Joshi : I think Mr. Navalrai is under a misapprehension. The Workmen's Compensation Commissioner has full discretion as regards the distribution among the various relatives. Where there is only one relative, he has no discretion. He must give the compensation to that relative, but if a man has got several relatives dependent upon him, then the Workmen's Compensation Commissioner has full discretion to distribute the amount to whoever he likes.

Mr. Lalchand Navalrai : Without proof ?

Mr. N. M. Joshi : Proof he will require. He will make inquiries as to whom he should distribute. That is for the distribution and not for the payment of compensation by the employer. On the whole, I think that Mr. Morgan's amendment will meet my purpose. The proof of dependence will not be necessary and the list of relatives is in accordance with the recommendation of the Select Committee. I, therefore, hope that the House will accept his amendment.

Mr. S. C. Sen : I oppose this amendment. The Select Committee went into the matter carefully and came to the conclusion that there should be some distinction between persons who are heirs or actual dependants and those who may not have known the workman, who have no connection with him, except that after his death they come forward and put forward a claim on the basis of relationship. For whose benefit was this distinction made ? For the benefit of the persons who are closely related to a workman and are real dependants and if the workman had been alive or had the capacity to make a will he would have provided for those persons. That is the first category. The second category includes persons who would never have got any portion of the assets of the deceased workman under ordinary circumstances. Why should they come before the Commissioner and try to minimise the compensation to be paid to other persons who are really dependants of the workman ? Therefore, the Select Committee came to the conclusion that there ought to be some proof of dependency in the second case, and, as Mr. Joshi says, the Commissioner in distributing the compensation has to take proof from all claimants as regards their relationship under the present law—at one stage or another, the Commissioner has to make an inquiry. It is to prevent that inquiry, so far as regards the first named persons, that this provision has been made, namely, as regards certain classes of persons who are presumed to be dependants. There ought not to be any enquiry. They are not to adduce any proof, but they will be paid the compensation which the Commissioner will fix. As regards the other persons, the Commissioner will take evidence as to whether they are dependants or not and this he will have to do under the present law. Therefore, I do not see what difficulties may arise in providing for the two classes of persons separately. I, therefore, oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in part (*i*) of clause 2 (*a*) of the Bill, for the proposed clause (*d*) the following be substituted :

' (*d*) ' dependant ' means any of the relatives of a deceased workman, namely, a wife, a minor legitimate son, an unmarried legitimate daughter, a widowed mother, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent '."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 3 stand part of the Bill.

Mr. N. M. Joshi : Sir, I move :

" That in part (*i*) of clause 3 (*a*) of the Bill, for the word ' seven ' the word ' three ' be substituted."

This clause refers to what is called waiting period. At present if a man is disabled for only ten days, compensation is not paid. The Royal Commission recommended that this period should be reduced to seven and the Bill makes provision with that object. My amendment seeks that this period should be reduced to three days. The only argument that I have seen used against the reduction of the number of days is that the number of cases that will arise will be very large. Personally, I hold that the number of such accidents is not very large. If you take those organised industries for which statistics have to be maintained as regards accidents such as factories and mines, the number of minor accidents is not so large that we should hesitate to introduce this reform and I do not know why we should refuse compensation to a man who receives minor injuries. I therefore

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suggest that my amendment should be accepted. We should not cause the poor labourer some loss of four days' wages. After all, wages mean something to these labourers. If a labourer does not get his wages for four days he loses a great deal and we should not put him to such a loss. I therefore hope that the House will accept my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in part (*i*) of clause 3 (*a*) of the Bill, for the word ' seven ' the word ' three ' be substituted."

Mr. A. G. Clow : I regret, Sir, that I must oppose this amendment. The Labour Commission gave a good deal of thought to this question and, in fact, Mr. Joshi was one of those who agreed originally to a period of seven days. He now wants to reduce that period to three days. He suggests that the number of cases will not be very large. Now, that is a point on which statistical experience is available. If you take the accidents in any country, experience tends to show that there is not a very great difference between the proportion of accidents that incapacitate a man for one, two, three or four days and those which incapacitate him fatally or permanently. Now, we have not complete statistics in India and I must therefore rely on experience elsewhere. It tends to show that if you abolished the waiting period of a week altogether, you would add 60 per cent. to the possible claims. I cannot give an exact figure for Mr. Joshi's reduction of three days, but I estimate that it would be in the neighbourhood of 30 per cent. In other words, even a small reduction of the waiting period adds enormously to the number of potential claims.

And what does it give in return ? It gives extraordinarily little. Suppose we take the average workman as being in receipt of about Rs. 20 a month, which, Mr. Joshi will agree, is a fair figure. He gets roughly as compensation 7 annas a day. In other words, taking the extreme case where the injury lasts the whole seven days, he is going to get under Mr. Joshi's proposal Rs. 1-12-0. In other cases he will get sums of Rs. 1-5-0, 14 annas or 7 annas. In dealing with sums of that kind, the administrative expenses are out of all proportion to the benefits received by the workman. If the case is contested, the workman has got to give notice. The Insurance Companies have to be consulted, the employer has got to appear and in the result a sum far exceeding the total amount of compensation will be spent in disposing of the claim. There is one further objection to this three days period and that is that in section 11 of the Act the employer is entitled to three days from the time of the receipt of notice to decide whether he wants a medical examination. If you accept this period of three days, I imagine that in a good many cases when the doctor turned up, the man would be back at work. He might say : " I was seriously ill for more than three days but I am glad to say that I am now better and I should like to have compensation ".

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in part (*i*) of clause 3 (*a*) of the Bill, for the word ' seven ' the word ' three ' be substituted."

The motion was negatived.

Mr. N. M. Joshi : Sir, I move :

" That in part (*ii*) of clause 3 (*a*), after the words ' resulting in death ', the following be inserted :

' or in disability causing loss of 50 per cent. or more earning capacity '."

This amendment is intended to give effect to the recommendation of the majority members of the Royal Commission. The principle of Workmen's Compensation legislation is that those who start industries bring into existence certain risks by starting those industries. Those who bring into existence these risks should pay for the results of the accidents caused by those risks. This is the simple principle of workmen's compensation legislation. The workmen's compensation legislation has nothing to do with the negligence either of the employer or the employee. Although that is the principle of workmen's compensation legislation, but on account of the fact that capitalists are very influential they have got a clause put in the legislation of England and in some other countries that where a workman is negligent in certain matters he should not be given compensation.

Mr. A. G. Clow : " Wilful disobedience ".

Mr. N. M. Joshi : Wilful negligence. This insertion of the consideration of wilful negligence on the part of workmen is really against the principle of workmen's compensation legislation altogether. Somehow, on account of the influence of the capitalists in the legislature this defect crept in. Then attempts were made to remove the defect. In Great Britain legislation was passed which provides that this consideration of wilful negligence on the part of workmen should not be a bar to his dependants or to himself getting compensation in the case of death or in the case of serious permanent injury. This legislation was passed in Great Britain many years ago, I think 1906. We pass our legislation long after this British legislation was passed. But in spite of that fact our Government which prides itself upon being the Government of a backward country pass legislation in 1923 which was changed in Great Britain long before that. They put in this clause barring the workmen securing compensation when his wilful negligence was proved. The Royal Commission considered this question and its recommendation is that this wilful negligence on the part of workmen should not be a bar to his securing compensation in case where the accident causes death. That was unanimously passed and in case where permanent disablement is caused, it was passed by a majority of votes of the Royal Commission. The Government did not accept the recommendation of the majority of the members of the Royal Commission. They have given effect to the provision that workmen should not be deprived of their compensation on account of the plea of wilful negligence where death is caused. I am proposing by my amendment that even where serious permanent disability is caused, that is a disability on account of which he loses 50 per cent. of his earning capacity, the right to compensation should not be taken away on account of wilful negligence. I am quite aware that there are certain lawyers who somehow feel that this is against the principle of the law that a man who is wilfully negligent should not get compensation. Lord Birkenhead who was then Mr. F. E. Smith had made a speech on this point in the House of Commons. I am quite sure Members of the Assembly will recognise that Lord Birkenhead was a distinguished lawyer. He stated very clearly in the House of Commons, when this point was discussed there, that he could not imagine a

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workman wilfully doing something which will cause his death or permanent injury to himself. He was therefore in favour of that proposal. I shall read his actual words : " The point of view which appealed to me so strongly was this, a workman would not commit a breach of rules for any improper motive if the result of that breach was likely to inflict upon him a permanent disablement or death ". What Lord Birkenhead says is this that you cannot say that a man wilfully will commit something by which his death will be caused or serious permanent disability will be caused to him.

Mr. Lalchand Navalrai : Do you know people commit suicides.

Mr. N. M. Joshi : To say that a man will do so, he says, is to go against human experience. There are people who commit suicides. I quite realise that, but we are not dealing with suicides. I am dealing with a man who causes permanent serious disablement but not suicide. If you are thinking of suicide it is provided by the Bill. What I am providing for in this Bill is that a man should not be deprived of his right to compensation on the ground that the accident was caused by his wilful negligence if that action involves a loss of a limb or permanent incapacity to the extent of 50 per cent. of his earning capacity. I hope the House will accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in part (*ii*) of clause 3 (*a*), after the words ' resulting in death ', the following be inserted :

' or in disability causing loss of 50 per cent. or more earning capacity '."

Mr. S. C. Sen : I opposed this proposal when it was made in the Select Committee and I oppose it in this House. I oppose the whole principle that a man if he is guilty of negligence should be allowed compensation simply because he is a workman. That is against the principle of natural justice and against everything that we know to be honest and common sense. Why should a man who wants to get rid of his limb or life and deliberately commits a breach of rules—I mean safety rules—be employed in a factory and then will have the satisfaction of knowing that for his negligence his employer would be made liable. That is a very nice proposition. However, a majority of the Select Committee accepted the view that a distinction should be made between accidents resulting in death and not resulting in death and I also agreed to that. Because, if the man is dead the evidence which he could have adduced whether he was negligent or not would be lost and therefore you will have very great difficulty in disproving the fact of negligence. But if the man is alive there is no such difficulty. He can give evidence combating the theory that there was any negligence. And moreover, what is the position of the employer ? The onus will be on him to prove that this accident was due to the negligence of the man who has met with the accident. Therefore he shall have to prove his case and not the workman himself. Moreover, in such a case the workman's evidence will be very important, and even Lord Birkenhead when he said that was probably actuated by the fact that the evidence to be given by the workman was not available. In these circumstances I do hope that the House will reject the amendment moved by

Mr. Joshi. Mr. Joshi always thought and still thinks that the recommendations of the Royal Commission are sacrosanct, but on the last occasion he departed from that and even now he wants to depart from that position because he thinks that the gentlemen who formed the minority were wrong.

Mr. Abdul Matin Chaudhury : Sir, unlike my Honourable friend, Mr. Sen, I was one of those who, when the Bill was referred to Select Committee, pressed for conceding the right of compensation to the workman who suffers loss to the extent of 50 per cent. or more of his earning capacity even when the injury was due to his own wilful negligence. I pressed this in Select Committee also but with no result. I should like to put one question to Mr. Sen. Suppose there is a regulation that soldiers in the trenches should wear a steel helmet, and a soldier in the trenches against that regulation removes his steel helmet wilfully and gets shot. Will you deprive him of his pension ? If you do not deprive the soldier of his pension because of his wilful negligence of the safety regulation.....

Mr. S. C. Sen : In that case there is no question of accident. His death may not be directly due to his removing the helmet but here the occurrence is due directly to his negligence.

Mr. Abdul Matin Chaudhury : Both are on the same grounds. The shooting of the soldier was due directly to his disregarding the safety regulation. Again my friend, Mr. Sen, expressed his righteous indignation at the inequity of giving compensation to the workman because it is due to his own wilful negligence. He forgets what Mr. Joshi just now mentioned as to the fundamental principle on which the Workmen's Compensation Act was based. That principle, as my friend, Mr. Joshi, just now explained, is what is known as the principle of occupational risks. When Mr. Sen starts a factory or coal mine he is responsible for all the accidents that flow from that factory or from that mine. That is the principle on which the Workmen's Compensation Act is based and that is the principle on which the amendment is based. I support my friend Mr. Joshi.

The Honourable Sir Frank Noyce : Sir, I regret that I must oppose this amendment. I submit for the consideration of this House that the position taken up in the Bill is the only logical one. There is one reason and one only that has been advanced for giving compensation in the case of fatal accidents to a workman who meets his death as a result of being at the time under the influence of drink or drugs if wilfully disobeying safety orders and if wilfully disregarding safety devices. My Honourable friend, Mr. Joshi, kept talking about wilful negligence. I must confess that I do not understand the expression. The Act says : " Wilful disobedience of orders expressly given and wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen ". As I said, Sir, there is only one argument for giving compensation in the case of death resulting from accidents attributable to these causes and that is that the man is no longer there to confute the employer's case. That argument obviously does not apply to non-fatal cases. The workman can adduce evidence to show that he was not under

[Sir Frank Noyce.]

the influence of drink or drugs, that he did not disobey any orders or that he did not disregard safety devices. That, Sir, is the case for Government's action in accepting the recommendation only in so far as it has the unanimous support of the Royal Commission on Labour and in making compensation applicable to fatal accidents and not to non-fatal ones. It is true, as Mr. Joshi has said, that the majority of the Commission recommended that the exceptions should not apply in cases where a permanent loss of 50 per cent. or more of earning capacity results from the accident. I must confess I cannot understand the line of reasoning behind this recommendation. What is the result ? The anomalies to which it would lead us would be that if a workman lost an eye he would get no compensation, but that if he lost a leg below the knee he would get it.

Mr. N. M. Joshi : That happens under the present Act, he gets different amounts of compensation.

The Honourable Sir Frank Noyce : Where would you stop ? That is my point. If you stop at 50 per cent., why not stop at 25 or 10 per cent. ? Where are you going to stop ? There must be some definite line and I submit that the criterion should be whether or not the workman is in a position to bring forward evidence. The criterion can only be fatal accidents where the workman is no longer in a position to adduce evidence that his death was not due to the causes I have mentioned. Unless we have a criterion of that kind we lose ourselves ; we slide from one hard case to another. For these reasons I am compelled to oppose the amendment.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, it is more with a view to clearly understanding the underlying principle of this Bill that I rise to make just one or two observations. We have been told that the underlying principle of this Bill is that those who introduce new industries bring along with them certain species of dangers and risks to which the workpeople are exposed ; and, therefore, there is a moral or perhaps a legal obligation placed upon them to compensate those whom they expose to such dangers. This principle, Sir, has not impressed me. I see that there is a certain force in it ; but at the same time there are always two sides to a question. No doubt it is a convenient principle to adopt.....

Mr. N. M. Joshi : It is accepted all over the world.

Mr. B. R. Puri : I am not denying that—all I say is that it is a very convenient principle from the labourer's point of view ; but at the same time the point of view of the industrialists and the capitalists should not be ignored. I am not an industrialist myself nor a capitalist. If anything, I have got my sympathies with the labourers ; but at the same time I cannot disregard the obvious fact that if a capitalist, by setting up a particular factory or manufacturing concern, exposes to a certain measure those who have got to work there to certain risks and dangers, can it not be plausibly said that those, who go and seek employment for consideration, do so with their eyes open and, therefore, they should be deemed to have consented to the necessary and incidental dangers involved in such undertakings ? If the capitalist has offered a certain amount of temptation to the labourer to take up a hazardous kind of work on payment, it is open to the other party in view of the gravity of the risk to say " I will not

risk my life or my limb ". But if with his eyes wide open and for proper compensation and consideration he chooses to run that risk for the sake of making a gain, can it not be reasonably urged, that he is not entitled to any compensation ? Is not it a case of contributory negligence ? What is then the true principle of such legislation ? It is because we have misconceived the real principle of such legislation that we find difficulty in reconciling some of the clauses of the Bill. The true principle is the giving of a compassionate allowance to those who are probably more in need of assistance than the capitalist. And on this principle you can justify the distinction you are making, in the case of death when you grant relief, even if it was proved that it was a case of wilful negligence. Otherwise your position will become inconsistent : wilful negligence is wilful negligence whether it results in the death of the man or in his permanent disablement. In principle there ought to be no difference at all. But it is because we are moved more by merciful and compassionate feelings, more with a view to helping those who perhaps need more help than the capitalist that we are making a departure and an exception in the case where death occurs. That seems to me the real principle because if you try to maintain any other principle, you say that in the case of death the man is no longer available to show that he was not guilty of wilful negligence and, therefore, it should be presumed in his favour that there was no wilful neglect on his part, that will not wash at all for this simple reason : Would you relieve the employer if he is prepared to assert that he can, in spite of the fact that the man is not there, put his relatives into the witness box or produce other evidence to show that the man was really guilty of wilful negligence which brought about his death ?.....

The Honourable Sir Frank Noyce : May I interrupt the Honourable Member ? I would request him to remember that it is wilful disobedience and not wilful negligence : the two things are not the same.

Mr. B. R. Puri : I apologise for the mistake : wilful disobedience of certain rules or regulations which have brought about the death of the person would still entitle his relatives and his dependants to a certain amount of allowances. Would not that be so ?.....

The Honourable Sir Frank Noyce : As I understand him, the Honourable Member is asking me whether, in the case of wilful disobedience or disregard of safety devices which brings about a man's death, his relatives are entitled to compensation. Under the present Act, they are not ; under the new Bill, if it becomes law, they will be.

Mr. B. R. Puri : That is exactly how I understood it. I was saying that you are not taking up a logical position. Suppose in a hypothetical case, by the most unimpeachable evidence it was proved that the man lost his life by deliberately disregarding rules of safety : still it will be no use to the employer : he will still have to pay compensation. Therefore this could not be really the reason in your mind. This cannot be treated as the basic principle of the Bill ; and we are forced back to the position that the real honest way of dealing with this Bill is to acknowledge once for all that the underlying principle is what I have said it to be—that it is merely by way of compassion that we compensate the labouring classes at the expense of those who can perhaps afford the money more easily than the employees.

Mr. N. M. Joshi : May I say a few words ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has no right of reply on an amendment. The question is :

"That in part (*ii*) of clause 3 (*a*), after the words 'resulting in death', the following be inserted :

'or in disability causing loss of 50 per cent. or more earning capacity'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : I may inform Honourable Members that we shall ordinarily adjourn the House at a quarter to five every day. The House now stands adjourned till tomorrow morning at 11 O'clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd August, 1933.

LEGISLATIVE ASSEMBLY.

Wednesday, 23rd August, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN :

Khan Bahadur Malik Allah Baksh Khan Tiwana, M.B.E., M.L.A. (Nominated Non-Official).

QUESTIONS AND ANSWERS.

FIXATION OF PERCENTAGE FOR APPOINTMENTS IN GOVERNMENT SERVICE FOR MUSLIMS AND OTHER COMMUNITIES.

19. ***Mr. Gaya Prasad Singh** : Has any circular been recently issued by the Home Department, or any other official source fixing the percentage of appointments in Government service, for the Mussalmans, the minority and majority communities ? Are any such instructions under contemplation ; and will Government be pleased to lay a copy of them on the table ?

The Honourable Sir Harry Haig : The answer to the first part is in the negative. As regards the second part, the question of some modification of the existing orders regarding representation of minority communities in the public services is under consideration.

Sardar Sant Singh : May I know whether there was any conference of the Heads of Departments on this matter in May or June last ?

The Honourable Sir Harry Haig : The matter has been under consideration for several months.

Sardar Sant Singh : Was there any conference in which all the Members of the Government of India participated and certain provisional or tentative proposals were formulated and decisions arrived at ?

The Honourable Sir Harry Haig : I am afraid I cannot reveal the processes of consideration in the Government of India.

Mr. B. R. Puri : What we want to know is not the details of the conversations or the decisions, but the mere factum whether such a meeting did or did not take place.

The Honourable Sir Harry Haig : I am not prepared to state what processes go on when a case is under consideration in the Government of India.

Kunwar Hajee Ismail Ali Khan : Are Government aware that in the majority of the Departments of the Government of India the Muslim percentage is very very low ?

The Honourable Sir Harry Haig : I think I should require notice of that question.

Sardar Sant Singh : Is it a fact that a circular marked confidential was circulated to all the Heads of the Departments, wherein it was definitely laid down that in future recruitment to the Departments controlled by the Government of India or centrally administered, out of the 33 1/3 per cent. reserved for nomination, 25 per cent. should be given to the Muslims, 6 per cent. to the Anglo-Indians, and the remaining 2 1/3 per cent. to other minorities, and the depressed classes were excluded ?

The Honourable Sir Harry Haig : No, Sir. No such circular has been circulated.

Sardar Sant Singh : Is it not a fact that a letter with this circular containing the above proposal was circulated to the Heads of Departments ?

The Honourable Sir Harry Haig : No, Sir. As I have said before, various proposals are under consideration and have been under consideration for some months, and I am not prepared to say any more about it.

Sardar Sant Singh : What I want to know from the Honourable Member is whether any letter was circulated to the Heads of Departments drawing their attention to this proposal and inviting their opinions thereon ?

The Honourable Sir Harry Haig : I have said before that I am not prepared to explain the various processes gone through while a matter is under consideration in the Government of India.

Mr. Gaya Prasad Singh : Is the Honourable Member prepared to deny the statement of Sardar Sant Singh ?

The Honourable Sir Harry Haig : I have already stated that no such circular was issued.

Mr. M. Maswood Ahmad : Will Government be pleased to state what time they intend to take in deciding this question, that is, the representation of minority communities, and specially of Mussalmans in the services of the Government ?

Mr. Gaya Prasad Singh : They want to keep up a perpetual quarrel.

The Honourable Sir Harry Haig : I admit that is a fair question. The matter has been under consideration for a good many months, but it is a question of very considerable complication and all I can say is that the Government hope to reach a decision as soon as possible.

Sardar Sant Singh : Is it a fact that a second conference was called in the month of August in which the.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. When the Honourable the Home Member has plainly stated that he is not prepared to disclose the stages passed through by the Government in considering a proposal, there is no use for the Honourable Member putting a question like this.

Sardar Sant Singh : May I explain that we on this side of the House seek information on this particular subject, and I have yet to know under what Standing Order we shall be deprived of seeking such information. I want a ruling of the Chair on this point.

Mr. President (The Honourable Sir Shanmukham Chetty) : This is not a question of depriving the Honourable Member of the right of asking any question, but when the Honourable Member repeats the same question in a different form to which an answer has already been given, the Chair has got a right to intervene.

Sardar Sant Singh : I put this question with your permission. Is it a fact that certain communications are passing between Sir Samuel Hoare, the Secretary of State, and the Government of India, in regard to the representation of Anglo-Indians in the railway services ?

The Honourable Sir Harry Haig : I am afraid I cannot state on the floor of the House what communications may pass between the Government of India and the Secretary of State.

Mr. N. M. Joshi : May I ask whether the Government consider that it is a matter of some importance that a certain proportion of jobs should be given to boys belonging to the working classes, and that the middle classes should not monopolise all the jobs ? If this is considered as a matter of some importance, may I know what steps the Government are taking to see that the boys coming from the working classes get their due share ?

The Honourable Sir Harry Haig : The Honourable Member is, I understand, putting up a new claim for communal representation. Well, Sir, I hope that he will put the claim before the Government in the usual way. I do not think it is a claim that has so far been considered.

Mr. Gaya Prasad Singh : Is there any bar to the employment of boys of working classes if they fulfil the requisite educational and other qualifications ?

The Honourable Sir Harry Haig : No, Sir. No bar.

Mr. N. M. Joshi : May I ask whether there is any bar either for the Muhammadans or the Hindus or for the depressed classes ?

The Honourable Sir Harry Haig : No, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member please tell me if all the communications that were made and all the stages of consideration on this point were confidential, and if they were not, may I know why he should not disclose them ?

The Honourable Sir Harry Haig : Yes, they are confidential.

Sardar Sant Singh : May I know what the position of the Sikhs is in the proposals under consideration—whether they are regarded as an important minority community or not ?

The Honourable Sir Harry Haig : I am not in a position to state what the proposals are, because they have not reached that stage at which a statement can be made.

Sardar Sant Singh : My question is whether the Sikhs are regarded as a minority community whose claim for a share of the services should be given due consideration ?

The Honourable Sir Harry Haig : As my Honourable friend is aware, the Sikhs have always been treated as a minority community.

Mr. Gaya Prasad Singh : But not as an important minority community ? (Laughter.)

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the Hindus in Sind are in minority or majority ?

The Honourable Sir Harry Haig : We have not gone into the question of provincial majorities and minorities.

Sardar Sant Singh : May I know since when Government have receded from the position which was taken up in the Montagu-Chelmsford Report that the Sikhs are an important minority community and should be given due weightage in the services of the Government ?

The Honourable Sir Harry Haig : I did not suggest that there had been any change in our attitude towards the Sikh community.

INADEQUATE APPOINTMENTS OF MUSLIMS AS TEMPORARY ASSISTANT INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

20. ***Lieut. Nawab Muhammad Ibrahim Ali Khan** : (*a*) Is it a fact that, consequent on the lowering of the taxable limit, eighteen temporary Assistant Income-tax Officers have been appointed in the United Provinces so far, and that out of these only *four* are Muslims, instead of *six*, according to the percentage allotted to that province ? If so, what steps do Government propose to take in order to redress the grievances of Muslims ?

(*b*) Is it a fact that in making appointments of Assistant Income-tax Officers, a very junior non-Muslim clerk has been taken in supersession of a number of senior Muslims ?

(*c*) What is the percentage of Muslims and non-Muslims in the appointments of temporary establishment (ministerial) made on the lowering of the taxable limit in the United Provinces ? If the percentage of Muslims is lower than what is allotted to that province, what steps do Government propose to make up the deficiency ?

(*d*) Is it a fact that there is no Muslim clerk in the office of the Commissioner of Income-tax, United Provinces, in spite of the policy of the Commissioners of Income-tax in the past ?

The Honourable Mr. A. H. Lloyd : (*a*) Sixteen and not eighteen *temporary* Assistant Income-tax Officers have been appointed. Of these, four are Muslims. I cannot admit the Honourable Member's suggestion that any definite percentage of appointments has been allotted for Muslims ; but even if there had been such a general rule it would not have been applicable to these appointments since they were temporary ones and the selection of men to fill them was confined to those already in Government service.

(*b*) Yes ; such promotions are regulated by merit as well as seniority and not by seniority alone.

(*c*) The percentage of Muslims is 30. As regards the latter part of the question, attention is invited to the reply given to part (*a*) of the question.

(*d*) Yes.

Mr. M. Maswood Ahmad : Do Government propose to stop this system of supersession, because it is always used adversely towards Indians ?

The Honourable Mr. A. H. Lloyd : I do not admit that there is any system of supersession.

Mr. M. Maswood Ahmad : Will Government be pleased to state what is the proportion of cases in which non-Indians have superseded Indians to the cases in which Indians have superseded non-Indians ?

The Honourable Mr. A. H. Lloyd : To the best of my belief there are no non-Indians in the rank of Assistant Income-tax Officers in the United Provinces, to which this question relates.

Mr. M. Maswood Ahmad : I put this question in a general form. It does not refer to this question alone.

The Honourable Mr. A. H. Lloyd : If the question is put in a general form, I would suggest that notice should be given to the Honourable the Home Member. (Laughter.)

Mr. M. Maswood Ahmad: I will do that.

SUSPENSION OF THE CIVIL DISOBEDIENCE MOVEMENT.

21. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state what view they take of the suspension of the Civil Disobedience Movement ?

(*b*) Do Government propose to continue the repressive policy ? If not, have they abandoned it ?

The Honourable Sir Harry Haig : (*a*) and (*b*) . I would refer the Honourable Member to the reply I gave yesterday to his question No. 7.

Mr. Lalchand Navalrai : May I know if repression was stopped when the suspension of the Civil Disobedience Movement was brought about ?

The Honourable Sir Harry Haig : I do not quite know what the Honourable Member means by repression. If he means dealing with those who break the law, then it certainly did not stop. On the other hand I may mention that for several months past Local Governments have been releasing civil disobedience prisoners before the expiration of their sentences if they were satisfied that such releases were not likely to encourage the revival of the Civil Disobedience Movement.

Kunwar Hajee Ismail Ali Khan : Are Government prepared to make a compromise with the Indian National Congress ?

The Honourable Sir Harry Haig : No, Sir. I think it is clear from the statements that have been made that that is not the position.

Mr. Lalchand Navalrai : The Honourable Member knows that there were many kinds of repression with regard to the Civil Disobedience Movement and my question is, if that was stopped ?

The Honourable Sir Harry Haig : I think, Sir, I have answered the Honourable Member's question very fully.

Mr. Lalchand Navalrai : I am not satisfied with the reply, but I would submit that beyond what the Honourable Member just now said about releasing prisoners, there was other kind of repression, for instance, *lathi* charges. Has that stopped ?

The Honourable Sir Harry Haig : If there are unlawful activities which result in the assembly of unlawful crowds, they have to be dealt with, but if the Civil Disobedience Movement is suspended, no such crowds will collect.

Mr. B. R. Puri : Is it a fact that the Civil Disobedience Movement has really stopped ?

The Honourable Sir Harry Haig : I think it is fair to say that all the main manifestations of it are now in suspense.

Mr. B. R. Puri : Thank you. In view of this, are Government prepared to release generally those who were sentenced to various terms of imprisonment before the expiry of their terms in consideration of the fact that the Civil Disobedience Movement has practically ceased to exist, except in individual cases.

The Honourable Sir Harry Haig : I have already explained the policy that has been followed for several months past by Local Governments with the full approval of the Government of India. It has resulted in the release of a number of civil disobedience prisoners before the expiry of their term.

Mr. Lalchand Navalrai : Might I know from the Honourable Member why was it that Mahatma Gandhi was re-arrested and sent to jail ?

The Honourable Sir Harry Haig : Because he did not abandon civil disobedence, and deliberately attempted to revive it.

Mr. Lalchand Navalrai : May I know if any overt act was done ?

The Honourable Sir Harry Haig : He had issued a statement which was a definite incitement to civil disobedience.

Sardar Sant Singh : May I know if preparation for an offence is an offence itself under any system of jurisprudence ?

The Honourable Sir Harry Haig : The point was that in view of the activities of Mr. Gandhi it was necessary to serve a notice on him and, as a result of that notice, he disobeyed the order and broke the law.

Sardar Sant Singh : The Honourable Member is well aware that no offence is said to be committed unless some overt act is done towards its commission. Is that not the law?

The Honourable Sir Harry Haig : The Honourable Member is no doubt a much more experienced lawyer than I am. I should not like to put my view against his.

LLOYD BARRAGE SCHEME ON THE INDUS RIVER.

22. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state if they had taken any interest in the formation of the scheme or planning the Lloyd Barrage on the Indus river ? If not, were the plans submitted to the Government of India for approval ?

(*b*) Do the Government of India know that the Indus river has ever since its existence remained a navigable river ?

(*c*) Do the Government of India know that the Indus river served a very important purpose by its navigation ?

(*d*) Is it a fact that the navigation in this river proved very useful to the East India Company and to the British Government both politically and commercially ?

(*e*) Do the Government of India know that the Barrage at Sukkur has cut off navigation absolutely below the Barrage from Sukkur right up to Ketibundar on the Arabian Sea ?

(*f*) Will Government be pleased to say why the navigation was totally stopped ? Was it with the sanction of the Government of India and the Secretary of State ? Was any definite and specific sanction of the Bombay Legislature and the Government of Bombay obtained to cut off this navigation which existed from pre-British days ?

(*g*) Do the Government of India know that in similar schemes on other rivers where free navigation was not possible the locking system has been provided for ? Was this system considered for the Sukkur Lloyd Barrage ? If not, why not ?

(*h*) Is it a fact that no kind of navigation was provided for below the Barrage on the allegation that the navigation below the Barrage was not as much necessary as above it upto Sukkur town ? If so, how do Government justify this, and will Government be pleased to place on the table materials in support of it ?

(*i*) What is the length of the river below the Barrage upto Ketibunder and what important towns lie on its bank on both sides and at near distances ?

(*j*) Is it a fact that the navigation of the Indus river served trade and commerce throughout the length of the river upto Ketibunder ?

(*k*) Is it a fact that all kinds of goods and commodities which used to be carried down by the river below the Barrage are now being carried by rail, and do Government realise the inconvenience, more expense and more freight caused by stopping the aforesaid natural navigation by the river ?

(*l*) Do Government propose to direct suitable methods to be provided for in the weir by locks or other means to renew the navigation in the river below the Barrage ? If not, why not ?

The Honourable Sir Frank Noyce : The information asked for by the Honourable Member is being collected and will be laid on the table of the House in due course.

Mr. Lalchand Navalrai : Might I put one question—whether there is any intention or any endeavour on the part of the Government to see that there is some arrangement made for the navigation of the Indus river at Sukkur by putting locks or by some other means in existence elsewhere where weirs have been put up ?

The Honourable Sir Frank Noyce : I have already explained to the Honourable Member that the information is being collected. The matter is primarily one which concerns the Government of Bombay and I have had to consult them in order to be able to reply to the Honourable Member's question.

DISTURBANCES IN KASHGAR AND YARKAND.

23. *Mr. Gaya Prasad Singh : Will Government be pleased to make a statement relating to the disturbances in Kashgar and the Yarkand area, giving the causes of the outbreak, the number of Indians killed, injured, imprisoned, or otherwise affected and the steps taken by the Government of India in the matter ?

Major W. K. Fraser-Tytler : The Honourable Member is referred to Press Communiqués issued by the Foreign and Political Department of the Government of India from time to time. A complete copy of the Communiqués has been placed in the Library. The rising in question appears to have originated in grievances of the Tungan and Turki tribes against the Local Government. So far as is known 11 Hindus were killed and nine injured, and one Kashmiri Christian was imprisoned but subsequently released. The property of all the murdered men was renewed and also the property of seven Indians at Posgam, three at Goma and one at Aksu. Silk and carpets belonging to a Hindu trader of Yarkand were looted from the Serai of the murdered Aksakal at Karghalik. At the commencement of the present rebellion His Majesty's Consul-General at Kashgar was instructed to inform the local Chinese authorities that His Majesty's Government held them responsible for the safety of British subjects and their interests. But after the general rising of the population against the Chinese with the consequent complete collapse of Chinese control throughout the province His Majesty's Government and the Government of India have had to depend on the Consul-General at Kashgar to protect the lives and property of their subjects.

ESCAPE OF CERTAIN LIFE CONVICTS FROM PORT BLAIR.

24. *Mr. Gaya Prasad Singh : Is it a fact that three life convicts, Bura, Surain Singh, and Surja Uraon, escaped from Port Blair between August and October, 1932, and have not yet been arrested ? What are the facts of this incident ?

The Honourable Sir Harry Haig : The three convicts mentioned escaped from the Settlement between the months of August and October, 1932. One of them was recaptured in the Punjab in March, 1933. These prisoners were working as *Talabdars* in the Settlement and as such they enjoyed liberty of movement by day.

RAILWAY ACCIDENT NEAR DHARAMPUR ON THE KALKA SIMLA RAILWAY.

25. *Mr. Gaya Prasad Singh : Will Government be pleased to make a statement relating to the railway accident to a passenger train near Dharampur Station on the Kalka Simla Railway about the 17th April last, giving the cause of the accident, the number of casualties, and the steps subsequently taken in the matter ?

Mr. P. R. Rau : At about 6-55 hours on the 17th April, 1933, No. 85 Up Express from Kalka to Simla was derailed on a curve at mile 19|40 between Sonwara and Dharampur stations. The engine and three bogies coaches left the rails. One person was grievously injured and after being given first aid was admitted into the Railway Hospital at Kalka. Nine others including three of the train crew received minor injuries. The Senior Government Inspector of Railways, Lahore, held an enquiry into the circumstances attending the accident and found that it was due to the train travelling at a speed in excess of that sanctioned on this section. The Driver of the train has been punished and removed from the Kalka Simla Section. The question of fitting the engines on this section with speed indicators is being examined.

PRESENT CONDITION OF THE HEALTH OF SAROJ RANJAN ACHARYA DETAINED IN THE DEOLI DETENTION CAMP.

26. *Mr. Gaya Prasad Singh : Will Government be pleased to state the present condition of the health of Saroj Ranjan Acharya, detained in the Deoli Camp ?

The Honourable Sir Harry Haig : On July 15, 1933, the detenu was reported to be free from any appreciable functional or organic disease. His weight was then only a pound less than his weight in October, 1932, when he was admitted to Deoli Detention Jail, and he himself stated that his health had improved.

INDIANISATION OF THE OPIUM DEPARTMENT.

27. *Mr. Gaya Prasad Singh : (*a*) Is it not the policy of the Government to Indianise the Opium Department ? If so, with what result ?

(*b*) Will Government kindly furnish a list showing the number of Indian and European officers in the Opium Department, during the last five years ?

The Honourable Mr. A. H. Lloyd : (*a*) Yes. The figures furnished in reply to (*b*) show the result.

(*b*) A statement showing the number of European, Anglo-Indian and Indian Officers in the Opium Department, during the last five years is laid on the table

Statement showing the number of European, Anglo-Indian and Indian Officers (gazetted) in the Opium Department during the years 1928 to 1932.

Year.	Total number of officers.	Europeans.	Anglo-Indians.	Indians.
1928	27	10	16	1
1929	27	9	16	2
1930	26	9	15	2
1931	28	7	16	5
1932	20	2	14	4

PROHIBITION OF THE IMPORTATION INTO INDIA OF TROTSKY'S HISTORY OF THE RUSSIAN REVOLUTION.

28. *Mr. Gaya Prasad Singh : Is it a fact that Government have prohibited the importation into India of Trotsky's History of the Russian Revolution ? If so, why ? Is there any reference in the book to India, or Indian conditions ?

The Honourable Sir Harry Haig : The book was held up pending examination, but eventually it was decided not to prohibit its importation.

RAILWAY ACCIDENT NEAR MOKAMEH ON THE EAST INDIAN RAILWAY.

29. *Mr. Gaya Prasad Singh : Will Government be pleased to make a short statement relating to the Railway accident near Mokameh (East Indian Railway) recently, giving the cause of it, the number of casualties and the steps taken ?

Mr. P. R. Rau : At about 23-23 hours on the 2nd May, 1933, No. 2 Down Punjab Mail got derailed near the Howrah end of a long masonry viaduct at mile 273|20 between Dumra and Burhee stations on the East Indian Railway.

The Senior Government Inspector after enquiry concluded that the accident was due to the track having been tampered with by some unknown persons with the criminal intention of wrecking the Mail.

The casualties were 5 dead and 13 injured and the damages to rolling stock and permanent way amounted to Rs. 48,000.

The first aid box on the train was brought into use and the rescue work was quickened up on arrival of relief trains with the medical staff from Mokameh, Jhajha and Jamalpur.

Some of the serious cases were sent for treatment to Mokameh Hospital by the first available train ; the other injured were removed to Dinapore Railway Hospital.

The police investigation is proceeding. It is understood certain arrests have been made.

Mr. Gaya Prasad Singh : Have the culprits been arrested ?

Mr. P. R. Rau : It is understood that certain arrests have been made.

Maulvi Muhammad Shafee Daoodi : Who are the officers who have made these inquries ?

Mr. P. R. Rau : The Senior Government Inspector of Railways makes the inquiry.

Maulvi Muhammad Shafee Daoodi : Was any independent inquiry held in this matter as it was given to understand that the cause was not as was described by the railway authorities in the matter ?

Mr. P. R. Rau : The inquiry is one contemplated by the Railways Act. The Senior Government Inspector is quite independent of the East Indian Railway administration.

Mr. S. C. Mitra : Will the Honourable Member kindly give us some indication why it was concluded that it was not due to the accident but was due to the mischievous action of the culprit ?

Mr. P. R. Rau : No, Sir. I am afraid I am not in a position at the present moment to give any more information than I have already given.

Mr. Gaya Prasad Singh : Is it a fact that punitive police is stationed at the scene of the accident and that they are harrassing the people in many ways ?

Mr. P. R. Rau : I am not aware of that. But if the Honourable Member wants further information, I shall be able to get it for him.

Mr. Gaya Prasad Singh : Please do so.

Mr. S. C. Mitra : Is this the only occasion on this section that an accident has happened during the last six or seven months ?

Mr. P. R. Rau : I should ask for notice of that question.

Maulvi Muhammad Shafee Daoodi : As it is creating a sensation in the locality, may I request the Honourable Member to hold an independent inquiry in the matter to see whether the report received is true ?

Mr. P. R. Rau : As I have already informed the House, the inquiry is an independent inquiry and is conducted by the Senior Government Inspector who is not in any way connected with the railway administration. This is the inquiry that is contemplated under the Railways Act.

TELEPHONE CONNECTION OF INDIA WITH LONDON, ETC.

30. *Mr. Gaya Prasad Singh : Will Government be pleased to make a statement relating to the telephone connection of India with London, or other parts of the world, and the financial effect (if any) of the scheme on India ?

The Honourable Sir Frank Noyce : A direct radio-telephone service was established between Bombay and Poona on the one side and the British Isles on the other on the 1st May, 1933. It has subsequently been extended to most countries in Europe and to North America, South America, Australia, South Africa, Egypt and Palestine. In India the service has been extended to Calcutta, Madras, Nagpur and some smaller places, and it will gradually be further extended to a number of other important places on the trunk telephone system. The results hitherto have been satisfactory and it is expected that the traffic will increase.

The charge for a call of three minutes between India on the one side and Great Britain on the other is Rs. 80, of which one half accrues to India. For calls to other places the total charges are higher. The Indian share is divided between the Indian Radio and Cable Communications Company, Limited, and the Government of India, in the ratio of three quarters to one quarter. The revenue thus derived is all new revenue to the telephone system, and to the Company, which latter has borne the greater part of the initial expenditure involved in establishing the service.

As the service is in its infancy and had not yet been extended to some important centres the full financial results cannot yet be stated, but I shall be happy to furnish a statement to the House in the course of the winter session.

Mr. B. R. Puri : How much expense have the Government of India had to incur in this connection ?

The Honourable Sir Frank Noyce : I am afraid I must ask for notice.

Mr. Vidya Sagar Pandya : May I ask the Honourable Member whether it is possible to reduce the rates in the near future ?

The Honourable Sir Frank Noyce : That will probably depend upon the amount of traffic, but the rates compare quite favourably with those for the corresponding distances in other parts of the world.

Mr. Vidya Sagar Pandya : Does the Honourable Member think that the rate between London and Madras compares favourably with a similar distance in other parts of the world ? The rate between London and Madras seems to be prohibitive.

The Honourable Sir Frank Noyce : I do not think that is the case, Sir.

DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

31. ***Mr. Gaya Prasad Singh** : Will Government be pleased to state the circumstances under which the prisoners in the Andamans recently met their death, together with their names, the Provinces from which they came, the causes of the hunger-strike, and the subsequent developments, if any ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the communiqués relating to the hunger-strike which Government issued from time to time, copies of which I lay on the table. Since the termination of the strike the Government of India have been in communication with the Chief Commissioner, Andaman and Nicobar Islands, with a view to considering whether there were any matters in regard to which it might be reasonable to amend the rules. As a result, the Chief Commissioner, with the approval of the Government of India, has now introduced certain changes in the treatment of the prisoners. In the case of the B class prisoners the principal changes are that they will be given more newspapers and allowed more frequent interviews. The C class prisoners will, if literate, be allowed lights in their cells, will be supplied with newspapers and will also be allowed more frequent interviews.

Communiqué.

The Government of India have received information from the Chief Commissioner of the Andamans that on the 12th May twenty-nine prisoners convicted of crimes connected with the terrorist movement went on hunger strike in the Cellular Jail as a protest against certain alleged grievances not being redressed. They have since been joined by several others. One of these prisoners, Mahabir Singh, who was convicted and sentenced to transportation for life in the Lahore Conspiracy Case, died on the 17th May. He started his hunger strike on the 12th May. Up to the 16th his condition was satisfactory, though he was weak. The Senior Medical Officer saw him on the morning of the 17th and considered that his general condition was then such that artificial feeding was necessary. Accordingly at 11 A.M. milk and sugar were given by nasal feeding. The patient resisted very violently both while the tube was being inserted and while the milk was being administered. At 1 P.M. he was showing evident signs of shock. The Senior Medical Officer saw him twice during the afternoon and evening and prescribed treatment. In spite of this he gradually sank, and death occurred soon after midnight. A post mortem examination was held and no signs were found of either external or internal injuries as a result of the operation of feeding. The patient's resistance in his weakened state caused a severe shock to his system and led to his collapse and death. The Chief Commissioner is fully satisfied that all due precautions were taken from the moment that forcible feeding was decided upon.

The Government of India also regret to announce that another prisoner, named Mankrishna Nama Das, convicted of dacoity in Bengal died of pneumonia on May 26th. He started a hunger strike on May 16th and on the 17th food was administered through his mouth without resistance. On the 19th he was admitted to hospital with lobar pneumonia. Throughout his illness he took whatever was prescribed for him and gave no trouble whatever. His death was due to natural causes and was in no way accelerated by his abstinence from food for one day.

There are at present 39 prisoners on hunger-strike. With one or two exceptions their condition is reported to be quite satisfactory.

HOME DEPARTMENT, SIMLA,
The 28th May, 1933.

Press Communiqué.

The Government of India regret to announce that another prisoner, named Mohit Mohan Maitra, convicted in connection with the terrorist movement in Bengal and transferred to the Cellular Jail, Andamans, died of double lobar pneumonia on the 28th May. He started hunger-strike on May 12, and on the 19th developed pneumonia, from which he died nine days later, his vitality being impaired by the hunger-strike.

HOME DEPARTMENT,
Simla, the 31st May, 1933.

Communiqué.

The latest report received from the Chief Commissioner in regard to the hunger-strike which was the subject of communiqués issued on May 28 and 31 shows that there are now no cases of pneumonia and that the condition of the strikers is generally satisfactory.

The strike started among C class convicts who demanded concessions which would, if granted, have had the effect of placing these convicts approximately in the same position as those in class B. These concessions included the supply of lights in cells until 10 P.M., and of a diet which the free inhabitants of the Islands cannot obtain. Some B class convicts joined the strike mainly out of sympathy with the demands of the C class men and partly in support of demands of their own which included the supply of foreign newspapers and permission to receive money for personal expenditure.

The Government of India, with the permission of the Government of the Punjab, have asked Lieutenant-Colonel Barker, O.B.E., I.M.S., Inspector General of Prisons, Punjab, who has special experience of hunger-strikes, to proceed to the Andamans for consultation with the Chief Commissioner in regard to the medical arrangements. Lieutenant-Colonel Barker will sail from Madras on June 11.

HOME DEPARTMENT,
Simla, the 7th June, 1933.

Communiqué.

The following members of the Legislative Assembly, Messrs. Azhar Ali, Amar Nath Dutt, B. V. Jadhav, S. G. Jog, B. N. Misra, S. C. Mitra, Gaya Prasad Singh and K. B. Thampan met the Honourable Sir Harry Haig, Home Member, this morning and discussed with him the situation arising out of the hunger-strike of certain prisoners in the Andamans. Mr. Jadhav, in opening the discussion, referred to the apprehensions which had been caused by the information given in the Government Communiqués and expressed regret that Government had not thought fit to publish the names of the prisoners on hunger-strike which would have had the effect of relieving the anxiety of the relatives of those prisoners who are not on strike and of giving the relatives of the others an opportunity of persuading them to give up the strike. He also suggested that the deaths which had occurred might have been due to the vitality of the prisoners having been lowered by the climate of the Andamans and to defective and inadequate medical arrangements. In conclusion he stated that the Cellular Jail had been closed and the transfer to it of these prisoners had aroused suspicion in regard to the motive of Government which would best be allayed by the publication of periodic statements and the holding of an impartial enquiry.

Messrs. Mitra, Jog, Thampan, and Gaya Prasad Singh also took part in the discussion. Mr. Mitra stated that he had been advised by doctors that pneumonia might result from food being given unskilfully, and, as an argument against the transfer of prisoners to a distant place like Port Blair he urged that the isolation of prison life affects the mentality of prisoners and that if relatives and public men could have had an opportunity of using their influence with the prisoners they could have persuaded them to give up the strike. Mr. Jog asked whether it would not be possible for Government to allow relatives to see the prisoners and also whether Government could not end the strike immediately by conceding their claims. He also suggested that an enquiry should be held so that the Government might benefit by the experience of the present strike and be in a position to avoid similar trouble in future. Mr. Thampan asked for a sympathetic attitude towards the prisoners and for an attempt to be made to meet their grievances. He also suggested that the names of the men on hunger-strike should be published periodically. Mr. Gaya Prasad Singh proposed that the Chief Commissioner should be asked to answer letters from persons asking whether their relatives were or were not on strike.

Sir Harry Haig after an expression of his appreciation of the feelings that had prompted the deputation to come to see him began his reply by a reference to the type of men who had resorted to hunger-strike. All are men who had been convicted of crimes of violence or intended violence in connection with the terrorist movement either in Bengal or elsewhere. They were sent to the Andamans because it had been found impossible to deal with them satisfactorily in jails in their own provinces, particularly in Bengal. Local Governments had made very strong representations to the Government of India to the effect that so long as these men were kept in provincial jails there was an ever present danger of their communicating with their fellow conspirators outside and that such communications could not always be effectively stopped. There was also the danger of escape. In some cases prisoners actually had escaped and their safe custody was a constant anxiety to the Local Governments. Lastly experience had shown that the attitude of the prisoners towards jail discipline and their attempts to defy the jail authorities were having a serious effect on the discipline of other prisoners. Mahabir Singh, one of the men who died by his defiance of the authorities in the Central Jail in Bellary in September last, had instigated a riot of serious nature which might have had very dangerous results. These were the reasons which had led the Government of India to transfer these terrorist prisoners to the Andamans. The hunger-strike had been begun as a protest against certain alleged grievances but in the opinion of the local authorities, with which the Home Member agreed, the grievances were put forward as a means of attempting to force their will on the jail authorities and to break the discipline of the jail. Concession to the prisoners' demands would no doubt, as Mr. Jog had suggested, end the strike. But it was not difficult to realise what would happen in future, if these men thought that by going on hunger-strike they would obtain their way. In the last year Government had had on several occasions to oppose attempts by prisoners to force the jail authorities to grant demands by the threat or practice of hunger-strike. If prisoners resort to hunger-strike they cannot reasonably expect consideration to be given to any alleged grievances.

In regard to medical arrangements Sir Harry Haig after referring to the strain imposed on the local medical authorities by the hunger-strike of about 50 prisoners stated that in his opinion these authorities had coped with the difficulties of the situation very well indeed. Since, however, there seemed no prospect of the hunger-strike coming to an end quickly Government thought that it would be wise to send one of the most experienced officers in India in dealing with hunger-strikes, Lieutenant-Colonel Barker, to the Andamans to see whether he could make any suggestions for improvement. Lieutenant-Colonel Barker sailed from Madras on Sunday. There had been a few cases of influenza among the prisoners on hunger-strike but the latest reports showed that there were now only two cases and both were doing well while the general conditions of the other hunger-strikers was good.

Dealing with the suggestion that the prisoners who died must have been in weak health when they started the hunger-strike, Sir Harry Haig stated that, owing to a complaint about the quality of the food, the Chief Commissioner had had all the prisoners weighed towards the end of April and had found that their weights compared favourably with their weights on the dates of admission and that there was no substance in the suggestion that the diet was inadequate. Of the three prisoners who died the weights of two at the end of April were greater than their weights on admission and the weight of the third had decreased by less than 5 per cent. The death of Mahabir Singh was no doubt due to his being on hunger-strike and resulted from the effects of his violent resistance to artificial feeding on his weakened constitution. Of the two

men who died of pneumonia the first died from purely natural causes which had nothing to do with the hunger-strike. The man did not resist feeding. Medical opinion was, that he must have been already infected with the pneumonia microbe and actually in the incubation state of the disease when he went on hunger-strike. The other man who died from pneumonia did resist feeding but there was reason to suppose that he too was in the incubation stage of the disease when he went on hunger-strike and that the disease was unconnected with the artificial feeding. The Director General, Indian Medical Service, had examined the case-sheets of both these prisoners and was satisfied that the medical authorities had done everything possible to save their lives.

In regard to the question of communication with relatives, Sir Harry Haig stated that the Government of India considered it was undesirable to publish the names of the hunger-strikers because it helped to advertise the strike and possibly to confirm the prisoners in their attitude, while the object of Government was to bring the strike to an end as soon as possible. He appealed to the members of the deputation, whose desire it was that the prisoners should not continue their hunger-strike to refrain from saying anything which would lead the prisoners to suppose that by continuing the hunger-strike they would secure their aims. The Government of India fully appreciated the anxiety of relatives and were prepared to do what they could to allay this. At present there is no need for anxiety in regard to any of the prisoners as the latest report is that the condition of all is good. Government will, however, be prepared to consider the possibility of sending information to the relatives of any prisoner whose condition in the future may give rise for anxiety. In concluding Sir Harry Haig pointed out that Mr. Jadhav was wrong in thinking that the Cellular Jail had ever been closed. I was, in fact, kept open in accordance with the recommendation of the Jails Committee.

HOME DEPARTMENT,
Simla, the 13th June, 1933.

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Communiqué.

In the course of the discussion on the 13th June between the Home Member and certain Members of the Legislative Assembly regarding the hunger-strike in the Andamans, it was suggested that in the event of the condition of any prisoner who is on hunger-strike giving cause for anxiety, steps should be taken at once to inform the relatives by telegram. It has accordingly been arranged that in such an event, the Chief Commissioner will take the necessary steps to have the prisoner's relatives informed by telegram. At the present moment there is no case which is giving cause for anxiety.

It is announced that influenza cases referred to in the last communiqué are continuing to do well. Lieutenant-Colonel Barker has arrived in the Andamans.

HOME DEPARTMENT,
Simla, the 17th June, 1933.

Communiqué.

In the course of the discussion between the Home Member and certain Members of the Legislative Assembly on June 13 the question was raised whether communications from relatives and others to prisoners on hunger-strike in the Andamans urging them to give up the strike would be delivered. It has been ascertained from the Chief Commissioner that communications sent with this object not only from relatives but from other persons which are expressed in plain and unequivocal language will be delivered.

HOME DEPARTMENT,
Simla, the 19th June, 1933.

Communiqué.

A message issued by the Free Press from Bombay on June 17th states that the condition of 8 prisoners who are on hunger-strike in the Andamans is extremely serious. This statement is incorrect. In a communiqué, dated the 17th June, the Government

of India stated that at that time there was no case which was giving cause for anxiety. On the 18th June a telegram was received from the Chief Commissioner reporting that one prisoner was suffering from post Influenza congestion of lungs, and that his condition caused slight anxiety though he was not at present dangerously ill. The Chief Commissioner communicated this information to his relatives in accordance with the procedure recently announced. In a telegram, dated the 19th June, the Chief Commissioner has reported that the condition of this prisoner is slowly improving. There is no other prisoner whose condition gives cause at present for anxiety.

HOME DEPARTMENT,

Simla, the 20th June, 1933.

Communiqué.

The Government of India have received news from the Chief Commissioner, Andaman and Nicobar Islands, that the hunger-strike was abandoned by all prisoners on June 26.

HOME DEPARTMENT,

27th June, 1933.

Mr. Gaya Prasad Singh : Why were not these changes introduced before, because if they had been so introduced they would have saved the lives of three prisoners ?

The Honourable Sir Harry Haig : Well, Sir, as the Honourable Member will remember, certain demands were put forward not in a reasonable way, but under threat of a hunger-strike. As I explained to the Honourable Members who were kind enough to see me on this subject some months ago, we could not really consider the demands before the hunger-strike was withdrawn. But when the hunger-strike was unconditionally withdrawn on the 26th June, we looked into the various points and decided that on the whole it was reasonable to make certain changes.

Sardar Sant Singh : Were not representations for these facilities made before the convicts went on hunger-strike ?

The Honourable Sir Harry Haig : I understand that the only representations made were made under threat of hunger-strike.

Mr. Gaya Prasad Singh : Do I understand the Government's position to be this that although the demands of the prisoners were reasonable, they could not be met because the prisoners threatened to go on hunger-strike ?

The Honourable Sir Harry Haig : The demands were not examined until after the hunger-strike.

Mr. Gaya Prasad Singh : The prisoners made certain demands, but they were not examined by Government. They then went on hunger-strike and were allowed to die, and their demands were then examined and found to be reasonable. Is that the reasonable attitude to be taken up by the Government ?

The Honourable Sir Harry Haig : They were made under threat of hunger-strike and under those circumstances it is not reasonable that the complaints should be remedied.

Mr. Gaya Prasad Singh : Before they gave out the threat of hunger-strike, did they not make a representation to the Jail authorities or to the Government of India for consideration of their demands ?

The Honourable Sir Harry Haig : I have no information to that effect.

Mr. S. C. Mitra : Is it a fact that there is no other course open to the convicts in the Andamans to approach the Government of India except through hunger-strike ?

The Honourable Sir Harry Haig : This is not a question of approaching the Government of India. It is a question of approaching the Chief Commissioner. They have ample facilities for making representations to the Chief Commissioner.

Mr. S. C. Mitra : Is there any other way open to these convicts to approach the Government of India except through hunger-strike ? I do not mean approaching the Chief Commissioner who is the Head of the administration. Is there any other course open to the memorialists to approach the Government of India ?

The Honourable Sir Harry Haig : If a representation is made to the Chief Commissioner and if he considers it in any way reasonable, then he will consult the Government of India.

Mr. S. C. Mitra : Is not the Government of India aware that all the petitions made to the Government of India disclosing their grievances were withheld by the Chief Commissioner, time after time ?

The Honourable Sir Harry Haig : It is perfectly true that the convicts have no right to address the Government of India directly.

Mr. K. C. Neogy : Is it a fact that in this particular case the local authorities responsible for jail administration were informed about the grievances of these people before they gave out the threat of hunger-strike and that those representations never reached the ears of the superior authorities ?

The Honourable Sir Harry Haig : I have no information to that effect.

Mr. K. C. Neogy : Will the Honourable Member please enquire into the matter and find out whether it is not a fact that their grievances were laid before the jail authorities in the Andamans and that they were not forwarded to the superior authorities there ?

The Honourable Sir Harry Haig : If the Honourable Member will put down a question on the subject, I shall be happy to make enquiries.

Mr. Lalchand Navalrai : In view of the statement made by the Honourable Member, will he state as to who is responsible for their death and whether Government have awarded any compensation to their heirs ?

The Honourable Sir Harry Haig : I am afraid I must consider that persons who go on hunger-strike are themselves responsible for that.

Mr. Lalchand Navalrai : In view of the statement made by the Honourable Member that the changes made in the rules were actually such as were thought desirable, does the Honourable Member still think that the Government were not responsible ?

The Honourable Sir Harry Haig : No, Sir ; out of a considerable list of demands, the Government of India, on going into the matter, thought that it was not unreasonable that certain changes should be made, but others were rejected as altogether unreasonable.

Mr. Gaya Prasad Singh : Are not the jail authorities who refused to forward the representation of these prisoners to the higher authorities

before the threat of hunger-strike really responsible for the death of these prisoners ?

The Honourable Sir Harry Haig : The Honourable Member perhaps does not understand that the Chief Commissioner is in the position of a Local Government. He is the authority to whom these representations are forwarded by the jail authorities and they were duly forwarded to him.

Mr. Gaya Prasad Singh : Is it the case of the Government that the representations made by these prisoners to the jail authorities were duly forwarded to the Chief Commissioner, Andamans ?

The Honourable Sir Harry Haig : I assume so, Sir.

Mr. Jagan Nath Aggarwal : Is it not a fact that the Andamans were given up as a convict settlement sometime back ?

The Honourable Sir Harry Haig : There is another question on the paper dealing with the policy of maintaining the Andamans as a penal settlement.

CONTEMPLATED ESTABLISHMENT OF MILLS AND FACTORIES IN INDIA BY JAPAN.

32. ***Mr. Gaya Prasad Singh :** Are Government in possession of any information to show that Japan contemplates to establish mills and factories in India ? If so, what action, if any, is proposed to be taken in the matter ?

The Honourable Sir Frank Noyce : Government have no definite information, but they have no reason for supposing that any substantial expansion of Japanese enterprise in the direction referred to is contemplated at the present time. The second part of the question does not arise.

ACTION TAKEN UNDER THE SAFEGUARDING OF INDUSTRIES ACT.

33. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state what action, if any, has been taken, since the passage of the Anti-Dumping Bill into law ?

The Honourable Sir Joseph Bhore : An exhaustive questionnaire has been issued to each applicant for assistance under the Safeguarding of Industries Act, to which, I presume, the Honourable Member refers. The answers to the questionnaire, or so many of them as have been received, are under examination in the Commerce Department.

SEPARATION OF BURMA.

34. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have made any recommendations with regard to the question of the separation of Burma, in relation to the recent discussion on the subject in the Burma Legislative Council ? If so, what ?

The Honourable Sir Joseph Bhore : I regret that I am unable to disclose the recommendations of the Government of India on the question of the separation of Burma. As the Honourable Member is no doubt aware, the main question is now before the Joint Select Committee of Parliament.

EXPLORATION OF THE POSSIBILITY OF MAKING BRAZIL, BRITISH GUIANA, OR SOME OTHER PLACES AS A POSSIBLE OUTLET FOR THE SOUTH AFRICAN INDIANS.

35. ***Mr. Gaya Prasad Singh :** (*a*) Is it a fact that Government are exploring the possibility of making Brazil, British Guiana, or some other places, as a possible outlet for the South African Indians ? If so, why do Government countenance a proposal which would have the effect of removing the Indians from one colony to another ?

(*b*) Is it a fact that the Government of India, through the Government of Bombay and the Police, issued orders some time back on any individual not to publish any information about Brazil ? If so, on whom was such an order issued, and why ?

Mr. G. S. Bajpai : (*a*) The attention of the Honourable Member is invited to the Press Note on the subject issued by the Government of India on the 15th June, 1933.

(*b*) In March, 1932, the Consul for Brazil at Calcutta brought to the notice of the Government that a society named the Indo-South American Travellers' Aid Society, Bombay, was carrying on propaganda in favour of emigration to Brazil, while in point of fact the Brazilian Government, by a decree dated the 12th December, 1930, had prohibited all immigration into Brazil. The Consul further informed the Government of India that his Government had never made any contract with the above Society or its Secretary, Mr. C. L. Singh, for the settlement of emigrants from India in Brazil. The Government of India therefore requested the Bombay Government to warn Mr. C. L. Singh to cease his propagandist activities.

Mr. Gaya Prasad Singh : Will the Honourable Member lay on the table of the House the communiqué to which reference has been made in reply to part (*a*) of my question ?

Mr. G. S. Bajpai : I do not know whether it is necessary to lay a copy on the table of the House. I will put it in the Library of the House.

RUMOURED TRANSFER OF A PART OF KENYA TO ITALY.

36. ***Mr. Gaya Prasad Singh :** Is there any truth in the report that a part of Kenya was going to be transferred to Italy ? If so, have the people concerned been consulted ?

Major W. K. Fraser-Tytler : Sir, there is no truth in the report.

CITY MAGISTRATE OF DELHI.

37. ***Mr. Gaya Prasad Singh :** Is it a fact that so far not a single Hindu, Mussalman, or Sikh has been permanently appointed as City Magistrate of Delhi ? If so, why ? Does this appointment carry any allowance ? If so, how much per month ?

The Honourable Sir Harry Haig : Appointments to the post of City Magistrate, Delhi, are made on the basis of suitability, not on communal or racial grounds.

The last two permanent incumbents of the post have been Indian Christians. Before them a Hindu held the post in a permanent capacity for a year.

I may add that a Muslim officer officiated as City Magistrate from February to October, 1932, in leave arrangements, and is again officiating during the current year.

The City Magistrate, Delhi, draws a special pay of Rs. 100 a month.

Mr. Gaya Prasad Singh : How long has this appointment been in existence ?

The Honourable Sir Harry Haig : I shall have to ask for notice.

Mr. Gaya Prasad Singh : I presume this appointment has been in existence for a long number of years and do I take it that no Hindu, Mussalman or Sikh was found suitable to hold this appointment ?

The Honourable Sir Harry Haig : I think the Honourable Member has misheard my answer. An Indian Christian is surely an Indian, also a Hindu and also a Muslim.

Sardar Sant Singh : When will the turn for a Sikh come ?

ACTION TAKEN ON CERTAIN RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE REPORT.

38. ***Mr. S. C. Mitra :** (*a*) Will Government please state what steps have been taken by the Government of India to give effect to the recommendations of the 'Drugs Enquiry Committee' about the establishment of Provincial Pharmaceutical Councils and the 'General Council of Pharmacy' mentioned in paragraphs 439 and 443 of the Drug Committee's report ?

(*b*) Have Government taken any steps for registration of pharmacists or regarding the profession of pharmacy as recommended in paragraph 429 of the Committee's report ? If not, why not ?

Mr. G. S. Bajpai : (*a*) and (*b*). The Government of India are unable to formulate their conclusions on the recommendations of the Drugs Enquiry Committee until they are in possession of the views of the Local Governments who are intimately concerned. Replies from some of the Local Governments are still awaited.

ABSENCE OF A DIRECT TRAIN BETWEEN DELHI AND KARACHI.

39. ***Mr. Lalchand Navalrai :** (*a*) Are Government aware that there is no direct train between Delhi and Karachi ?

(*b*) Is it a fact that people of Sind have been clamouring for this convenience being given to them ?

(*c*) Is it a fact that the Railway has hitherto considered the question from only the commercial point of view and not the convenience of the people ?

(*d*) Is it a fact that the Railway has very great profit from the freight of goods on that line and that people in consideration of it have been urging upon the Railway since long to provide a direct train *viz* Samasatta and Bhatinda ?

(*e*) Are Government aware that the Imperial City of Delhi is connected by direct trains with all the important sea ports of India except Karachi which is not only a sea port but also the first air port of India ?

(*f*) Do Government propose to meet the wishes of the people and give this very necessary convenience ? If not, why not ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) It is understood that no proposals have been made for a direct train, though direct through coaches have been suggested.

(*c*) I hope my Honourable friend does not expect Railways to be worked otherwise than from a commercial point of view, but that does not exclude from consideration the convenience of the travelling public ; at the same time the cost of any such services and the return that may be expected have also to be carefully considered particularly in these days of economic depression.

(*d*) The profit from the freight on goods on the Samasata-Bhatinda Section is, so far as I know, not abnormal.

(*e*) Yes. There are direct trains between Delhi, Calcutta, Bombay, and Madras.

(*f*) The question of a direct train was recently discussed with the members of the Karachi Advisory Committee and they were of the opinion that a direct train was not justified but that the running of direct through coaches would be a convenience. The running of through coaches was tried on various occasions but they were discontinued as the number of passengers availing themselves of the convenience did not justify their continuance.

The Agent, North Western Railway, has reported that the running of a through Sind-Delhi Coach throughout the year is not justified by the traffic offering, but that he is arranging to run direct coaches both upper and lower during the coming Christmas vacation if the traffic offering warrants it.

Mr. Lalchand Navalrai : Will the running of these coaches during Christmas only remove the difficulty ?

Mr. P. R. Rau : I understand that at a census taken in 1930 the average number of through passengers per day was, first class, .11, second class, .74, intermediate class, .9, and third class, 36.

Mr. Lalchand Navalrai : I know how census is taken, but are there no railways where trains are run, not for commercial purposes only but for convenience also ?

Mr. P. R. Rau : If the number of passengers availing themselves of this convenience is so few, I am sure my Honourable friend would not expect the North Western Railway to run a coach merely for such a small number of passengers.

Mr. Lalchand Navalrai : May I inform the Honourable Member that in taking a census only people who go from Karachi to Delhi direct are counted, and not the people who use the train at intermediate stations ?

Mr. P. R. Rau : The census was taken when the through coach was in existence.

Mr. Lalchand Navalrai : Can the Honourable Member challenge my statement that they only count those who travel direct from Karachi to Delhi and not those who get up on the way ? May I also ask the Honourable Member whether the convenience of one man is not also to be considered ?

Mr. P. R. Rau : No, Sir ; not to the extent of running a train for him.

Mr. B. V. Jadhav : As the number of third class passengers taking advantage of the through coach is considerable, will Government again ask the Railway Company to have a third class through carriage between Karachi and Delhi ?

Mr. P. R. Rau : I will ask the Railway to consider that point.

Mr. Lalchand Navalrai : Does the Honourable Member know that there are coaches which contain composite third, intermediate, second and first class compartments ? Why should not such a coach be run so that there may be passengers ?

Mr. P. R. Rau : As I have already pointed out to the House, the Agent of the Railway is considering whether direct coaches could be run when the traffic requires it.

Mr. Lalchand Navalrai : I hope the Agent will consider this not only for Christmas, but for all the year round.

Mr. P. R. Rau : I shall send a copy of these questions and answers to the Agent.

Mr. Lalchand Navalrai : Is the Honourable Member aware that there are three trains running direct from Karachi to Lahore ? And cannot one of these trains be diverted to Delhi *via* Bhatinda ?

Mr. P. R. Rau : I am afraid, Sir, I am not as familiar with the time-table of the North Western Railway as my Honourable friend.

Mr. Lalchand Navalrai : Will the Honourable Member ask the Agent to consider this scheme ?

Mr. P. R. Rau : I think the running of a through train from Karachi to Delhi would not meet the requirements of passengers from Karachi to Lahore.

Mr. Gaya Prasad Singh : Considering the attitude of the Railway authorities in affording public convenience, are Government surprised that people prefer to travel by motor buses rather than by rail wherever possible ?

Mr. P. R. Rau : The attitude of the Railway authorities in this matter is to cater for the traffic which exists.

Mr. Lalchand Navalrai : Cannot a census be taken of passengers who travel by those through trains from Karachi to Lahore and then come from Bhatinda to Delhi ? Cannot one of those trains be diverted at Samasata and run to Delhi ?

Mr. P. R. Rau : That would mean one train less to Lahore.

Mr. Jagan Nath Aggarwal : And leave the Lahore passengers on the road ?

Mr. Lalchand Navalrai : No, those passengers will go by the other two direct trains.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Next question.

ABSENCE OF A DIRECT TRAIN BETWEEN LAHORE AND KARACHI *viâ* DADU.

40. ***Mr. Lalchand Navalrai :** (*a*) Are Government aware that at present there is no direct train between Lahore and Karachi *via* Dadu ?

(*b*) Is it a fact that for the aforesaid reasons people of Sind have been urging since long for a direct train between Lahore and Karachi *via* Dadu ?

(*c*) Is it a fact that such a train was in existence some years ago and are Government aware that it did really afford a very great convenience to the people ?

(*d*) Do Government propose to see their way to meet with the wishes of the people in this matter ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) No.

(*c*) Such a train was run but was discontinued as there was insufficient traffic to justify its continuance.

(*d*) The question of restoration of a through train depends entirely on a sufficient revival of traffic to justify it. I understand the position is being watched by the North Western Railway Administration.

Mr. Lalchand Navalrai : Does the Honourable Member know that when I agitated over this question last time in the Assembly, even the train which is not going direct to Karachi but going up to Kotri was proposed by the Agent to be discontinued, but, on better sense, it was allowed to be continued ? Was it not vindictiveness ?

Mr. P. R. Rau : I do not think the Agent of the North Western Railway would be so vindictive as to cut out a train because questions are asked in the Assembly.

Mr. Lalchand Navalrai : This question has been discussed several times. A train is needed directly *via* Dadu to Karachi and the Agent has once refused it. Does he now think his prestige will suffer if he listens to these cries of the people ?

Mr. P. R. Rau : No, Sir ; questions of prestige do not enter into this at all.

Mr. M. Maswood Ahmad : Will the Honourable Member please state what is the number which he thinks would justify a through train ?

Mr. P. R. Rau : I am afraid I cannot give a categorical answer to this question at a moment's notice.

Mr. M. Maswood Ahmad : Will the Honourable Member think over this and state it on the floor of the House in due course ?

Mr. P. R. Rau : It depends upon the circumstances in each case. I cannot say what particular number of passengers justifies a through train at a particular moment.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

41. *Mr. Lalchand Navalrai : (*a*) Will Government be pleased to state if any political prisoners detained in the Andaman Islands went on hunger-strike recently ?

(*b*) Is it a fact that about thirty-nine prisoners have gone on hunger-strike in the Andaman Islands ? If not, how many ?

(*c*) Will Government be pleased to state what were their reasons for going on hunger-strike ?

(*d*) What attempts, if any, were made to remove or meet with the causes which led to their hunger-strike ?

The Honourable Sir Harry Haig : With your permission, Sir, I will answer questions Nos. 41 and 42 together. I would refer the Honourable Member to the answer which I have given to Mr. Gaya Prasad Singh's starred question No. 31.

DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

†42. *Mr. Lalchand Navalrai : Is it a fact that two of the political prisoners in the Andamans, Mahabir Singh from the Punjab, and Mankrishen Namandas from Bengal, actually died on account of their fast ?

TRANSPORTATION OF POLITICAL PRISONERS TO THE ANDAMANS.

43. *Mr. Lalchand Navalrai : (*a*) Will Government be pleased to make a full statement as to what actually necessitated the transportation of political prisoners, used to the climatic conditions and environments of India, to the Andamans ?

(*b*) Will Government be pleased to lay on the table papers regarding any notifications, rules and the policy of Government for sending prisoners of all kinds to the Andamans ?

(*c*) Is it a fact that a committee under the chairmanship of Sir Alexandar Cardew had recommended that prisoners should no more be sent to the Andamans and those already there be gradually returned to India ?

(*d*) How far have these recommendations been given effect to and carried out ?

(*e*) Do Government propose to call back the political prisoners from the Andamans, and try not to send prisoners to the Andamans ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) The reasons for the transfer of these prisoners to the Andamans are stated in a communiqué issued on the 13th June last recording the results of a discussion which I held with a deputation of Honourable Members of this House. A copy of the communiqué has just been laid on the table.

(*b*) The policy of Government is fully explained in the Home Department Resolution No. F. 20/26-Jails, dated February 27, 1926.

†For answer to this question, *see* answer to question No. 41.

(*c*) The recommendation of the Indian Jails Committee is contained in paragraph 566 of their Report. It will be seen that they recommended that deportation to the Andamans should cease except in regard to such specially dangerous criminals as the Governor General in Council may direct.

(*d*) The Resolution which I have just mentioned explains the extent to which effect was given to the Jails Committee's recommendations.

(*e*) No.

Mr. Lalchand Navalrai : Is that recommendation of the Committee that only specially dangerous criminals should be sent there being carried out ?

The Honourable Sir Harry Haig : The whole question which is rather complicated is very fully discussed in the Home Department Resolution of February, 1926, to which I have referred. Actually the position is that a certain number of prisoners who volunteer for the Andamans within certain limits are sent there and in addition this special class of dangerous prisoners is being sent there. That is briefly the position.

Mr. Lalchand Navalrai : Who decides that they are dangerous, the magistrate ?

The Honourable [illegible] **Haig** : No : that is the decision of the Government.

Mr. [illegible] What is a dangerous class of prisoners, those convicted [illegible] or anything else ?

The Honourable [illegible] **Harry Haig** : At the present moment the prisoners we are referring to are those convicted in connection with terrorist crime.

Mr. S. C. Mitra : In deciding whether a prisoner is dangerous, do Government take into consideration the conduct of the prisoners in the Indian jails, whether they have behaved themselves politely and well ?

The Honourable Sir Harry Haig : The main thing is the nature of the offence : but the behaviour of the prisoners is naturally a matter which is taken into consideration.

Mr. S. C. Mitra : Is it a fact that in transferring prisoners from Bengal in not a single case was the behaviour of the prisoner in jail taken into consideration, at least in the past ?

The Honourable Sir Harry Haig : I must make it clear that as a class the behaviour of these terrorist prisoners was considered dangerous in the Bengal jails.

Mr. S. C. Mitra : Are not the Government of India aware that the persons convicted of these anarchical crimes may be very civil and meek and law abiding in the jails and according to what was contemplated in the Jail Committee's report they should not be considered as dangerous ?

The Honourable Sir Harry Haig : I am afraid that has not been the experience of Bengal jails.

Mr. S. C. Mitra : May I take it that the recommendation of the Jails Committee was that persons who in jail acted violently or in a very disturbing manner should be transferred : but now Government in giving effect to that recommendation did not consider at all the conduct of these prisoners after their conviction in jail, but are merely guided by the sections under which they are convicted : is that fair ?

The Honourable Sir Harry Haig : No : I think that the Jails Committee clearly contemplated certain classes of prisoners being sent to the Andamans : they said " such prisoners as the Governor General in Council may by special or general order direct ".

Mr. S. C. Mitra : Did they mean persons convicted under certain sections of the Indian Penal Code or did they mean the conduct of these prisoners in jail as regards jail discipline ?

The Honourable Sir Harry Haig : I think the action that has been taken is clearly covered by what I understand to be the intention of the recommendation of the Indian Jails Committee.

DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

44. ***Mr. A. Das** : (*a*) How many deaths have taken place amongst political prisoners sent to the Andamans ?

(*b*) Have Government made enquirie[illegible]ause of their death ?

(*c*) Will Government be pleased to p[illegible] the correspondence regarding this matter ?

(*d*) In view of such frequent death[illegible] prepared to consider the advisability of removing the [illegible]oners to some other jails ?

(*e*) Have Government enquired into the jail administration in the Andamans and, if so, do they propose to remove the causes which led to the recent deaths of certain political prisoners there ?

The Honourable Sir Harry Haig : (*a*), (*b*) and (*e*). I would refer the Honourable Member to the reply which I have given to Mr. Gaya Prasad Singh's starred question No. 31.

(*c*) I regret that I am not prepared to publish correspondence.

(*d*) The deaths of the prisoners occurred in circumstances which do not make any change of policy necessary.

Mr. Gaya Prasad Singh : May I know if the communication to which reference has been made contains the name of the prisoners who died as well as the provinces from which they came ?

The Honourable Sir Harry Haig : Yes : they contain the names of the prisoners.

Mr. Gaya Prasad Singh : As well as the places ?

The Honourable Sir Harry Haig : I think so : but two of them, I think, came from Bengal and one from the Punjab.

Mr. A. Das : May I know what objection has the Honourable Member to place on the table the correspondence regarding this matter ?

The Honourable Sir Harry Haig : Because it is confidential.

SUGGESTIONS FOR ECONOMY ON THE RAILWAYS.

45. ***Mr. A. Das** : (*a*) Is it a fact that one Mr. Panna Lal of Narainpur in the district of Mirzapur submitted to the Railway Board a few suggestions in a pamphlet No. 167|R.C., dated the 1st April, 1932, regarding economy in the expenditure of Railways which the Board acknowledged in their letter No. 1314-B., dated the 10th June, 1932 ? If the reply be in the affirmative, which of his suggestions have been accepted for adoption ?

(*b*) Is it a fact that suggestion No. 12 of the pamphlet regarding return journey cheque passes was originally made by Mr. Panna Lal in 1927 to the Agent of the East Indian Railway, who replied in his letter No. G.-46|27, dated the 30th July 1927, that his committee had rejected it ?

(*c*) Is it also a fact that the rejected suggestion was actually adopted by the same Agent in 1928 ?

Mr. P. R. Rau : (*a*) Yes. None of his suggestions was adopted. (*b*) and (*c*). The suggestion to issue one pass for the combined outward and return journey was originally made by Mr. Heseltine, Officer on Special Duty on the East Indian Railway, and was accepted by the Agent, East Indian Railway, in January, 1927, or six months before the receipt of Mr. Panna Lal's letter by the Agent, East Indian Railway, in July, 1927. Mr. Panna Lal was informed that a single form for outward and inward journeys was being adopted for home line passes but that a similar arrangement for foreign line passes had not been accepted by the Indian Railway Conference Association.

Mr. A. Das : May I know if it is not a fact that some of his suggestions have been adopted ?

Mr. P. R. Rau : No : I am not aware of any that have been adopted.

Mr. A. Das : What about suggestion No. 12 ?

Mr. P. R. Rau : I have replied to that : it has not been accepted : the suggestion to issue one pass for home line passes was accepted long before he had made the suggestion : the suggestion to have one pass for foreign line passes has not been accepted.

SUGGESTIONS FOR ECONOMY ON THE RAILWAYS.

46. ***Mr. A. Das** : (*a*) Is it a fact that rules regarding allowances to relieving staff of Railways were changed early in 1932 so as to grant full allowance for 10 days, and half allowance for the remaining 20 days of a month to a servant on the relieving list ?

(*b*) Is it a fact that Mr. Panna Lal criticised the above change by pointing out in his suggestion No. 7 of his pamphlet regarding economy in Railway expenditure that the altered rule was against the interest of the Railway as well as of the staff, and that his criticism was accepted ?

(*c*) Is it a fact that suggestion No. 2 of Mr. Panna Lal's pamphlet (regarding the conversion of " A " class stations) is under consideration for its adoption on the East Indian Railway ?

(*d*) Is it a fact that suggestion No. 11 of Mr. Panna Lal's pamphlet regarding the issue of daily return tickets has been introduced on a certain

section of the North Western Railway and the Bombay, Baroda and Centra India Railway ?

Mr. P. R. Rau : (*a*) and (*b*). Certain orders were issued in 193 delegating powers to sanction daily allowances to heads of Department and other officers subject in the latter case to the condition that ful daily allowance will be allowed for the first ten days and half daily allowance for the next 20 days. These were revised in 1932 when the limits were withdrawn, but it was provided that when it could be foreseen that the relieving staff would be required for more than six weeks, no daily allowance would be admissible, as they would be considered as temporarily transferred. So far as I am aware, Mr. Panna Lal's suggestion had nothing to do with either of these decisions.

(*c*) No.

(*d*) Any action that may have been taken on the North Western Railway and the Bombay, Baroda and Central India Railway in the matter of issuing daily return tickets cannot be attributed to Mr. Panna Lal's pamphlet because this is a perfectly normal procedure in railways and one which a railway has always to consider with regard to the possibilities of improving traffic.

LIGHT OF RAILWAY SIGNALS.

47. ***Mr. A. Das** : (*a*) Is it a fact that Mr. Panna Lal of Narainpur in the district of Mirzapur prepared and published an everlasting calendar and suggested in the same an improvement regarding the "back light" of railway semaphore signals (which was received and acknowledged by the Railway Board in their letter No. 1216-Tench., dated 10th July, 1927) ?

(*b*) If so, has the Government Railway Inspector accepted the suggested improvement ? If not, what are the reasons for not accepting the same and how is it intended to remove the defect pointed out by Mr. Panna Lal regarding the light of the signals ?

Mr. P. R. Rau : (*a*) Government are not aware of the publication of an everlasting calendar by Mr. Panna Lal, but a letter was received from him in 1929, in which he made a suggestion regarding back lights of signals.

(*b*) It is not admitted that there is any defect in the existing practice, and Mr. Panna Lal's suggestion has not been accepted because it is not considered to be an improvement on the existing arrangement.

ALLEGED ASSAULT ON THE PEOPLE AT THE ESPLANADE TRAM-SHED IN CALCUTTA.

48. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of Government been drawn to a letter published in the *Amrita Bazar Patrika*, dated the 3rd June, 1933 (page 7) from Mr. F. C. Bancroft, Y. M. C. A., 73, Paddapukker Road, Calcutta, addressed to H. E. Sir John Anderson, Governor of Bengal, in the course of which the writer says as follows, with refereuce to the assault on the people at the Esplanade tram-shed where the Congress was held in Calcutta :

"About nine-tenths of those under the shed were sent away, but only after very severe *lathi* beating ; I personally saw several women struck quite fiercely over the shoulders, necks, and backs. After this, a number were rushed into the lorry, and

one man who stumbled on the steps was very brutally beaten before he could rise. Unfortunately, we could see no more, because at this juncture we were all driven down Dharrumtolla by an indiscriminate *lathi* charge, none of the blows of which happened to fall upon myself."

(*b*) Was the writer of this letter examined in the course of any enquiry ?

(*c*) Are Government prepared to place a copy of the official report in this connection on the table ?

The Honourable Sir Harry Haig : (*a*) I have seen the letter. Mr. Bancroft, though he gave the Y. M. C. A. as his address, has in fact not been connected with that Association for some considerable time. The Association informed Government that Mr. Bancroft who had been a member of their staff resigned on May 31st, 1932.

(*b*) Mr. Bancroft was not examined in the course of the enquiry. His letter was not written until after the official enquiry had been made and the results published, and nearly two months after the event. The account he gave of what occurred at the Esplanade Corner is not borne out by the official report. No person who was arrested there and taken to Lall Bazar had any injury nor did any complain of having received any injuries, though two Deputy Commissioners of Police visited the lock-up and enquired whether any prisoner had any complaint to make. With regard to the allegations of beating of women, the account, moreover, is at variance with the statement of Pandit Madan Mohan Malaviya, which expressly stated that women delegates were not beaten.

(*c*) I would refer the Honourable Member to the reply I gave yesterday to part (*d*) of his question No. 18.

Mr. Gaya Prasad Singh : Is it not a fact that the address Mr. Bancroft gave was merely to indicate that he was residing there at the time and not to indicate that he was connected with the Y. M. C. A. at the time when the letter was written ?

The Honourable Sir Harry Haig : That, I am afraid, I cannot say : I do not know whether he was at the moment residing in the Y. M. C. A. building.

Mr. Gaya Prasad Singh : Did not Mr. Bancroft send another letter to the papers in which he made this point clear ?

The Honourable Sir Harry Haig : I am afraid I did not see that.

Mr. K. C. Neogy : Is this Mr. Bancroft a Britisher by nationality or an undesirable alien ?

The Honourable Sir Harry Haig : I do not know whether he is an undesirable alien, but he is a national of the United States of America.

Mr. Gaya Prasad Singh : May I know if any non-official was examined in connection with the allegations made by Pandit Madan Mohan Malaviya or by Mr. Bancroft with regard to the incidents which happened at the Esplanade Corner ?

The Honourable Sir Harry Haig : No ; I think I made that point clear yesterday.

Mr. K. C. Neogy : Have Government considered the desirability of taking steps to bring this gentleman to book for indulging in propaganda of this character ?

The Honourable Sir Harry Haig : No : so far, I am afraid, the statement has not been taken so seriously as that by the Government.

Mr. B. R. Puri : Do I interpret the meaning of the Government correctly when I say that the Government regard the statement contained in that letter to be false ?

The Honourable Sir Harry Haig : Certainly to be inaccurate.

Mr. B. R. Puri : What is the difference between inaccurate and false ?

The Honourable Sir Harry Haig : I always like to use mild language.

An Honourable Member : May I know why no steps have been taken so far against Pandit Malaviya or Mr. Bancroft over these false statements which they are alleged to have made ?

The Honourable Sir Harry Haig : That is a question which I answered yesterday.

Sardar Sant Singh : Is it a fact that Sir Samuel Hoare said that if such statements are repeated action will be taken ?

The Honourable Sir Harry Haig : I am not aware of it.

Mr. Gaya Prasad Singh : Then why not refer to Sir Samuel Hoare and take steps against these gentlemen for making those statements ?

The Honourable Sir Harry Haig : I said I was not aware of any such statement by the Secretary of State.

MOTION FOR ADJOURNMENT.

FACILITIES GIVEN TO MAHATMA GANDHI IN JAIL.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received a notice from Mr. S. C. Mitra that he proposes to ask for leave to make a motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, as follows : 12 NOON.

"The unsatisfactory reply of the Honourable the Home Member to the short notice question of Mr. Maswood Ahmad regarding the facilities given to Mahatma Gandhi in jail to carry on his untouchability movement."

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

(No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the Workmen's Compensation (Amendment) Bill.

The question is that clause 3 stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4, 5, 6, 7 and 8 were added to the Bill.

Clauses 9, 10, 11, 12 and 13 were added to the Bill.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move :

"That in sub-clause (*a*) of clause 14 of the Bill, after the word 'substituted' the words 'and in the proviso the word 'registered' shall be omitted' be inserted."

Sir, this apparently complicated motion is really a very simple drafting amendment of a consequential nature. The House has already, by passing clause 2 of this Bill, struck out from the original Act clause (*j*) of section 2 of that Act. Now, clause (*j*), Sir, in the original Act contains the definition of a "registered ship". Consequentially on that, Sir, in clause 10 of this Bill, Honourable Members will see that the word "registered" has already been struck out. That is one consequential amendment, but, Sir, by a slight oversight on the part of the draftsman the word "registered" has not yet been directly struck out from section 21 of the Act, that is to say, the omission is now rectified by inserting clause 14 to the Bill, and the further provision would strike out the word "registered" where it occurs in section 21 of the Act. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in sub-clause (*a*) of clause 14 of the Bill, after the word 'substituted' the words 'and in the proviso the word 'registered' shall be omitted' be inserted."

The question is that that amendment be made.

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 and 16 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

Mr. G. Morgan (Bengal : European) : Sir, I beg to move the following amendment to clause 17 of the Bill. It reads thus :

"That in clause 17 of the Bill, in the proposed further proviso to sub-section (*1*) of section 30, the words 'not less than one-tenth of' be omitted."

It is proposed to add a further proviso to sub-section (*1*) of section 30 to the effect that no appeal by an employer under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him not less than one-tenth of the amount payable under the order appealed against. If those words are deleted, Sir, then the whole amount has to be deposited, and not merely one-tenth. My second amendment will explain that more fully, but so far as this amendment is concerned, I am merely moving for the deletion of the words 'not less than one-tenth of'.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 17 of the Bill, in the proposed further proviso to sub-section (*1*) of section 30, the words 'not less than one-tenth of' be omitted."

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, at the risk of being accused by my Honourable friend, Mr. Joshi, of once again succumbing to the blandishment of the capitalists, I may say at once that I am prepared to accept both Mr. Morgan's amendment to clause 17, and also his second amendment to clause 18, which is very closely connected with it. I must frankly confess to the House that I am always most reluctant even to appear to go back to the smallest extent on what has been decided in a Select Committee to the Report of which I have appended my name without a minute of dissent ; but if the House will bear with me a little, I hope I shall be able to convince even my friend, Mr. Joshi, that, in this case, there are very good reasons for doing so. When the Bill was under consideration in my Department, I felt that the two provisos which Mr. Morgan wishes to omit were admittedly open to criticism on the ground of equity. The Labour Commission felt the same and recognised that their suggestion which is embodied in the Bill is not entirely satisfactory. They put it forward as a possibility rather than as a clear suggestion. It is obviously not a sound principle that, because a person is poor, he should finally get part of something which he is found to have been awarded in error. That is the position under the proviso to section 30 A. of the Bill as inserted in clause 18 :

"Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order, or one hundred rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinion, are unable to support themselves, and in the event of the appeal being successful, such sum shall not be recoverable by the employer."

Under that proviso the employer has to pay one hundred rupees or one-tenth of the compensation, whichever is less, whether the appeal goes in his favour or not, and as I have said, Sir, that does not appear equitable. A number of members of the Select Committee felt that that was so and that there was some justice in the contention that it is not fair, but they could not see a better way out of the difficulty, and I confess that at the time I could not see one myself. It was felt that, without some provision of this kind, appeals would be filed by employers so as to postpone paying the money, often in the expectation that the dependants would be dead or gone by the time the appeal was settled. Now, Sir, it seems to me, and I trust the House will agree, that, looking at the matter from the broad point of view, the employers' offer, as it has been put to us by Mr. Morgan, does provide a better way out of the difficulty. What we have to do, as the Labour Commission tried to do, is to find out what in the long run is to the best advantage of the labourer, and I have no doubt myself that a deposit of the whole amount involved will act as a much more effective check on appeals than the deposit of one-tenth of the compensation or Rs. 100 whichever is less, even though in the latter case the employer will not get his money back though his appeal may be successful. The argument in favour of the clause of the Bill, as it stands now, and I think it is the only argument, is that it gives the dependants something to go on with pending the disposal of the appeal. But Rs. 100, more or less, is not going far in that direction. My point, and I hope I have made it clear, is that in my view, which I trust will commend itself to the House, it is far better for the workpeople as a whole that the number of appeals should be substantially reduced than that a few dependants should benefit by a small amount. I would, therefore, ask the House to look at this matter from the broad aspect—the benefit of the greatest number—and it is for that reason that I accept these amendments on behalf of Government, and I trust that the House will do so too.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words 'not less than one-tenth of' be omitted."

The motion was adopted.

Mr. G. Morgan : Sir, I formally move :

"That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words 'or one hundred rupees, whichever is less' be omitted."

I have nothing to add in putting this before the House. The Honourable Member in charge has explained the position and has accepted the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words 'or one hundred rupees, whichever is less' be omitted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 17, as amended, stand part of the Bill.

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 18 stand part of the Bill.

Mr. G. Morgan : Sir, I move :

"That in clause 18 of the Bill, in the proposed section 30A, after the words 'withhold payment of any sum in deposit with him' the following be inserted :

'and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner, shall be refunded in full to the employer'."

The reason for that is this. There is provision for withholding payment, but there is nothing in the clause to show that the money should be refunded when the appeal has been settled and won by the employer. Sir, I move.

The Honourable Sir Frank Noyce : Sir, I regret that I must oppose this amendment. In the first place, it is unnecessary, and in the second, it is objectionable. It is obvious that, where an appeal is awarded in favour of the employer, the order of the Court will cover payment of the compensation in full to him. The second part deals with the question of costs. There is no provision in the Act anywhere which provides for the deposit of costs. For that reason, I consider that it is unnecessary to provide for them here. I have also stated that the amendment is objectionable. The reason for that is that it involves undue interference with the discretion of the Court. Sir, I oppose the amendment.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I find this amendment to be a very reasonable one. It is said that the Court, on deciding in favour of the employer, will make an order for refund, but unless and until the Act provides that the refund should be made, the hands

[Mr. Lalchand Navalrai.]

of the Court will be tied down and will not pass such an order. I do not think any authority has been quoted to show that there is any general law to the effect that such payments could be refunded. If there is no general law on the subject, I do not think it will be within the province of the Court to order such refund. But even granting for the sake of argument that the principle is that it will be refunded, what is lost by making a distinct and specific provision in this Act? It is more or less accepted by the other side that the refund must be made, and if, instead of making a specific provision, you say that the Court will do it, that will certainly be unreasonable. And what is this House for? This House is here for making specific and clear provisions in order to give power to the Court to order refund. I hope the House will see the reasonableness of this amendment, and, even though it is opposed by Government, it would accept it

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I rise to oppose this amendment, and the reason is very simple. Here is a case in which compensation has been awarded by the Commissioner. The employer prefers an appeal. The appeal is not on a question of fact, but on a question of law. This appeal may take time in the High Court, and in the meantime what is to be done with regard to the poor workman and his dependants? Therefore, it has been provided in the Act that the Commissioner will be entitled to distribute Rs. 100 or one-tenth of the deposit to the workman. Mr. Lalchand Navalrai asks whether it is just to withhold from the employer the full amount of the compensation. Now, I would ask him, suppose the workman wins the appeal. What happens? If the workman wins the appeal, during this long period of time when his need was the greatest, he has been deprived of his rightful compensation and, to obviate this difficulty, the Government have placed the responsibility on the shoulders best able to bear it.

Mr. Lalchand Navalrai : Will the Honourable Member excuse my interruption? Here is a compensation unlawfully or unjustly paid and, if the appeal is decided in favour of the employer, then the money must be refunded. What harm is there in that?

Mr. Abdul Matin Chaudhury : The workman is deprived of any assistance when his need is the greatest.

Mr. Lalchand Navalrai : It is a question of refund.

The Honourable Sir Frank Noyce : There is some confusion. The question of the Rs. 100 has already been dealt with in the two previous amendments of Mr. Morgan. We are now dealing with the question of appeal in regard to the total amount.

Mr. Abdul Matin Chaudhury : Under section 17, one-tenth of the whole amount is to be deposited and under this section out of this whole amount, deposited with the Commissioner, Rs. 100 must be paid to the workman.

Mr. A. G. Clow (Government of India : Nominated official) : This proposal relates to Mr. Morgan's amendment No. 16 which has not yet been moved and which aims at the omission of the proviso altogether. The result would be that the employer will be compelled to deposit the whole amount of the compensation, but none of it will be distributed. It will be kept intact for him pending the decision of the appeal.

Mr. Abdul Matin Chaudhury : If we accept this amendment of Mr. Morgan, that means that the Commissioner of compensation is debarred from paying Rs. 100 according to the next proviso to the workman.

The Honourable Sir Frank Noyce : That is the proviso. We are not discussing it now. Mr. Morgan's amendment is to this effect. The present clause says " Where an employer makes an appeal under clause (*a*) of sub-section (*1*) of section 30, the Commissioner may, and, if so directed by the High Court, shall, pending the decision of the appeal, withhold payment of any sum in deposit with him ". Mr. Morgan wishes to add there " and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner shall be refunded in full to the employer ". We are not now dealing with the question of the Rs. 100 at all. I endeavoured to explain just now as regards the Rs. 100 that I was prepared to accept Mr. Morgan's amendment. This has nothing whatever to do with the question of Rs. 100

Mr. Abdul Matin Chaudhury : If we accept Mr. Morgan's amendment, then the entire amount will be refunded to the employer.

The Honourable Sir Frank Noyce : This particular amendment does not affect that question in any way.

Mr. N. M. Joshi (Nominated Non-Official) : I have great pleasure in supporting my Honourable friend, Mr. Abdul Matin Chaudhury. If Mr. Morgan's amendment is not adopted, the workmen's compensation Commissioner will be prevented from taking advantage of the proviso to clause 18 and we certainly cannot allow the deletion of this proviso. If we vote for this amendment, then we certainly cannot do what we propose to do. I, therefore, must oppose this amendment.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural) : I wish to oppose this amendment at least so far as the second portion is concerned. I think there is no reason for fettering the discretion of the Court as to whether it will or it will not allow full cost to the successful party. If this amendment is allowed, it will mean that the appellate Court will be bound to refund the whole cost to the successful party. Supposing the Court is of this opinion that the costs should not be allowed, in that case I submit that the hands of the appellate Court should not be fettered in that respect and, therefore, I oppose this amendment.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural) : I rise to oppose this amendment. Mr. Morgan has contrived to split one amendment into two amendments in order to conceal from the Members of this House the real import of his amendment. If this amendment is accepted, then even if the proviso be retained, there will be inconsistency and, therefore, we have to oppose this amendment as well as the next one. Had he combined the two amendments into one, then it would have been rather consistent but he has split it up into two amendments in order to confound us. We have to oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 18 of the Bill, in the proposed section 30A, after the words ' withhold payment of any sum in deposit with him ' the following be inserted :

' and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner, shall be refunded in full to the employer '."

The motion was negatived.

Mr. G. Morgan : Sir, I move :

"That in clause 18 of the Bill, the proviso to the proposed section 30A be omitted."

The object of this amendment is to cut out the proposal contained in the Bill that the Commissioner, pending the decision of the appeal, may distribute in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order. This amendment brings all my amendments together. Sir, I move.

Mr. N. M. Joshi : I oppose this amendment. What Mr. Morgan is aiming at is that even though the workman may have difficulty in supporting himself during the period of the appeal, the Compensation Commissioner should have no discretion in giving him a small amount of money. It does not mean that the Compensation Commissioner will in every case distribute Rs. 100. The Workmen's Compensation Commissioner will judge the circumstances of the workman. If he finds that the workman is likely to remain hungry and to starve, then he will give him a sum up to Rs. 100. I do not think there is any injustice in this. When the employer by his own action prolongs the period, the workman should get the amount which may be given to him by the Workmen's Compensation Commissioner. Moreover, when the Workmen's Compensation Commissioner gives his decision, at least the presumption is that the workman deserves the compensation. So, if a small amount of money, after that presumption has arisen, is spent in those cases where the workman is unable to support himself and when he is starving, I think there is nothing unfair at all and, therefore, his amendment should not be accepted.

The Honourable Sir Frank Noyce : Sir, I have already informed the House that I am prepared to accept Mr. Morgan's amendment. Mr. Joshi, as is his usual habit, wishes to have it both ways. I submit it to you, Sir, that it would have been fairer to the House if, on the previous amendment, Mr. Joshi had explained what his position was going to be on this question. I did my best to make it clear to the House,—the majority of the Members of which did not serve on the Select Committee and are not as familiar with the details of this Bill as is Mr. Joshi—I endeavoured to explain that what we were doing was, instead of asking the employer to deposit one-tenth of the amount due or Rs. 100, whichever was less, to compel him to deposit the whole amount of compensation in the hope of reducing the number of appeals. As a counterweight to that, we were relieving him of the obligation, or rather the risk, of losing Rs. 100, which, in the event of his appeal being successful, he would have no chance of getting back. The two amendments, as I explained, are very closely connected and, as the House has already passed one, Mr. Joshi wishes to get the benefit of that by persuading it to reject the other. I submit that that is not a fair course and I trust that the House will agree with me in accepting Mr. Morgan's present amendment.

Mr. N. M. Joshi : May I inform the Honourable Member, Sir, that I took no part at all in the discussion of the amendment on clause 17.

The Honourable Sir Frank Noyce : My point was that Mr. Joshi should have declared his attitude during that discussion in view of the fact that the two amendments were very closely, in fact, essentially connected.

Mr. Abdul Matin Chaudhury : We never understood it to mean that the acceptance of clause 17 carried with it the acceptance of this deletion of the proviso also.

The Honourable Sir Frank Noyce : I tried my best to explain that.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 18 of the Bill, the proviso to the proposed section 30A be omitted."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 21 stand part of the Bill.

Mr. N. M. Joshi: Sir, I move :

"That in clause 21 of the Bill, the words 'otherwise than in a clerical capacity', wherever they occur, be omitted."

This phrase occurs in several sub-clauses of this clause. It occurs in sub-clauses (*i*), (*ii*), (*iii*), (*v*), (*x*), (*xiv*), (*xviii*) and (*xix*). My amendment is that this phrase from these places should be omitted. The object of the amendment is to permit compensation being given to clerks engaged in the industries in which the workers are given the right of getting compensation. I think there is no justification for omitting clerks from the benefit of this clause. If a clerk goes near the machinery in connection with some of his work and meets with an accident, he deserves compensation. But if a clerk has no business at all to go near the machinery, there will be no accidents. In either case, either the compensation is justified or there will be no need for compensation. One cannot, however, say that clerks engaged in factories will have no work at all to go near the machinery. They may sometimes have to go ; as a matter of fact, they do go. Similarly, some railway clerks have to go near the wagons and if they meet with an accident, although they may be generally employed in a clerical capacity, they deserve compensation. I think that if my amendment is accepted, there would be no hardship on the employers at all, because if a clerk does not go near the machinery, he will not meet with any accident and in that case he will not be eligible for compensation. But if he has got to go near the machinery and an accident takes place, he deserves the compensation. I, therefore, hope that my amendment should be accepted by the House.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, though this Bill does not concern me or my community, still I hold the view that there must be a fair and reasonable treatment to all the employees and I am glad that Mr. Joshi has moved an amendment to that effect and I have great pleasure in supporting it. My argument is based on the ground of common sense. If workmen are going to get the compensation, why should not the clerks get the same. It is quite clear from the observations which have just been made by Mr. Joshi that

[Mr. D. K. Lahiri Chaudhury.]

there are occasions when the clerks also have to go near the machinery and sometimes it happens that accidents do occur to them. That being the case, why should they be deprived of the natural right of compensation. I think that it is a very reasonable demand and ought to be acceded to. Of course, if it is not the business of a clerk to go anywhere near the machinery, there will be no accidents and no compensation will be paid to him. But because on very rare occasions a clerk has to go near the machinery and meets with an accident there, I do not see any reason why he should be deprived of the right to get the compensation. From the humanitarian point of view he should also be entitled to the compensation and I hope that the Honourable the Mover of the Bill will accept the amendment.

Mr. A. Das : Sir, I support the amendment of my Honourable friend, Mr. Joshi, and for this practical reason. Coming as I do from the Gorakhpur district where there are a large number of sugar factories, I can say that it is not unlikely that such accidents do happen. As a matter of fact, only recently, just a few months ago, one of the boilers consisting of several tons of sugar juice gave way with the result that a number of men were injured including those who were clerks or office managers and who had no concern in the working of the machinery. I submit that it is not proper that the members of the clerical establishment who may happen to be injured while standing near the machinery should not be given the benefit of this Bill. If this amendment is not accepted, the result will be that they will be penalised for the mere fact that they are clerks. For this reason, I submit that those men who are injured or disabled by any accident in the machinery whether they go near the machinery or not should also be entitled to the benefit of this clause. I, therefore, support the amendment of my friend, Mr. Joshi. For the information of the House, I may say that the sugar factory, the boiler of which gave way, is situated in the district of Basti.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : From a legal point of view I think the whole theory of compensation is based on the fact that a man does not commit any act of negligence himself. It does not matter whether he is a clerk or a workman or an officer, in whatever capacity he may be, if he does not contribute towards his own negligence, I think, under the theory of compensation, it will be held that every one is entitled to be compensated if he is hurt or is affected in any way by any explosion or by any act which is not in his power to avert. I think this should not exclude anybody unless and until he is himself to blame. It is on that theory that I support this amendment and I think compensation to clerks also ought to be given.

Mr. Lalchand Navalrai : I feel I must support this amendment. It appears to me that the object of this act is that whosoever is likely to be exposed to danger must be given compensation. I ask a direct question. Are clerks exposed to danger or likely to be exposed to danger in factories or not ?

An Honourable Member : No.

Mr. Lalchand Navalrai : Here is an example which contradicts the "no", that is given in the House. My Honourable friend, Mr. A. Das, gave an instance where clerks and even managers were exposed to danger in a factory, and were actually injured. If the intention of the Act is that whosoever is exposed to such danger must be given compensation, then no exceptions should be made, whether he is a clerk or a manager or whether he is an actual driver of the machinery. In this case it might be known to the House that in factories there are offices close by the boiler room and if there is explosion the clerks are also injured. It is not a sound principle that clerks should not be given compensation and that others should be given. I think the Honourable Member will realise the reasonableness of the amendment and accept it.

Mr. A. G. Clow : Sir, I have listened to the speeches that I expected to hear from Members who are naturally sympathetic with the position of clerks employed in factories. I would put before the House the considerations which in my view justify supporting the conclusion which was reached by the Select Committee.

Before dealing with the subject on its merits, I would merely point out that Mr. Joshi's amendment, if accepted, will have an effect which I am sure he does not anticipate, in that it will exclude a large number of railway workers from the operation of the Bill. He has omitted to notice that in the first clause of the Schedule the wording is different, namely : " employed, otherwise than in a clerical capacity or on a railway ". The words " on a railway " are inserted because, if those words were not there, the limit of Rs. 300 would apply to all railway workers. Therefore, if he reads the clause as it would stand after the amendment, it reads : " employed or on a railway ", and in so far as it means anything it includes railway workers there, and, therefore, excludes them from the privilege of being included without any limit of pay. I think he would agree with me, therefore, that some alteration would still be necessary even if his present amendment were accepted.

As regards the merits of the general question, I will ask Honourable Members to think first of the title of the Bill and of the Act. It is the Workmen's Compensation Act and I suggest that there is a sound reason for distinguishing between workers and other classes of the community. That is that for the most part they are not in a position to protect themselves ; they have not as a rule the education, or the facilities or the pay which will enable them to insure against the risks of life. In the second place, this is a proposal to include a large fresh class under the Act. Now, I suggest that if you are going to include fresh classes, which I admit is a desirable thing to effect gradually, you should go first for classes which undergo greater hazards. The hazards of a clerical occupation are extremely small, there are cases in which clerks may be injured, but none of us is free from the hazards of life. I have known Members of the Assembly sitting in pursuit of their avocation subjected to serious danger from bricks falling from the roof.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : What about the casual visitors ?

Mr. A. G. Clow : They are also subject to these dangers. If you wish to amend the Act, you should as far as possible begin by

[Mr. A. G. Clow.]

taking those who are exposed to most dangers. Mr. Joshi referred to the special case of railway workers. I admit that that is a special case ; I admit that clerks employed in various capacities in railways often undergo particular risks. But I would point out to the House that we have really covered those and that in the case of railway clerks, it is only particular classes of clerks that are excluded. In section 2 (*1*) (*n*) (*i*) of the Act, we include all railway servants who are " not permanently employed in any administrative, district or sub-divisional office of a railway ". In other words, we include clerks except when they are working in offices where they incur no special risks on account of their being connected with a railway. So far as the occupations dealt with in the Schedule are concerned, I suggest that in the ordinary case a clerk incurs virtually no more risks than a clerk in a commercial office ; and if we happen to include workmen in certain classes of premises, that is not a sufficient reason for including the clerks.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 21 of the Bill, the words ' otherwise than in a clerical capacity ', wherever they occur, be omitted."

The motion was negatived.

Mr. N. M. Joshi : I move :

" That in clause 21 of the Bill, in the proposed clause (*ii*), for the word ' ten ' the word ' five ' be substituted."

This Bill proposes that those workmen who are employed in factories which work with power and which come under the Factories Act and which engage ten persons or more should be covered by the compensation legislation. My amendment seeks to give the benefit of this legislation to the workmen employed in smaller factories where five persons and more are employed. Sir, I do not see any justification for restricting the benefit of this legislation only to those workmen who are employed in what we may call the larger factories and deny it to those who are employed in smaller factories. Nobody can say that in smaller factories the risk of accident is less. As a matter of fact, smaller factories, not being under any kind of regulation, there is a greater risk, and I, therefore, think that these workmen deserve the benefit of this legislation a little more than the workmen employed in larger factories. I, therefore, hope that my amendment will be accepted.

The Honourable Sir Frank Noyce : Sir, Mr. Joshi's assiduity reminds me of the French General who stated that his method of dealing with the enemy was by the nibbling process. Our recommendation in the Bill follows that of the Commission of which he was a member. To the best of my knowledge, he did not dissent from the conclusions of the Commission on this point. They thought " ten " was a suitable number and we have adopted it. Sir, I think I need say no more.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 21 of the Bill, in the proposed clause (*ii*), for the word ' ten ' the word ' five ' be substituted."

The motion was negatived.

Sir Lancelot Graham : Sir, I beg to move :

" That in clause 21 of the Bill, for item (*iii*) the following be substituted :

' (*iii*) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or '."

The reason for moving this amendment is not that there is any intention of changing the clause as we intended it to stand, but that item (*iii*) of the Bill, as it now stands, is too wide in two respects, that is to say, wider than the authorities who initiated the Bill intended. In the first place, it will be observed that a liability is planted upon the premises although those premises may only be used for manufacturing purposes for one day in the year. What is desired is to make the employer liable in respect of workmen doing certain kinds of work, but the effect of the item, as it stands, is that the liability is planted on the place itself. That is the reason why instead of saying " employed in any premises " we propose to say " employed on particular kinds of work " and these particular kinds of work are part of the definition of " manufacturing process " as contained in the Factories Act, but not the whole. The words now standing in the item before the House are " employed in any manufacturing process ", and that, Sir, is wider than was the intention of the authors of the Bill, because it includes power processes and refers to factories. What we are really trying to get at in this Bill is workshops, not employing power for conduct of manufacturing processes. Those processes are covered by the last item in the definition, and we do not want to take the extension too far. Therefore starting with the definition of " manufacturing process " from the Factories Act, the amendment now takes only the first part of that definition. I trust, Sir, that I have succeeded in making the purpose of this amendment clear. It is to restrict the law to the intention of the originators. The present clause, as it stands in the Bill, goes too wide in two respects and in those two respects we have sought by this amendment to narrow the contents of the item to its original intention. Sir, I move.

Mr. G. Morgan (Bengal : European) : Sir, I should like to ask one question. In the amendment proposed by my Honourable friend the words " otherwise than in a clerical capacity " have been omitted. Is that a drafting omission or is it a deliberate omission ?

Sir Lancelot Graham : It is not a drafting omission, but the point is that clerks are not employed in making, altering, repairing, etc. We have actually now put in the occupation and that occupation excludes clerks employed there.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 21 of the Bill, for item (*iii*) the following be substituted :

' (*iii*) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or '."

The motion was adopted.

Mr. N. M. Joshi : Sir, I beg to move :

"That in clause 21 of the Bill, in the proposed clause (*iii*), for the word 'fifty' the word 'twenty-five' be substituted."

My amendment is not out of order even after the passing of the last amendment. The Bill proposes that in those workshops where fifty people are employed, the benefit of the Workmen's Compensation legislation should be given to the workmen. My amendment is that the benefit of this legislation should be given to the workmen employed in those workshops where 25 or more than 25 persons are employed. Now, Sir, there are many kinds of workshops where no power is used and where even a smaller number of people are employed and machinery is used. I can give you one instance. Take the printing presses specially in district towns. No power is used, but sometimes 25 people are used and sometimes even a smaller number of people is used. There is always some risk of accidents taking place, and certainly you should provide against these accidents. I, therefore, think that the number of persons should be reduced from 50 to 25. I do not think any harm will be done to any industry if my amendment is accepted.

Then, Sir, the Honourable Member said that I am following nibbling tactics. Well, Sir, I am not a tactician, but a simple man and I never follow the kind of tactics which he has in mind. Then, again, not once but several times it has been said that I was a member of the Royal Commission and I had signed its report and on some points on which I moved amendments I had not written minutes of dissent. I never care to reply to such accusation or insinuation against me : but I think it is well that I should explain my attitude in this matter. I admit that my career in public life is not without defect, but still I know this much : if I commit myself to a certain thing, generally speaking I should stick to it. I admit that. But at the same time there are circumstances which compel us, in spite of this sound rule of public life, to go against it. I believe in a parliamentary form of Government and discussion ; and I feel if there is to be legislation on a subject like workmen's compensation, the workers' point of view should be expressed and even pressed... If I had felt that, if I did not move amendments against those points against which I had not spoken in the Royal Commission's Report, there will be some other people ready to do it, I would certainly not move amendments on those points. But if I had not moved my amendment, would there have been amendments which an ordinary workman's representative could have moved ? Is it the right kind of parliamentary form of Government that labour legislation should be discussed in a Legislature and amendments could be moved on behalf of the capitalists and there should be no amendments on behalf of labour, simply because the gentleman who happens to speak sometimes on behalf of labour also happened to be a member of the Royal Commission on whose recommendations these proposals are based ?

1 P.M.

There are certain people who also think, what is the use of moving these amendments. The nibbling process could have succeeded in France, but will not succeed here. After all, whatever is supported by Government in this Legislature will be carried and nothing else can be carried : in these circumstances, why should I move my amendments ?

My reply again is the same. I believe in a parliamentary form of Government, and parliamentary form of Government means discussion. Take for instance the British Parliament. The opposition moves amendments and has divisions on every point. Why ? Because they believe in discussion ; they believe that after all it is the discussion that matters and not the vote. If I had believed that it is the vote only that matters, I would not have moved my amendments at all. I know that Government have got their votes, but I continue to move my amendments, because I believe in the parliamentary form of Government. It is true that new ideas of Government are arising all over the world. Mussolini started them and Hitler has followed. Unfortunately I still stick to my old faith in the parliamentary form of Government and I, therefore, continue to move my amendments in the belief that there will be some day when these amendments will have some effect on public opinion, especially public opinion as represented in this case. But there is another reason why I move my amendments although I had not written dissenting minutes to the Royal Commission report : that reason is this : I am not a member of Government, especially of the British Government, and I do not consider that I am above making any mistakes. It is true, when I signed the report I had accepted certain propositions. It is quite possible that after two years I may find that I had made a mistake in not writing a minute of dissent. Governments do not admit their mistakes : it is not considered to be good form for a Government to admit its mistakes.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : They never make a mistake.

Mr. N. M. Joshi : They never make a mistake and, even if they do, they do not admit it. But is it wrong for an ordinary human being like myself to admit his mistakes ? If you ask me whether my failure to write any dissenting minutes to the report of the Royal Commission on this point was a mistake or not, I am quite prepared to admit today openly that I feel that I made a mistake in not writing a dissenting minute to that report. I am not ashamed to admit my mistake : I have done.

The Honourable Sir Frank Noyce : Sir, I should like to disprove one remark that Mr. Joshi has just made and that is that it is not the habit of any Member of Government to admit a mistake. I do feel that I owe him an apology and I should like to make it. It is not fair, and I frankly admit it, that one should cast up against him the fact that his amendments go beyond what the Royal Commission of which he was a member recommended. I too have been a member of various Committees and Commissions and I have never regarded myself as specifically committed to every point of detail which has appeared in a report over my signature. While saying that, I think the position we have adopted in this respect is that our proposals are based on the recommendations of the Royal Commission of which Mr. Joshi was a member and embody a view which must be a reasonable view because he certainly held it at one time.

Mr. N. M. Joshi : Is it always reasonable ?

The Honourable Sir Frank Noyce : That is the position : the recommendations of the Royal Commission were the best we could have in this respect, and when they were unanimous, they obviously carried much greater weight. They were unanimous in this case in regard to the number

[Sir Frank Noyce.]

of 50, and that is the reason why we have adhered to it and why I am unable to accept Mr. Joshi's amendment that it should be reduced to 25. I regret that I must oppose it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 21 of the Bill, in the proposed clause (*iii*), for the word 'fifty' the word 'twenty-five' be substituted."

The motion was negatived.

Mr. G. Morgan : Sir, I beg to move the following amendment :

"That in clause 21 of the Bill, for the proposed clause (*xviii*) the following be substituted :

'(*xviii*) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months' notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or'."

Sir, with regard to the extension of persons to be benefited under this Bill, my Honourable friend, Mr. Mackenzie, and I wrote a minute of dissent in which we said that we saw no justification for extending the Bill to cover all estate labour other than factory labour. We gave our reasons in the Select Committee, and were compelled to append a minute of dissent. However, if it is decided that the provisions of the Bill should apply to estate labour, then we hold the opinion that it will be more satisfactory if it was on an acreage basis rather than on the basis of the number of people employed. Clause 18 in the Bill, as amended by the Select Committee, reads :

"employed otherwise than in a clerical capacity on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months *twenty-five* or more persons have been so employed."

Well, Sir, I understand that in many instances estates have different blocks and adjacent blocks, and the definition of "estate" might not cover this particular partition. Therefore, in my opinion it will be better, and more practicable, to work it on an acreage basis instead of on the basis of the number of people employed on the estate. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 21 of the Bill, for the proposed clause (*xviii*) the following be substituted :

'(*xviii*) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months' notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or'."

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will resume consideration of Mr. Morgan's amendment No. 23.

Mr. A. G. Clow : Sir, I find it somewhat difficult to follow the object of this amendment. The first effect is clearly to substitute for the criterion of numbers employed, a criterion based on acreage. Mr. Morgan informed the House that in this case it was more suitable, but he did not inform the House why it was more suitable. I confess I am completely in the dark as to why an acreage basis should be better than the basis of numbers. We do generally throughout the schedule adopt the basis of numbers ; we have done so in the present case. In fact, the Select Committee, in deference I think to the views expressed by Mr. Morgan, did reduce the minimum number employed from 50 to 25 in this case. I do not know any reason for altering the form of the definition in that respect.

Mr. R. T. H. Mackenzie (Nominated Non-Official) : Might I explain ? In certain parts of southern India estates owned by individuals or groups of individuals are divided up into small portions which are sometimes not absolutely adjoining one another, and each individual portion of that estate will not be covered by the clause as it now reads as employing 25 persons, whereas if the present suggestion is applied, they would probably be covered.

Mr. A. G. Clow : They must be very small estates, but I can only reply to that, that I cannot see why it should prevent an employer from declaring it to be a separate estate. It would rather be easier to evade the Act by dividing the area than by dividing up the labour force. I think it would be extremely difficult to get a very small labour force separately for each separate lot, but I suppose it is fairly easy to divide the estate up into small pieces.

Mr. R. T. H. Mackenzie : The estates are divided into small pieces and that is why we have put in our definition that an estate need not necessarily be in one block, but it may be a number of blocks. The definition says : "whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing" various products. As the matter stands at present, each of those individual blocks is regarded as being a separate estate even though they all belong to the same owner or to a number of co-owners.

Mr. A. G. Clow : I notice it refers to adjacent blocks, but I thought from what Mr. Mackenzie said that they were not adjacent but scattered in different places. I suggest to the House that it is safer to go by the criterion of numbers employed.

But the second part of the amendment is infinitely wider in its sweep, for you will notice that Mr. Morgan proposes to confer upon Government the power to include by notification estates growing any other products. In other words, it would be possible by a mere notification to include agricultural labourers on all the larger holdings in India, possibly to include by notification more persons than come under the Act already, to double the number of persons under the Act. Well, Sir, as a bureaucrat it would be ungracious on my part not to acknowledge this touching faith in the

[Mr. A. G. Clow.]

discretion of the bureaucracy. But I suggest to the House that they should watch rather carefully the power they give to extend an Act of this kind by executive action. There is already in the Act a clause which gives Government adequate power in the case of hazardous occupations, and I suggest that that goes quite as far as is wise to go under the circumstances. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 21 of the Bill, for the proposed clause (*xviii*) the following be substituted :

' (*xviii*) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months' notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or '."

The motion was negatived.

Clause 21, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 22 stand part of the Bill.

Mr. N. M. Joshi : Sir, I move :

" That in clause 22 of the Bill, after the proposed entries the following new entry be added :

' Hookworm—Any process involved in the work on estates or in mining '."

Sir, I feel that I should make a confession on this point, and that is that I received my inspiration for this amendment from what I had heard from my Honourable friend, Dr. Dalal, on this subject in the Select Committee.

Dr. R. D. Dalal (Nominated Non-Official) : Sir, on a point of personal explanation. Whenever a Bill is sent to a Select Committee, we are in duty bound to consider it from every conceivable point of view. So, I took an active part in this question in the Select Committee. I have already expressed my views on this subject.

Mr. N. M. Joshi : I am not blaming the Honourable Member for going back upon the view which he expressed in the Select Committee. I am just informing the House that I do not know anything about diseases and I got my inspiration from my Honourable friend, an authority on diseases. Otherwise I would not have ventured to put forward an amendment on this subject which I do not understand at all. I do not know why this amendment should not be accepted by the House. Hookworm is a disease which is prevalent amongst people who follow certain occupations on plantations and in mines, and that disease is due to certain conditions existing in those industries. These conditions may exist somewhere else, but the fact remains that the workmen do get the disease on account of the fact that they work in mines and on plantations where conditions causing hookworm exist. I think this very fact makes the disease an occupational one, and, therefore, it should be included in the list which is given in this Bill. I hope the House will accept the amendment.

Mr. G. Morgan : I cannot say that I quite understand this amendment. Many years ago, I attended a conference on hookworm during Lord

Lytton's governorship in Bengal. So far as I remember, it was a very large conference and we were presented with live hookworms and pictures of people from all over Bengal and Assam in various stages of the disease engendered by hookworm ; but I am perfectly certain I am right in saying that there was no process mentioned as having been the cause of this hookworm disease as far as plantations and mining were concerned. It seemed to me from the discussion that took place that it was more a question of sanitation than of the actual process in an industry and I am sorry I cannot support the amendment of my Honourable friend. If you examine the statistics of hookworm in Eastern India, you will find, I do not know what the actual percentage is, but it is enormous. The disease arises all over the country, and I think I am right in repeating that it is insanitary conditions which are more the cause of the prevalence of hookworm or the continuous spread of hookworm than any process in any industry or plantation. I, therefore, oppose the amendment.

Mr. A. G. Clow : Sir, this amendment was dealt with in anticipation fairly fully by Dr. Dalal yesterday, and Mr. Morgan has added some strong arguments against it. To these, I would only add one further point, and that is that there are two ways of getting compensation for disease. If a disease arises from an accident, whether it is specified or not, you can get compensation ; but in addition to that there are certain scheduled diseases. My Honourable friend, Mr. Joshi, did not make it quite clear to the House what the effect of his amendment would be, because these scheduled diseases are subject to a rather peculiar provision. The Act says that where a workman contracts one of these scheduled diseases and has been employed in the process specified, " the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of, and in the course of, the employment ". In other words, the Act virtually takes away nearly every possible defence from the employer in the case of a scheduled disease contracted in a scheduled occupation. The object of that is to avoid unnecessary litigation and difficulty. There are certain diseases so closely associated with certain occupations as to make it a practical certainty that, if a man contracts a disease in the particular occupation, he has contracted it as a result of that occupation. For example, in the Bill itself we are proposing to include compressed air illness, and the scheduled occupation is " Any process carried on in compressed air ". It will be fairly obvious to the House that in a case like that it is impossible for a man to acquire compressed air illness except through his occupation. Now, in the case of hookworm, as Dr. Dalal explained, you have enormous percentages of the population, particularly in Eastern India, who are infected. It will be impossible, however, for an employer to prove that they had not contracted hookworm while in his employment, and, therefore, the amendment would place employers generally in an impossible position in resisting claims of this kind. I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 22 of the Bill, after the proposed entries the following new entry be added :

' Hookworm—Any process involved in the work on estates or in mining '."

The motion was negatived.

Clause 22 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 23 stand part of the Bill.

Mr. N. M. Joshi : Sir, I move :

" That in clause 23 of the Bill, for the proposed Schedule IV, the following be substituted :

' SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult.
		Death of adults.	Permanent total disablement of adult.	
1		2	3	4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. as.
0	10	600	840	Half his monthly wages.
10	15	600	840	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	9 0
27	30	900	1,260	10 0
30	35	1,050	1,470	10 0
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,750	5,250	30 0
200	..	4,500	6,300	30 0

This Schedule deals with the rates of compensation for certain types of accidents. This is one of the subjects on which several Members, who took part in the discussion of this Bill, expressed their views. Some said

that if they accepted the proposals of my amendment, industries might be ruined, and the Honourable Member in charge of the Department said, it would mean being generous at the cost of some other people and that he would like to hold the balance even. I do not know much about holding the balance even. I was never a grocer. As regards showing generosity at the cost of others, I plead guilty to that charge, but, at the same time, if I am to accept the Honourable Member's view that Government will never be generous at the cost of others, it will mean that the Government can never be generous, because Government have always got to be generous at the cost of others. My amendment seeks to restore the original proposals which Government themselves have made as regards the rates of compensation. These proposals had also the unanimous support of the Royal Commission on Indian Labour. Government somehow after the introduction of the Bill came to the conclusion that the rates were unfair. I do not want to go into the question of how the Honourable Member was persuaded to change his view. I do not know what influenced him very much. I shall not touch on that question today. I shall first explain to the House what my amendment means and what is going to be the burden on the industry if my amendment is carried. Yesterday when the Honourable Member in charge of the Department spoke on this subject, he said after all why I should complain about his going back as after all he had made changes only in four items. That is what his argument was. There are many items in each column and he said that he changed only 4. Now, I would like those Honourable Members who wish to follow his argument to turn to page 12 of the Select Committee's Bill.

The Honourable Sir Frank Noyce : May I correct the Honourable Member ? I said that four items in columns 2 and 3 have been changed. I also mentioned that 3 items in column 4 have also been changed.

Mr. N. M. Joshi : He said 3 items out of 4.

The Honourable Sir Frank Noyce : 3 items out of 4 ?

Mr. N. M. Joshi : That is what you said.

The Honourable Sir Frank Noyce : I said nothing of the kind. What I said was that 4 items in columns 2 and 3 have been changed, and 3 items in column 4 have been slightly changed. It means that 11 items out of 51 have been changed.

Mr. N. M. Joshi : If you will look to page 12 and column 2, you will find that he has made some changes. In the original Bill, the first item was Rs. 600 ; he has changed Rs. 600 into Rs. 500. The second item was Rs. 600 ; he has changed it into Rs. 550.

The Honourable Sir Frank Noyce : I am very sorry to interrupt the Honourable Member again, but he continues to say that I have changed this and that. May I point out to him that we are here dealing with the report of the Select Committee. If he would be good enough to say that the Select Committee has changed this and that, it would be a more correct representation of the facts.

Mr. N. M. Joshi : I apologise to the Honourable Member. If he wants the Select Committee to share the responsibility, I am quite prepared to leave the credit or discredit also to the Select Committee. But the Honourable Member will admit that the Select Committee acted under his guidance in this matter. Well, Sir, I am prepared to say that it was the Select Committee and not the Honourable Member alone which made these

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changes. The Select Committee changed the second item from Rs. 600 to Rs. 550. In the first column, they also changed the item of Rs. 3,750 to Rs. 3,500 and from Rs. 4,500 to Rs. 4,000. Now, Sir, the Honourable Member thinks that after all the changes in these items are not a serious change and that he has allowed the other items to be retained as they were. Now, Sir, I would like the House to understand this that it is in these 4 items which he has changed that there was substantial increase in the rate of compensation. In the other items in some cases there is absolutely no increase at all provided in this Bill. Now, where no increases were provided at all, how could the Honourable Member show either any generosity or hold even the balance even. He can say that it was a great mercy on his part that he did not propose that the rates given to the workman for the last 10 years were not reduced by him. What is the use of his taking credit that he did not make any changes in those items. Now, take those people who received Rs. 21 a month. What do they get under the present Act ? They get 30 times their wage ; they get Rs. 630. The same amount is provided for in the Bill. How could the Honourable Member make any change there unless he really wanted to reduce the rate already given. Therefore, what is the use of taking credit that he only changed a few items. I am not suggesting, Mr. President, that he did not allow any increase to remain. There are certain items in which the increase has been small and he has allowed that increase to remain. But where the increase was substantial, he has made changes. That is really the point. Now, Sir, if you will follow the figures given on that page, you will find that the Royal Commission and the original Bill gave substantial increases to two classes of workers. Firstly, those who were the lowest paid, people whose monthly wages were, say, up to Rs. 10. They gave a very substantial increase there. Under the old Act a man getting Rs. 10 as his monthly wages got a compensation of Rs. 300. The Royal Commission proposed that he should be given instead of Rs. 300, in the case of death, Rs. 600. It was a substantial increase. They also substantially increased the compensation given to people whose wages vary from Rs. 10 to Rs. 15. A man getting a monthly wage of Rs. 15 under the present Bill would get compensation of Rs. 450 ; the Royal Commission recommended Rs. 600 ; and the Honourable Member has reduced it to Rs. 550. Then when we go down, you will find that in some cases there is absolutely no increase and in some cases there is a very small increase. Take, for instance, a man whose wages are from Rs. 18 to Rs. 21. The man who gets Rs. 18 has a certain increase in the rate of compensation ; the man who gets Rs. 19 has a little less increase ; the man who gets Rs. 20 has a still lesser increase and the man who gets Rs. 21 has absolutely no increase at all. What the Select Committee have done is that where the increase was substantial, they have reduced it ; but where the increase was very small indeed, they have kept it where it was. Now, Sir, they have also made a change in the case of those whose wages are higher, that is, people whose wages vary from Rs. 100 to Rs. 200 per mensem. Under the old Act, they got the maximum compensation of Rs. 2,500. The Royal Commission and the original Bill proposed that they should get compensation of Rs. 3,750. In the case of those people whose salaries or wages were more than Rs. 200, the maximum proposed in the original Bill was Rs. 4,500. That has also been reduced now to Rs. 4,000. Now, Sir, it is clear that the Honourable Member has reduced the compensation where the compensation was

substantial. Why should he have done that ? After all, the number of people who are affected by the increases is much smaller than the number of people in whose case the increase is not very substantial. Take for

3 P.M.

instance those people whose wages vary from zero to Rs. 10. Let us remember, these wages are the wages of adult workers. I ask, what is the percentage of adult workmen in India whose wages will vary from zero to Rs. 10. The number will be very small. Therefore, the total effect upon the country is not likely to be very great even if the increase is large. But the Royal Commission recommended a substantial increase in this case for a very good reason. After all these people are paid very low wages and there must be some minimum below which compensation should not go. They fixed the minimum at Rs. 600. It is not the fault of the man that circumstances compelled him to work on such a small wage as Rs. 10 a month. The Royal Commission thought and the Government at one time accepted that view that even though it may be the misfortune of that man to accept a small wage of Rs. 10 in the matter of compensation he should not be penalised, but he should get a certain minimum rate of compensation. In the case of those people whose wages are higher, there also the Royal Commission increased the rate because in the present Act the rate of compensation given to people whose salaries were high was very meagre. The maximum fixed by the present Act is Rs. 2,500 which is a compensation for death in the case of a man whose salary is more than Rs. 100, and this is much less than what is due at the rate of thirty months' wages which is given to others. The compensation of Rs. 2,500 will not support the family of a man whose salary varied from Rs. 100 and more. It is for that reason the Royal Commission recommended that it should be increased. After all, here again, the burden on the industries of the country is not likely to be very great. What is the number of workmen in Indian industries whose monthly wages will vary from Rs. 100 and more ? Their number is bound to be small and so the total burden on the country is not likely to be very great. The largest number of people will be covered by the intermediate classes. Therefore, even if the proposals of the original Bill and the Royal Commission were accepted, these proposals apply to a smaller number of people and although the increases are substantial, the total burden on the industries of the country will not be very large. If there had been substantial increases in the rates of compensation paid to the intermediate classes, then I am sure the burden would have increased substantially. I would like to deal now with the actual effect if my amendment is carried. I will give my estimate of the total burden of my amendment. The latest report published on the working of the Workmen's Compensation Act has given certain figures of the total amount of compensation paid during the year. I think the total amount of compensation paid during 1931 was 10 lakhs. The Royal Commission has estimated that the total number of workers covered by the present Act is about four millions. So the present Act throws a burden of 10 lakhs of rupees on industries which employed 40 lakhs of men and the burden of workmen's compensation per employee employed by these industries is about four annas per year. Nobody can say that this burden is too much. You would like to know, Sir, what is going to be the additional burden which will be thrown on these industries if my amendment is carried. It is true that in the case of some categories of workers there is, say, an increase of 100 per cent. But, as I have said, the

[Mr. N. M. Joshi.]

number of people who will be covered by that 100 per cent. increase is extremely small. People who have got 100 per cent. increase are those people whose wages vary from zero to Rs. 10. What will be the total number of such men ? If you make an estimate of the total increase in the average rate, my own estimate is that there will not be more than 10 per cent. average increase over the rates given in the present Act. In order that my argument may not be vitiated by a slight mistake here or there, I am prepared to say only for the sake of argument that the average increase given by the original Bill and by the proposals of the Royal Commission and by the proposals made in my amendment will not be more than 20 per cent. I am sure, the estimate of the Honourable Member in charge of Industries and Labour will not go beyond 20 per cent. increase on the average rate if you take all these categories of workers together. In 1931 the total amount spent was 10 lakhs. Suppose there is an increase of 20 per cent. on that. The total amount spent on workmen's compensation will be 12 lakhs. This will not be much greater burden. If you accept my amendment the additional burden on the industries of the whole country will be about two lakhs a year. Is this a burden which will affect injuriously the industries of the country, if you take into consideration that some of the industries are not very small industries not running with small capital ? Consider these two lakhs being spread over, say, the cotton textile industry in the whole country, the jute industry of the country, the mining industry of the whole country, the shipping industry of the whole country, the docks and the railways in the whole country. Will the burden of two lakhs distributed over all these industries injuriously affect any one of these industries. This bogey of the industries suffering is started just to justify the action of the Select Committee. The Select Committee made a mistake and, therefore, those people who were members of the Select Committee must justify their action. My Honourable friend, the Member in charge of Industries and Labour, may say or the members of the Select Committee may say that this Bill is also increasing the number of people who will come within the scope of legislation. It is true that we are bringing in new classes of workers within the scope of this legislation. The Royal Commission has given certain estimates of the number of people who will be brought within the scope of this recommendation. The Royal Commission estimates that about one million more people will be brought within the scope of this legislation. The recommendations of the Select Committee perhaps have gone a little further. I take it that the total number of additional men to whom this legislation will apply will be 2,500,000. Now what will be the total compensation ? When the total number of workmen covered was four millions, the total compensation was 10 lakhs. Suppose we extend the sphere of the Compensation Act and include 2,500,000 people more, the additional compensation will be about six lakhs and another lakh of rupees will be added on account of increased rates. Thus the total burden of my amendment is three lakhs of rupees. Is this going to affect injuriously any one of the industries in the country ? We need not talk of being generous at the cost of others and we need not talk of the industries being in danger. The burden is too small. It is true the Honourable Member and the Select Committee both state that the prices have gone down and, therefore, the value of the present rates of compensation has gone up. Now, Sir, I should like to ask the

Honourable Member and the members of the Select Committee one question. It is true that the prices have gone down, but is it a blessing or a curse ? I do not know what the opinion of the Honourable Member is and what the opinion of the members of the Select Committee is on that point. If it is a blessing, by all means stabilise it, and then take advantage of the fall in prices and say that the rates of compensation need not be higher. But if the present low level of prices is a curse, certainly neither the Honourable Member nor the members of the Select Committee would want these prices to be stabilised. If you do not want the prices to be stabilised, I take it that the Government of India, helped by the members of the Select Committee, will see that the prices are raised. If that is so, it is a wrong policy to base your proposals for the rates of workmen's compensation on the present low prices.

Mr. S. G. Jog (Berar Representative) : How would the raising of the commodity prices benefit the disabled people ?

Mr. N. M. Joshi : This argument of prices is not mine ; it is an argument to which the Honourable Member has given his approval in the Select Committee. I suggest to the members of the Select Committee that it is wrong to keep the prices at that low level. Therefore it is wrong to base your legislative proposals on the present low level of prices. I, therefore, hope that the Honourable Member and the members of the Select Committee will not make use of this present low level of prices as an argument against the increase of the rate of compensation.

Then, Sir, I would also suggest to the Honourable Member and the other members of the Select Committee to consider this that it is true that the present level of prices is very low. But let them study what the world is doing in order that the present low level of prices should be raised. Let the Honourable Member in charge of the Department as well as his friends on the Select Committee study what President Roosevelt is doing in order that the price level should go up. He is not thinking of reducing the rates of workmen's compensation. On the contrary he is by dint of his power increasing the wages in the country. He is shortening the hours of work ; he is trying to put more money into the pockets of the working classes of America in order that the price level should be raised. Therefore, do not talk of these low prices. It is wrong to stabilise low prices and to base your legislative proposals on the present low prices. If your object is to increase the prices, unless you give a little more money to the working classes your level will not be raised. I, therefore, feel, Sir, that this argument of prices is a very wrong one and is fallacious. Sir, I do not wish to take up any more time of the House, but I am sure the Members will recognise that I have shown that my amendment which had the distinguished and powerful support of the Government of India of few months ago and of the Royal Commission on Labour and which is not likely to cost to the industries covered more than three lakhs of rupees should be accepted.

Mr. G. Morgan : Sir, I am sorry I cannot support the amendment moved by my Honourable friend, Mr. Joshi. The reasons for the changes made in the Select Committee.—leaving out the question of the low prices which point I will not argue at all.—are given very fully in paragraph 4 of the report. On my Honourable friend's showing, the

[Mr. G. Morgan.]

Royal Commission made a minimum of Rs. 600. That may be quite true. The changes made by the Select Committee on the two lowest, were for the reason, if I remember rightly, that a man getting Rs. 10 under the original Schedule and the Schedule as per my Honourable friend's amendment is exactly the same as the man who will be getting on the basis of wages of Rs. 18. And I think, if I remember rightly, the argument was that there should be some differentiation. As the report shows, the increase is very considerable even on the basis of Rs. 500 for wages of Rs. 10. I do not think that any one can cavil at the amount as stated in the Schedule in the Bill.

With regard to the last two, the others remaining the same, the amount has been reduced from 3,750 to 3,500 and from 4,500 to 4,000 in the case of death and from 5,250 to 4,900 and 6,300 to 5,600 in the case of permanent disablement—a very large increase over the rates in the present Act—over 60 per cent. My Honourable friend, Mr. Joshi, has claimed that it is a very small amount for the industries to pay. I am prepared to grant that, if it were possible, when accidents occur, for each individual industrialist or owner of a concern to pay *pro rata* a percentage of the claim. Then this two or three lakhs would be all right. But it is the individual concern to whom the accident refers, who has to pay the claim.....

Mr. N. M. Joshi : I am talking of voluntary insurance.

Mr. A. G. Clow : But you did not allow for any insurance expenses.

Mr. G. Morgan : What I want to bring out is this : my Honourable friend, Mr. Joshi, labours the question of the small amount which the industries and employers would have to pay in such large industries as cotton textiles, jute, etc. I grant that as a whole. But the individual concerns in which the injury occurs have to bear it ; it is not spread over the industry as a whole.

I am sorry I cannot support my friend, because although I am accused of voicing always the capitalist ideas and feeling in this House, I can assure him that I have every sympathy with labour and I think for the past two years or so even those awful people, called the capitalists, have certainly come to the conclusion that the care of labour and the wage-earner is the most important part of any industry, and I am perfectly certain that everything will be done to give the labourer a square deal in the matter. But I do not think my friend's arguments can hold good at all in this case, and the Schedule, as attached to the Select Committee's report, is, in my opinion, ample and provides a very large increase over the previous rates for death and disablement. I, therefore, oppose the amendment.

Mr. S. G. Jog : Sir, it is not out of a mere sentiment of tenacity that I am rising to support the report of the Select Committee. I will be really glad if my friend's amendment is approved by the House and I will be really glad if the workers get anything more as suggested by my friend. It is not because I have put my signature to the Select Committee Report that I am rising to justify the action taken by us. I must congratulate my friend, Mr. Joshi, upon the elaborate explanation he has given of the Schedule. He has clearly mentioned that in the case of workers getting low wages, the amount which they should

have got under the Act has been reduced by Rs. 100. He has also pointed out several other things where the workers have been affected. On a mathematical calculation, he has shown that the only increase of the burden on the industries will be to the extent of three lakhs of rupees. I should like to give my friend the assurance that matters like these cannot be settled by mathematical calculations. Take a general and broad outlook of the whole thing. You cannot apply mathematics to everything. As said by my friend, Mr. Morgan, with each individual case probably it may work hard ; at the same time other industries may not be hit at all : we have to look at it from a broad point of view. If, as a matter of fact, my Honourable friend feels.....

Mr. G. Morgan : Sir, may I explain ? What my friend says is not quite correct. I did not use the word " hardship ". I said that my Honourable friend, Mr. Joshi, was not quite correct in saying that the burden on the industries was only three lakhs. If it was distributed *pro rata* among the whole of the industries, it might not be much : what I said was that individual concerns would have to find the money. I did not say that it was a hardship. I did not introduce the word and I will not use the word " hardship ". I only wanted to point out that it was the individual concern which would have to pay and that the amount of three lakhs was not spread over the whole industry.

Mr. N. M. Joshi : May I interrupt the Honourable Member and say this : that I spread the three lakhs over the whole industry, because there is a method possible for the employers in industry to insure against this risk and to spread the risk over the whole industry so that the risk should not fall upon the few individuals in whose factory or works the accident took place. If the employers do not choose to insure, then they will suffer ; but the method of spreading the burden over the whole industry is open to that industry.

Mr. S. G. Jog : I do not think that suggestion comes within the scope of the Bill before us.

Mr. N. M. Joshi : It is a voluntary insurance.

Mr. S. G. Jog : We are not concerned with that now. My friend, Mr. Joshi, has also asked whether the present low level of prices is for the good of the worker or to his disadvantage. But we are not concerned now with this wider question which has puzzled many people. He has gone beyond the legitimate scope of the present Bill and has brought in Mr. Roosevelt and world prices and the world depression. I think we should restrict ourselves to the present issue before us. The present issue is that in case of death and disablement what compensation should be given which will keep that disabled man alive for the rest of his life. In old days what he used to get for Rs. 50, he can get now for Rs. 40. We are not at all concerned as to the raising of the price level : we are concerned as to the price we are paying as compensation for disablement or death and what will put him in a proper position to keep alive. In coming to this conclusion, we exercised our own independent judgment and, after exercising that judgment, we put our signature to this report. I would like to draw the attention of the House as to what induced us to change the rates :

" The increases proposed by the Bill in these classes are heavy and it seemed to the majority of us impossible to ignore the fact that, since the Royal Commission reported, there has been a very substantial change in the price level."

[Mr. S. G. Jog.]

I admit that we have been influenced by this fact :

"The increases proposed by the Bill in these classes are very heavy and it seemed to the majority of us impossible to ignore the fact that, since the Royal Commission reported, there has been a very substantial change in the price level. The Commission indicated that their proposals were based on conditions prevailing in 1929 and early 1930. Since then the prices have fallen to a much lower level and wages have been reduced to some extent. The greater part of the Schedule is based directly on wages, and, therefore, reductions in wages make themselves felt automatically in reducing the amount of compensation. But this does not hold good at the extreme ends of the Schedule, for the maximum and minimum are fixed sums."

The main consideration that influenced us in coming to our decision in this matter was what would put the disabled worker in a proper position. I should like to point out to my friend that, after all, this law of granting compensation to workmen is a progressive legislation. Each time we will have to judge by the circumstances that exist, and I think we will have to revise the present scale of compensation if the world conditions change, if the commodity prices go higher. This is only progressive legislation, and I think if we compare the present law with the old legislation, we have made sufficient progress. It is very difficult to lay down any hard and fast rule, it is very difficult to draw an exact line as to what should be the exact amount of compensation. We have to draw the line somewhere. We thought that the present Schedule would meet the present requirements of the workman and will certainly improve his lot. That was the thing that chiefly influenced us in coming to our present decision, and I would suggest that for the time being my friend Mr. Joshi should remain satisfied with the Report of the Select Committee to which we have attached our signatures, because we have arrived at these figures after a good deal of thought and consideration. With these words, Sir, I support the Select Committee's Report, and it is with great pain that I have to oppose Mr. Joshi's amendment, although I would be glad if his amendment were passed.

Mr. B. V. Jadhav : Sir, I am really surprised at the halting support which the Honourable gentleman who just sat down has given to this amendment. The main argument on which the majority of the Select Committee tried to justify the reduction in the first two items of the Schedule from the amount laid down by the Royal Commission is the low prices that are now prevailing. But every one knows, Sir, that the present low prices are not permanent, and every one knows that the low prices should disappear, and a proper scale of prices should return as early as possible. The prosperity of the country depends upon that, and every one knows that even the revenues of the Government will be affected if the present scale of low prices remains for any length of time. But my friend from Berar recommends that when the prices rise, the scale in the Schedule might be raised. He ought to remember that legislation is not changed every now and then. Prices may fall in one month, and they may rise in another month, and the Government cannot take that kind of thing into consideration at all. When the Workmen's Compensation Act was first passed, a scale was prescribed, and the same scale remains up till now. A little increase has been proposed by the Royal Commission, and that too is sought to be whittled down by,—I shall not say by the Honourable Member opposite,—but by the Select Committee behind which he wants to shield himself. It was not due to the attitude of the non-official members of the Select Committee that this reduction was proposed. The proposal first came from the Government side, and the capitalist section of the Select Committee eagerly caught the idea, and thus the majority was formed and they whittled down the scale which was thought to be adequate and just by the Royal Commission.

Now, Sir, let us take each item,—the monthly wages of the workman injured, but not more than Rs. 10—the Royal Commission recommended that for the death of an adult getting that amount of wages the compensation should be Rs. 600. Now, the Select Committee has reduced it to Rs. 500. Every one knows that an adult who gets Rs. 10 a month is a mere novice in an industry ; he has to learn there ; he will not know much about any industry, but as his knowledge increases, as his experience increases, he will get higher and higher wages. So if an adult at the age of, say, 18, 19 or 20 loses his life in the beginning of his career, then in paying compensation the point ought to be considered that he was the prop of his family, he was the hope of his family. If he is suddenly cut away by an accident when working in the factory, then the whole family is ruined, and it is only natural to expect that some substantial compensation should be paid to his family in consideration of the fact that their future hope is taken away ; his aged mother or aged father were looking up to him for support in their old age ; his younger brothers might have been expecting support from him, or his younger sisters needed his help for their marriage, and so on. We should not merely look to the wages that he was getting at the time he lost his life, but we should look to the potentialities, because by his death the whole family is ruined. So the scale proposed by the Royal Commission of Rs. 600 in such a case is not very excessive or extravagant, and to suggest that a man getting Rs. 10 or a man getting Rs. 15 and a man getting Rs. 18 should be assessed for the same sum is, to say the least, absurd. It is not the actual wages that a man was getting that should be taken into consideration, but the potentialities of his future advancement and his future higher wages that should be taken into account. Sir, in the same way the Royal Commission recommended for the higher salaries of Rs. 100 and Rs. 200,—sums which the Select Committee has thought fit to reduce. In the Select Committee, to make a compromise, I proposed that I would accept the lowering down of the scale for the higher wages on condition that the scale was not reduced for the poorer man, but then we were outvoted ; we appeal to this House to right the wrong and to accept the amendment so ably moved by Mr. Joshi.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : When I see the amendment and the original provision in the Bill, I find it very difficult either to support or to oppose to amendment. Had the amendment been in the form that there would be increase for the men who were getting low wages, such as Rs. 10, 15 or 20, I would have supported it. I find in the amendment an increase is proposed for men who will get Rs. 10, 15 or 18, but for men getting Rs. 24, 27 or Rs. 30, and so on, up to Rs. 100, no increase has been suggested. And for men getting Rs. 100 and more, some sort of increase in the compensation has been proposed by my Honourable friend, Mr. Joshi. Again, when we see the fourth column, we do not find any increase for men who get low pay, such as Rs. 10 or 15, or men who get Rs. 100 or 200, but in the middle there is some increase. Though I have got every sympathy with labour, I find that this amendment is not consistent, and so I oppose it.

The Honourable Sir Frank Noyce : Sir, I have very little to add to the able defence of the Select Committee's report which has been made by

[Sir Frank Noyce.]

my Honourable friend, Mr. Jog. There is one point on which I should like to remind Mr. Joshi, and that is that it was not I who introduced this Bill. He wishes to know what has caused a change in Government's views since the Bill was introduced. He wanted to know why the scales have been altered since then. I did not introduce the Bill, but I have no doubt that, if I had, I should have adopted the course which my predecessor did, as regards the inclusion of the scales shown therein. I would remind the Honourable Member that, after this Bill was introduced, it was circulated for opinion, and as he knows, perfectly well, we got some hundreds of pages of opinions on the Bill. His argument seems to me to be that Government should in no case listen to the opinions they receive unless those opinions support his view. As I said, when I was moving the motion for reference to a Select Committee, as was naturally to be expected, the labour interests wished the scales to be increased ; the employers wished them diminished. The Local Governments, on the whole, were in favour of them and they thought they hit a happy mean ; one of them, that of the United Provinces, held that they were too liberal. It was only after consideration of all the opinions that had been received that the Government placed their views before the Select Committee and left it to the Select Committee to decide. Now, Sir, I should like to ask the House to consider the alleged illiberality of our treatment of the first two and the last two classes. I would draw their attention again, as has been done frequently in the course of this debate, to paragraph 4 of the Select Committee's report. If they compare the scales there given with those under the existing Act—I admit comparison is not altogether easy, because the classes under the present Act and those in the Bill are not quite the same—they will see that we are proposing to give the first class Rs. 500 for death instead of Rs. 240, and Rs. 700 for permanent total disablement instead of Rs. 336, which I think I am correct in saying is the amount admissible under the present Act. I am not going to state in detail the differences in the higher classes as I do not think Mr. Joshi is really very interested in those. All I would say is that the increases proposed in those classes under the Royal Commission's proposals were very steep indeed, and even as left in the Bill, are quite liberal. We are giving Rs. 3,500 in one case and Rs. 4,000 in the other for death against Rs. 2,500 under the present Act and Rs. 4,900 and Rs. 5,600 against Rs. 3,500 for permanent total disablement. The point I wish to impress upon the House is that the alterations in the lower scales and in the higher scales are very steep. I have a graph here which conclusively proves that. It, therefore, seemed to Government not unreasonable that some reduction should be made in those scales. I do not propose to follow Mr. Joshi in his discussion of prices. All I would say is that the Select Committee, as had the Royal Commission, had to consider the state of affairs as it existed today. The Select Committee dealt with the facts as they are now and they had to take into consideration the present level of prices. It was not for them to foresee the future. I can only hope that my Honourable friend's belief that prices will rise is well founded.

There is one point to which I should like to draw the attention of the House in dealing with this question of compensation for the two lower classes. What I should like the House to consider is that, when you are dealing with a wage of less than Rs. 10 a month, the amount that the person is going to spare for his dependants must be extremely small. A person who gets that wage cannot live on nothing and five annas a day does not leave much margin to support dependants. What is the object of compensation ? I maintain that it is not to fine the employer, nor is it intended to provide for bereavement as such. The sole object is to provide an insurance against financial loss arising on account of accidents, and I think it can be claimed that Rs. 500 ought to place dependants in these cases in as favourable a position as they were before the accident. As a matter of fact, in most branches of industries, a wage as low as this amount generally represents a part time worker or possibly a woman, and many of those on this wage would be able to afford nothing to their relatives. That, Sir, is the point I wish to emphasise. The sole object of compensation is to provide insurance against financial loss and in the case of work people drawing such low pay, the sums we have provided in the Bill are reasonable and I maintain even liberal. I cannot follow Mr. Jadhav's argument that a workman getting Rs. 10 or less is likely to be the prop of his family. In any case, the Bill does not provide for potentialities ; it merely deals with the facts as they exist. I do not wish to detain the House longer, and will only state once more that I am compelled to oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 23 of the Bill, for the proposed Schedule IV, the following be substituted :

'SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult.
		Death of adults.	Permanent total disablement of adult.	
1		2	3	4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. As.
0	10	600	840	Half his monthly wages.
10	15	600	840	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	9 0
27	30	900	1,260	10 0
30	35	1,050	1,470	10 0
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,750	5,250	30 0
200	..	4,500	6,300	30 0"

The Assembly divided :

AYES—19.

Abdul Matin Chaudhury, Mr.
Aggarwal, Mr. Jagan Nath.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Hari Raj Swarup, Lala.
Jadhav, Mr. B. V.
Joshi, Mr. N. M.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Rajah, Rao Bahadur M. C.
Reddi, Mr. T. N. Ramakrishna.
Sadiq Hasan, Shaikh.
Sen, Pandit Satyendra Nath.
Shafee Daoodi, Maulvi Muhammad.
Uppi Saheb Bahadur, Mr.

NOES—50.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Bower, Mr. E. H. M.
Chatarji, Mr. J. M.
Chinman Lal, Rai Bahadur Lala.
Clow, Mr. A. G.
Cox, Mr. A. R.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fazal Haq Piracha, Khan Sahib Shaikh.
Fraser-Tytler, Major W. K.
Ghose, The Honourable Sir Bepin Behary.
Graham, Sir Lancelot.
Grantham, Mr. S. G.
Haig, The Honourable Sir Harry.
Hezlett, Mr. J.
Hudson, Sir Leslie.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lloyd, The Honourable Mr. A. H.
Mackenzie, Mr. R. T. H.
Megaw, Major-General Sir John.
Millar, Mr. E. S.
Milligan, Mr. J. A.
Mitchell, Mr. A.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Noyce, The Honourable Sir Frank.
Raghubir Singh, Rai Bahadur Kunwar.
Raisman, Mr. A.
Ramakrishna, Mr. V.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sher Muhammad Khan Gakhar, Captain.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Smith, Mr. R.
Studd, Mr. E.
Talib Mehdi Khan, Nawab Major Malik.
Tottenham, Mr. G. R. F.
Vazir Muhammad, Khan Bahadur Shaikh Yakub.
Wajihuddin, Khan Bahadur Haji

The motion was negatived.

Clause 23 was added to the Bill.

Schedule IV was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order, Mr. Mitra.

MOTION FOR ADJOURNMENT.

FACILITIES GIVEN TO MAHATMA GANDHI IN JAIL.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move that the House do now adjourn. By this motion I desire to raise a specific issue, whether this Assembly will approve of the attitude of the Government in restricting facilities afforded to Mahatma Gandhi this time, restricting these much more unlike the previous occasion, which has compelled him to resort to fast unto death. I am not actuated very much by any idea of moving a vote of censure on the Government, but I think it my duty to express the public feeling in the country as a representative of the people, as a public man, so that it may not be said later on, as it has been said on other occasions, that while the Assembly was sitting there was no discussion about the treatment that is now being meted out to Mahatma Gandhi. I do not care whether I win or lose at the time of voting. I know the depleted condition of the elected Members on this side of the House and I also know that the Government have got packed benches. I do not blame anybody. The constituencies will take care of the elected Members if they fail to discharge their duties. Those who are present in the House, it is their duty to give expression to their views.

4 P. M.

Sir, the policy of the Government is neither logical nor politic. However much one may regret, yet one could appreciate the Government's position if they had maintained the strict rule of law. Whoever breaks the law will suffer the consequences. The Law is no respector of persons. Fortunately for all, the Government have not accepted that narrow interpretation of law. Laws were made for men, and men were not made for laws ; and I am very glad that Government have followed the spirit and the fundamental ideal of law, and have conceded privileges to Mahatma Gandhi, which have been denied to other prisoners of unblemished character, punished for the same offence under the same law. But I have no fetish for logic as well. I say when once it is conceded that Mahatma Gandhi is not to be treated like an ordinary prisoner, why should be there this petty-mindedness on behalf of the Government ? Whatever we may say here, we all know that Mahatma Gandhi is not an ordinary man. Kingdoms and Empires will vanish into oblivion, but the name of Mahatma Gandhi will still survive. He is a prophet of non-violence and, if I have time, I shall develop how he is fully justified in not even accepting the conditions of Government to secure his own freedom on the condition that he will restrict his activities merely to Harijan work. The Honourable the Home Member said yesterday that " no unreasonable obstacle should interpose to any work which was believed to be of social importance ". That was the manner in which Mahatma Gandhi was treated during his last imprisonment. We congratulate Government for their decision to give Mahatma Gandhi even this time some extraordinary privileges. We also appreciate the high sentiment that actuated Government in releasing Mrs. Gandhi to attend on Mahatma Gandhi during the days of his fast. But I lay stress on my former point. It has been truly said that the great Empires and little minds go ill together. Government can certainly now afford to be generous. What is there which stands in the way of Government allowing Mahatma

[Mr. S. C. Mitra.]

Gandhi the same privileges that were given to him only a few months back ? If we analyse the particular items of the differences, it comes to this. Government want to allow him two visitors a day, and not more than that. It stands to reason that it may not be necessary for Mahatma Gandhi to have more than two visitors every day, but on a particular day it may be necessary for him to have interviews with four or five provincial leaders who may like to consult him about the untouchability work. Similarly, there is a restriction about letters. He is allowed to write three letters a day, but when he has to address all the provincial workers, he might, on some occasions, require more letters to be written. If you pay a little attention to these particular items you will find that they are unnecessarily restrictive. It is not to serve any great purpose that these humiliating conditions are now imposed on him. As I have already said, Government should be generous and should do away with these little pin-pricks. It has been said that Government offered Mahatma Gandhi to secure his release on condition that he will restrict his actitvities to Harijan work only. Those who know Mahatma Gandhi and have any intimacy with his writings know for certain that this condition cannot be acceptable to him. If he is anything, he is a man of very strict and strong principles. He believes in the principle of non-violence and he believes that everything can be attained by civil disobedience. I maintain that civil disobedience by itself cannot be considered as unconstitutional. Of course, when it is taken up in order to subvert the Government, there may be occasions when it may be necessary to declare it illegal or unconstitutional. But every kind of civil disobedience cannot be considered as an illegitimate weapon. To speak of individual disobedience, it requires no argument that it can never be regarded as unconstitutional. Suppose a particular man feels in his conscience that he cannot strictly abide by a particular law, what course is open to him ? He is agreeable as an honest citizen to undergo penalties that are enjoined for the breach of these laws. If he willingly suffers the consequences and by his suffering draws the attention of the country and of Government, what is there which is wrong, morally or even legally and that such a man should not take recourse on the principles of individual civil disobedience. Now, it is at least ideally conceded that war is a barbarous method and it is not a civilised method for the settlement of any disputes and thus civil disobedience is the only method by which one can expect to bring round his opponents to his views and settle their differences. It has never been maintained that the actions of the majority are always good and what is left for minority except civil disobedience to resist the evil. Mahatma Gandhi is determined not to hurt the feelings of anybody, but to suffer himself and thus to induce other people to come to the right way of thinking. It is a matter for very attentive and clear thinking. Individual civil disobedience or, as a matter of fact, even mass civil disobedience are not necessarily unconstitutional and illegal. The high ideal that is now gaining ground is I think,—even the International conscience is slowly accepting the view—that for rectifying our wrongs and for settling our disputes, we, as civilized people, should not wage war against each other. What is left, then, except to agree voluntarily to suffer the consequences to get those

wrongs remedied ? I maintain that as an honest man and as a great man that he is, Mahatma Gandhi had no other course open to him when he was asked but to tell the Government that he was not willing to secure his liberty restricting his activities to the Harijan work alone.

One other point I should like to make clear and here I shall quote from the Government communique itself that, when facilities were given to Mahatma Gandhi, he did not misuse them in the least. The Government communique says quoting Mahatma Gandhi :

"I miss Government's response to meticulous care with which I am endeavouring to observe jail discipline and as prisoner tender co-operation which as a citizen outside prison walls I consider it a religious duty to withhold. I have read your notes three times and each reading has increased my grief to discover that Government cannot appreciate the desperate need there is for me to do Harijan work without let or hindrance."

I think the Honourable the Home Member also admitted that not only in mere technicalities of the rules, but in its true spirit, Mahatma Gandhi kept his word of honour about the restrictions that were imposed upon him on the last occasion. In vain I tried to understand from the Honourable the Home Member how he makes a difference between a State Prisoner and an ordinary prisoner. He had to admit that all these privileges are not allowed to ordinary prisoners. He had to admit under stress of cross-examination by my friend, Mr. Puri, that Mahatma Gandhi is treated differently from other 'A' class Prisoners. I found it even in the communique itself that the Government have admitted it. They say :

".....should not be allowed any special treatment. Nevertheless the Government have been reluctant to take action which would be regarded as unreasonable interference with the work of social reform or to take their stand too rigidly on the fact that Mahatma Gandhi is by his own deliberate act a prisoner convicted for breach of the law. In spite of the inconvenience to jail discipline and the anomaly of the position....."

So it requires no argument from me. Government admit it as an anomaly and that Mahatma Gandhi is not an ordinary prisoner. In the best interest of the country and of the Government themselves they should treat Mahatma Gandhi exceptionally and to accede to his reasonable requests. It is a social work, the same social work for which he was allowed all facilities.

By oppressions and tyrannous acts Government may be carried on for some time, but it is well known even to Government that they can not carry them for all time. It is a very opportune moment and a psychological moment, and I say, Government can be generous and can settle many of our problems and troubles. The people of India will appreciate if Government can bring themselves up to that attitude of mind and offer Mahatma Gandhi the facilities for his work, social work, and I understand the Government do not disapprove of the nature of social work in which Mahatmaji is at present engaged.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has two minutes more.

Mr. S. C. Mitra : I have tried to impress upon the House the point that the Mahatma will not in any way abuse or misuse any of the concessions that will be allowed to him. I think the Government also is

[Mr. S. C. Mitra.]

absolutely certain that there is no risk on that account. When they have conceded to a certain length, no good will be obtained by these half-hearted measures. Either he should be treated as an ordinary prisoner or an extraordinary prisoner. When he appeared before the tribunal, I remember I read in the papers that he did not demand to be classed as 'A' class prisoner. He said he was a farmer and a weaver and that he would be satisfied if he was classed as an ordinary prisoner. Once you concede—it may be that the Honourable the Home Member does not agree that it was for political consideration, let it be from any other consideration—once you concede a certain special privilege it is but right that you should concede the whole of his reasonable demands and thus save the life of this great man who is a great asset not only for this country, I say also for the Government. His ideal of non-violence has saved the country from many a trouble. It may not be known to everybody—I think the Honourable the Home Member knows it well—that this great ideal of non-violence greatly helped in keeping the country very quiet. Do not put any obstacle against the spread of this high ideal of non-violence and Truth, which is India's cherished ideal, by killing this apostle of non-violence. On these considerations, I commend my motion for the acceptance of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the House do now adjourn."

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I have listened to the speech of my Honourable friend, Mr. Mitra.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I am sorry to say that I have to oppose the motion. I realise that I am in a rather awkward position, because I will have to oppose not only my Honourable friend, Mr. Mitra, but also many of my friends on this side of the House. But I would be failing in my duty if I would not give expression to my views on this important question.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Do you want Mahatma Gandhi to die ?

Pandit Satyendra Nath Sen : Certainly, I do not. My Honourable friend in this motion refers to facilities for conducting the untouchability movement, although in his speech he referred to the civil disobedience movement also. I will confine my remarks to the untouchability movement only. My Honourable friend has his grievances, but we too have our grievances regarding that movement. Our grievance is not that facilities have been curtailed, rather that facilities should at all have been given to him. You may give him every facility in other directions, but so far as this movement is concerned, when there is a volume of opposition to this movement, it is only reasonable on the part of the Government that they should maintain perfect neutrality which means no change of existing jail rules.

Sardar Sant Singh (West Punjab : Sikh) : May I know whether the Honourable Member is in order in discussing a principle which has already been conceded by Government themselves by granting a few facilities to Mahatma Gandhi to carry on the work of untouchability. The question is whether full facilities should be granted or not. This is the subject of the motion as I understand it.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member is perfectly in order in saying that no facilities should be granted to Mr. Gandhi.

Pandit Satyendra Nath Sen : I have every sympathy for a man who, through some mistaken belief or ideals, is about to commit suicide. But I shall be the last person to allow a man any facility for conducting a propaganda which is opposed by a large number of people with all their might, although they cannot create so much noise as is being created by the other party. I do admit that Mr. Gandhi.....

An Honourable Member : Say Mahatma.

Pandit Satyendra Nath Sen : We, orthodox people, refuse to call him a Mahatma, because he has got his frailties some of which are more serious than those of ours.

Mr. Lalchand Navalrai : Is that your definition in your Shastras ?

Pandit Satyendra Nath Sen : Yes, a Mahatma should not have ordinary frailties. I do admit that Mr. Gandhi or Mahatma Gandhi if you like (Laughter) is a big personality and, if he were not a big personality, I think he would have been hauled up under some section of the Penal Code for attempting to commit suicide. However that may be, Government certainly cannot identify themselves with a propaganda when there is so much opposition to that propaganda from some other quarters.

So far as the fast is concerned, I think it is as irreligious as the propaganda itself. Mr. Gandhi pins his faith exclusively on the Gita,—a queer insistence indeed ! Be that as it may, the Gita itself condemns such a fast in unequivocal language.

An Honourable Member : What is the *sloka* ?

Pandit Satyendra Nath Sen : I will give it if you want it. This fast as well as its predecessors are intended to achieve some object ; that means, some *kama* or *raga*, *i.e.*, desire or attachment. And in his occasional utterances we come across his rather peremptory orders that such and such thing should be done by such and such date, otherwise he will fast unto death, and so forth. This smacks of what is called *dambha* and *ahankara*, *i.e.*, pride and vanity. Such a fast has been condemned by the Gita. My friend wants the *slokas*. The *slokas* are these :

"Ashāstra-vihitam ghoram tapyante ye taho janāt
Dambhāhamkāram āsritya kāma-rāga-valānwitāh
Karsāyantah sarīvastham bhūtagrāmam achetasah
Mām chaivāntah-sarīvastham tān viddhyāsura-nischayār."

And there are other *slokas* also :

"Yah shāstra-vidhim utsrijya varttate kāma-chāratah
Na sa siddhim avāpnoti na sukam na parām gatim."

An Honourable Member : Translate please.

Pandit Satyendra Nath Sen : The first two *slokas* mean this : " Those unwise people who practise severe penance under the influence of desire and attachment, pride, vanity and strength and emaciate their limbs as well as Myself living within are to be known as having a demoniac determination." That is the true translation of the *slokas*. I can see that my Honourable friends on this side are inclined to take exception to the expression " demoniac " but that is not my language. I am simply quoting the text ; I am not responsible for the exact phraseology.

Mr. Lalchand Navalrai : That does not apply to Mahatma Gandhi.

Pandit Satyendra Nath Sen : Yes. His fast is intended to achieve an object and not for the purification of his own self. He wants to screw out something from another party. And the *sloka*, which I quoted last, means this :

" He who does not follow the Shastric injunctions and is pleased to conduct himself according to his own whim does not attain success nor happiness nor salvation."

It may sound strange to some people that Mr. Gandhi failed to distinguish right from wrong, but there is nothing strange in it ; because the same Gita says :

" Pravrittim cha nivrittim cha janā na vidur āsurāh."

" Those who are under an evil influence cannot discern what is right and what is wrong."

There is nothing strange in it. He may be a Mahatma, but at times it is quite possible that he fails to be a Mahatma, because there is a constant conflict between good and evil in every individual. You may be a Mahatma just now, but the next moment you may turn out to be a *durātma*.

Sir, under the circumstances I think the right course for every well-wisher of society would be not to give him undue facilities for carrying on an unholy propaganda, but to dissuade him from undertaking such an unholy fast. And my suggestion to Government is that they should forthwith release Mr. Gandhi and we should like to see what he can do against us openly without being allowed to attract some artificial sympathy from the people for his unholy work.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, you have just now listened to the graceful speech of Pandit Sen. It is his pride and vanity that he should obstruct Mahatma Gandhi's great work on behalf of the depressed classes. He belongs to the 18th century. Let me not touch him ; I leave him alone.

Sir, first of all let me thank the Government of India for giving Mahatma Gandhi unlimited facilities during the last September fast for inaugurating a movement for the abolition of untouchability in India. That act of Government did really help the cause of the depressed classes to a great extent. There is no doubt that Mahatma Gandhi is sincere in raising the status and condition of the depressed classes whom he calls Harijans,—God's people.

Pandit Satyendra Nath Sen : And are the others Satan's children ?

Rao Bahadur M. C. Rajah : Might be ; if the cap fits them, they can put it on.

His personality, his influence and the position he occupies in the Indian society are factors to be counted that go to help the cause he has so nobly undertaken. Sir, I was glad to learn from the reply of the Honourable the Home Member to the short notice question yesterday that there should be no obstacle interposed to any work which is believed to be of social importance. So the work that Mahatma Gandhi has undertaken is of social importance. I was also glad to hear that Government do not want to appear to be impeding the efforts to raise the status and condition of the depressed classes. The *raison d'être* of British rule in India is to secure just treatment for the depressed classes and to stimulate and guide progress among weaker communities, and one of the justifications of British rule in India is the rendering of justice to, and the liberation of, our oppressed communities. Therefore, they should welcome a movement in the Hindu community itself to reform its religious practice in respect of the treatment and status accorded to the depressed classes. This is what Mahatma Gandhi is doing by inaugurating the movement and pushing it through. It is but right that every facility should be given to him for the prosecution of this very important movement.

Sir, whatever the Government may say, we are all convinced that the Government are treating him as a special prisoner and not as an ordinary prisoner and they have been giving him extraordinary facilities and concessions. Was not Mahatma Gandhi allowed to interview Lord Irwin in New Delhi half naked ? Was not Mahatma Gandhi allowed to go in a motor car to interview His Excellency Lord Willingdon in Simla ? Had he not an audience with His Majesty the King in London half naked, while he was attending the Round Table Conference ? Did not the London police suspend all traffic regulations for him when he was in London attending the Round Table Conference ? Now that he is in hospital, you have rightly released Mrs. Gandhi so that she may attend on him.

When he began his fast in September last in the Yerrawada prison, you gave him all facilities to discuss the question of the system of electorates for the depressed classes with the leaders of the Hindu communities. Subsequently you gave him unlimited facilities for carrying on the Harijan work and you say you gave him such facilities on account of the position that he occupies with reference to the Harijan movement.

Mahatma Gandhi did not misuse those concessions. I have no doubt Government are interested in the work of the amelioration of the depressed classes and the abolition of untouchability. Then, why not allow him the facilities you once gave him to conduct the very same work ? I do acknowledge, and I acknowledge it gratefully, that Government have done in the past something for the amelioration of the condition of the depressed classes. It was His Excellency Lord Willingdon that inaugurated the movement in the Madras Presidency when His Excellency was the Governor of that province, and I know he has the interests of the depressed classes at his heart. But you cannot go forward to abolish untouchability. You say " We can go this far and not further ". But here is a man whom you acknowledge having a position in the Harijan movement, with ability, tact, knowledge and influence, coming forward to carry on the work, and I dare say if he is given such facilities he will achieve tremendous results.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, I listened to the eloquence of the Mover very carefully and though I should like to congratulate him on the sober tone and the pleasant temper of his speech this afternoon, I fail to find even a single argument in favour of the motion that he initiated. On the other hand, the whole of his speech was a passionate appeal to the Government to give greater facilities to Mr. Gandhi for his Harijan work. If this motion, instead of being one of censure against the Government for the unsatisfactory reply of the Home Member yesterday, had been a straight Resolution or a motion recommending to the Governor General to give Mr. Gandhi all the facilities that he enjoyed before, I for one would have wholeheartedly supported him and I am not sure whether out of respect for the feelings of this House or to the appeal made by the Members of this House, Government would not have reconsidered their decision and sympathetically responded to their request. But this motion is one of censure against the Home Member.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : It is not a motion of censure : it is definitely stated by the Mover of this motion that it is not a motion of censure.

Mr. R. S. Sarma : No, Sir. This motion is one to secure Government regarding the unsatisfactory nature of the Home Member's reply. What was the unsatisfactory nature of the replies given by the Home Member yesterday ? It was sought to be made out in the course of that long cross-examination yesterday that Mr. Gandhi was a great personality, that it was in virtue of that personality that certain privileges were given to him on the first occasion and that the same privileges should now be given because he continues to be the same personality ; and if you now withdraw certain privileges that you gave him on the first occasion, you are lacking in the observance of certain principles. I will answer these two points at once. In the present instance to my mind from the replies that emanated from the Honourable the Home Member yesterday, it was evident that there were three issues before the Government for consideration before taking the step they took. The first was the strict observance of the jail regulations ; the second was the great personality of Mr. Gandhi, and the position he held towards the Harijan movement ; and the third was the request that Mr. Gandhi himself had made in this connection. First, as the Home Member said, it was necessary from the point of view of the Government that jail discipline ought to be enforced. With regard to the second point Government felt that in view of the great public interest in the Harijan movement and Mr. Gandhi's desire to further the interests of that cause, Mr. Gandhi ought to be given certain privileges for doing his Harijan work, however, limited it might be. With regard to the third request, Mr. Gandhi himself, before the magistrate who sentenced him, made the following statement :

"I intensely dislike the classification of prisoners into A, B and C classes. I have no desire whatsoever to enjoy special comforts which for other prisoners are denied. I would like to be classified along with those whom Government considers to be the lowest."

Therefore, taking into consideration the observance of jail discipline, taking into consideration the Government's sympathy towards the Harijan movement and the great position which Mr. Gandhi held, and taking into consideration also the request of Mr. Gandhi himself, I think Government made a fair compromise and gave him limited opportunities of service. But there is no question of principle involved in this. Of course it may be that this cannot be defended on principle, that while you could give him facilities on one occasion why should you deny it on another occasion ? In this world we have to make compromises ; and however much compromises may be indefensible on principle, it is always found out in practical life that they are the best *via media* and satisfactory to all parties. That is why I think they gave him this limited opportunity of service. If the Members of this House really want Mr. Gandhi to be spared, if they really want that this work should go on, if they are really anxious that he should continue this Harijan work, then, instead of making an appeal to the Government, I think they would be well advised in making an earnest appeal to Mr. Gandhi himself to give up his fast and to use the limited opportunities that have been given to him for the Harijan work ; or if he wants to get wider opportunities, to accept the very graceful offer that the Government have made that they are willing to release him so that he may do wholehearted service for the Harijan movement if he abandons the Civil Disobedience Movement.

Sardar Sant Singh : Sir, unlike the Mover of the Resolution, I must censure the Government if in my humble opinion I find that the Government are pursuing a policy which is harmful to the best interests of my country. I have chosen rightly or wrongly to co-operate with the present Government.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I must share the responsibility with the Government for the good or evil administration of this country. Therefore I would not shirk the responsibility if it falls upon my shoulder to censure the Government. With these remarks I come now to the attitude taken up by the Honourable Mr. Sarma in connection with this motion. I charge the Government with following an inconsistent policy with regard to Mahatma Gandhi. The Book of Proverbs says—and it is an English book—"Inconsistency, thy name is woman." I think after hearing the questions and answers on the subject of Mahatma Gandhi's conviction on the floor of this House and after reading the various communiqués and the correspondence that has passed and that has been published, the proverb should undergo a metamorphosis and should read in future "Inconsistency, thy name is the Government of India of 1933." Why I say so will be made clear in a few words. If I am not wrongly posted with the facts of the arrest of Mahatma Gandhi this time, it was brought about in this way : that Mahatma Gandhi was not arrested under the old rusty barbarous Regulation of 1818, but he was arrested under the newly created weapon, that is to say, the Ordinance which was enacted into law by this House. Within a brief space of two days he was arrested and released, he was re-arrested, tried and convicted. The last act did not occupy more than an hour in its operation. Why was this staged ? Did not the Government of India know at the time they ordered the arrest of Mahatma Gandhi under the Ordinance that he would disobey any direction or instructions that might be issued to him ? They knew full well that he would not obey the notice that would be served

[Sardar Sant Singh.]

upon him ; they also knew perfectly well that after he was released he would disobey the notice, and he would be tried, he would be convicted by a competent court of law and would be sent to jail. Honourable Members are aware, and it appeared in the Press before the arrest of Mahatma Gandhi, that this time he would be regularly tried and convicted. The position is this. Government deliberately adopted the policy of treating him as a prisoner. They deliberately avoided the reproach this time of keeping him behind the bars without trial. Therefore, they took up the more straightforward course of treating him as a prisoner this time. So far so good. Probably all the formalism to which the law courts are subject were observed. Salmond, in his work on Jurisprudence, regards formalism a necessary evil connected with the administration of law through law courts. However, the position is that the Government of India deliberately adopted the policy of treating him as a prisoner. May I ask, why do the Government of India refuse to follow up this policy to its logical conclusion ? Why should not Mahatma Gandhi be treated as a prisoner now ? Why don't they permit him to die as they permitted the convicts in the Andamans to die when they wanted certain facilities under the threat of hunger-strike ? If the Government of India claims the virtue of consistency, they should shoulder the responsibility and face the consequences that are likely to follow Mahatma Gandhi's death behind the bars. If they cannot shoulder that responsibility, if they think that Mahatma Gandhi's death behind the prison bars will be another crucification of Christ, let them have the courage of their conviction, and let them release him to work out the salvation of the country according to his lights. I am really at a loss to understand the attitude of the Government in the matter. Let the Government be consistent. We have a right to demand it of the Government. Why there should be a tug of war between the two big personalities, an important personality like the Government of India with full physical force behind them to carry out their orders and they leave their naked Faqir wielding immense influence with his countrymen ? Why should not, with all the physical force behind them, Government act up to it, why should they not use that force if they think the occasion demands it ? If on the contrary they think that the occasion does not demand it, then they should not delay entering into a compromise with Mahatma Gandhi. Let the Government hasten to change the conditions which may go to allow an honest man to live in this country. Really, one feels that a tug of war is going on between the Government of India and Mahatma Gandhi. A little incident inside the prison sets the telegraph wires in motion between Bombay and Simla and Simla and Whitehall. Why, Sir ? Are we being ruled by the Government of India or by Mahatma Gandhi ? I think virtually we are being ruled by Mahatma Gandhi, and not by the Government of India. If my friend, the Honourable the Home Member, thinks that the Government were strong enough to have put down the Civil Disobedience Movement completely, why does he not allow Mahatma Gandhi with his beggar's bowl to walk over India to preach the gospal of truth and non-violence ? Have the Government forgotten that when Mahatma Gandhi came into the field of politics, there were terrible conditions in Bengal, and violence was taking the place of constitutional

agitation ? Did he not serve the Government by promoting the spirit of non-violence in the country ? He did so, and I think he saved the country from many deplorable results.....

Mr. S. C. Mitra : During the war he helped recruitment.

Sardar Sant Singh : May I remind this House that it is our duty to see that the Government carry on a consistent policy. If the Government are going to shoulder the responsibility for the death of Mahatma Gandhi, and if they are going to turn him out of the jail when he is on death bed, then they cannot reasonably say that they are not responsible for his death. That Mahatma Gandhi has a strong hold on the masses of India, nobody can deny for a moment. Even the prejudiced mind of my friend, Pandit Sen, could not control his tongue, and it involuntarily escaped him when he called him Mahatma and said that Mahatma Gandhi is a dynamic force in this land. Sir, if Mahatma Gandhi dies in jail, it will give birth to another Krishna in jail. His death in jail will be the birth of another Krishna in jail. His death will be another crucification and it will be the darkest blot on the civilized name of this country. Sir, the real difficulty that faces the Government at this juncture is the delay in bringing about the reformed administration. I cannot understand, Sir, why five years should have been taken to bring about a reformed constitution. Five long years have been allowed to pass without satisfying the political aspirations of India. Therefore, Sir, if it is delayed any longer, I am afraid more complications will follow. I think the best course for the Government to adopt would be either to listen to the demands of Mahatma Gandhi and to yield to him till the reformed constitution comes into existence, or be prepared to face the consequences that will follow the death of Mahatma Gandhi. Nobody can deny that Mahatma Gandhi has a hold even upon those who happen to differ from him in his programme or in his policy ; everybody regards him to be a sincere son of India. Everybody knows that he wants a reformation of the Government, of the system of administration. The idea is laudable ; nobody can deny that. But the difficulty is that somehow or other we are standing on false ideas of prestige and we are not admitting that Government require to be radically changed before it becomes suitable for being co-operated with. Therefore, I will censure the Government for this that they are not playing the game by this country.

Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) : Sir, this is not the first time that Mahatma Gandhi has been sent to jail. He has been in and out of it, and always came out with a set of promises. We have to see whether the promises he made with the Government or the line of action he chalked out for himself have been fulfilled or followed respectively. No doubt, the Mahatmaji is worshipped as a saint, but the time of idealism is gone, we are governed by circumstances which are materialistic and we have to see whether a man is doing what is required at the time. Mahatmaji has seen that all his pet schemes have gone to nothing. The civil disobedience is gone, non-co-operation is gone, the *charkha* cult is gone, and what have they left in their train ? Hundreds and thousands are lamenting the loss of their sons or relatives. There are others, who are going astray and using a path which is not fit for the sons of India who aspire to be her saviours, or leaders, and so forth. Excuse me for saying that this is all due to the cult which Mahatmaji has started. This reformation of Harijans—this is not the first time that it has been put forward by him. If I remember aright, he came out from jail recently

[Nawab Malik Talib Mehdi Khan.]

with the same object, but are my friends prepared to say, that he kept to that, and succeeded in raising the status of that unfortunate body of God's creatures, called untouchables, to any appreciable degree? I would be the last person to say that he should cease to work, I would rather like every human being to do it. But what are the means, what are the steps that are being adopted to attain that object? Are we in earnest about it? Mahatmaji has got round him many illustrious persons who do not seem to be playing the straight game, I am sorry to say, because if they all combined together and put their shoulders to the wheel, I am dead sure all this unteuchability would have vanished. But, Sir, platform personality is one thing and private another. If the Government are doing what they are charged with, it has done so under regulations and according to law, and it could not do more under the circumstances. We are at this moment confronted with the question of life and death of Mahatmaji. Every one would be sorry to lose him, but the question is whether it is the Government's doing or his own.

An Honourable Member : He is committing suicide.

Nawab Major Malik Talib Mehdi Khan : Looks like it. The Government, as is known, went out of their way many times in allowing facilities to him. Have they been properly and wholly availed of? I am afraid, not. How long should this game of fast and loose be played? We ought to come to the realities, we ought to face the facts as they are forced on us. Well, what good did Mahatmaji do for this poor country? Did he attain Swaraj for it? Did he train people for it? Did he fill up the gap that exists between communities and communities who are constantly at war with one another? By studying facts, the plain answer is "nothing". If we come to the realities, I am sorry to say we find the whole country in a chaos. Economic depression is eating into our very vitals..... (*An Honourable Member* : Is that due to him?") Agriculture is neglected. (*An Honourable Member* : "All due to Gandhi?") No doubt it is the result of the cult that has been taught, it may be by him, or by others. We should not lose sight of the fact, and it is our primary duty to fight all these enemies that are devouring us. Gentlemen, we should not abuse Government simply because Mahatma Gandhi does not wish to come out of the jail. All the facilities that have so far been awarded are quite sufficient to enable him to pursue the work that he has set before him if he is in real earnest. Mahatmaji is getting very old, his power of resistance is almost nil, and he is starving himself. Excuse me, but I must say that it will take a long time for him to pull up if at all and be a man to work all that he has put his shoulder to. It is time that some of his bosom friends came forward, and relieved him of the hard task that he has put before himself, and for which he is not fit. It is good that he is left to his fasting, to his prayers and to his God. The work in the world is very hard and we have heavy odds against us. The whole world is passing through various phases and its wisest politicians are trying to bring out something. My friends, do you think seriously that Mahatmaji alone is able to solve these difficulties? I say, no. He should be relieved by now.

Mr. Lalchand Navalrai : Who will be his successor?

Nawab Major Malik Talib Mehdi Khan : It is for the country to find out, and not for me alone. Pray let us put our heads together and find him out.

Mr. Lalchand Navalrai : Then the Honourable Member should not denounce Mahatma Gandhi.

An Honourable Member : "Lalchand Navalrai".

Mr. Lalchand Navalrai : No. He is not capable.

Nawab Major Malik Talib Mehdi Khan : I have laid before the House the realities of the problem. I would beg my friends, the Honourable Members, to be cool and see what is to be done. With these words, I resume my seat. (Applause.)

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I have gone very carefully through the communiqué that was issued by the Government of India on Mahatma Gandhi's fast. I also listened very attentively to the answers that had been given by the Honourable the Home Member to the volley of supplementary questions that were hurled at him and the impression I formed in my mind from a study of the communiqué and the answer is that the Government position is entirely untenable. Government has not treated Mahatma Gandhi as they have treated any other ordinary A class prisoner. They have given him facilities which they have denied to other A class prisoners and in the Government communiqué it is said that the position is anomalous and that it means inconvenience to the jail authorities. Still they have given all these facilities to Mahatma Gandhi. I do not question nor do I deprecate this departure on the part of the Government from the actual jail regulations. On the contrary I appreciate the wisdom of the course they have adopted. What are the facilities they have granted to Mahatma Gandhi? They have allowed him the use of periodicals, the use of a typist, two interviews and they have allowed him three letters a day.

5 P.M.

The Honourable Sir Harry Haig (Home Member) : Five.

Mr. Abdul Matin Chaudhury : I am glad to hear that. Now, what are the things they have refused? So far as I could find out from the Government communiqué, they have limited the number of visitors to only two and no more, and disallowed Press interviews. These are the restrictions that have been placed. As regards the interviews, what I do not understand is this. Mahatma Gandhi wants facilities not for political work but for Harijan work. You allow him to *write* to the Press on the Harijan movement and what is the harm in his *speaking* to the pressmen about the Harijan movement? As regards interviews, having regard to the state of Mahatma Gandhi's present health, the time at his disposal, his preoccupations, his prayers, his reading and his *charkha*, it is inconceivable that there will be any great rush of visitors to interfere with jail discipline. The difference between what Government has granted and what still remains to be granted is so small that I am surprised that Government allowed such a momentous crisis to develop on such a trivial issue. The Government gave the whole show away by treating Mahatma Gandhi in an exceptional way and if I may say so, after swallowing a whole camel, it is now too late for the Government to strain at a gnat. Yesterday when my Honourable friend, Mr. Puri, put the Honourable the Home Member under a severe cross-examination, however cleverly and ingeniously he evaded an admission, the fact remains that they are treating Mahatma Gandhi in this way because of his unique personality. He is undoubtedly one of the greatest men of the age and in recognition of that fact Government have granted him those special facilities and it is absurd that Govern-

[Mr. Abdul Matin Chaudhury.]

ment should endanger so valuable a life merely on the petty issue whether he should have two interviews or more or whether he should see the pressmen or not. We expect from the Government a better sense of proportion than that.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : In 1930 when Mahatma Gandhi started on his historic march Government made very light of the thing and when he started breaking the salt laws Government was obliged to arrest him. Although at that time he had broken a law by which Government derived salt revenue, Government did not think it right to bring the Mahatma to trial and they simply detained him in prison under Regulation III of 1818. Again in 1932, when Government again wanted to restrict the movements of the Mahatma, they had to keep him under that same Regulation. Now, Sir, when the mass Civil Disobedience Movement was completely stopped and replaced by individual civil disobedience and when all secret conclaves and secret meetings and secret propaganda was banned by Mahatmaji, and everything was to be worked in the open, Government thought it right to make the Mahatma commit a nominal crime and then bring him to trial and got him convicted. In 1930 he had actually committed a crime against a statute of very long standing. In 1933, the offence of which he had been convicted was an Ordinance Bill offence and I think every man of self-respect in the same circumstances will think it more honourable to break that law than to obey it. This time Government wanted to treat the Mahatma as a convict and that is the reason brought forward to deny him the same facilities that were given him on the previous occasion. I am at one with Government in their action in restricting the movements of the Mahatma. I have my agreement with them that they should not allow Mahatma to go again out in the villages and preach non-violent civil disobedience. No sane Government would allow such a thing to be done. But I do not approve of the conduct of Government in getting him convicted and kept as a convict in Yeravada. He ought to have been treated much better—on the same lines as he was treated on the previous occasions and his claim that he should be given the same facilities for Harijan work as on the former occasion is a perfectly legitimate one and a right one. Government by themselves cannot right the wrong that has been done to the Harijans for so many generations. Government cannot interfere. Government expect the community itself to right this wrong. And for this purpose it is necessary that proper facilities should be given to Mahatma Gandhi to carry on that work. Mahatma Gandhi has never broken his work ; he has never taken advantage of the Harijan movement to make propaganda in other directions. Government may safely rely upon him that he will work honestly and without transgressing any laws. But Government seem not to trust him. Although they say that they are very eager for the Harijan work, they have in a way showed to the world by putting restrictions on the conduct of Mahatma Gandhi that they are not themselves so very zealous in the cause of the uplift of the Harijans. This charge might be brought against them and I trust Government will do everything in their power to leave no ground for that charge. The mere assertion that they are very eager of the uplift of the Harijans will not do. I look upon Mahatma Gandhi as a peace-maker and as a great asset in the preservation of law and order in India. He is preaching non-violence and many will realise that but for his efforts the violent movement would have gained more ground outside Bengal. In the province of Bombay, Sir, his influence has kept the movement on non-violent lines and I shudder to think what the consequences will be if Gandhi succumbs to this fast. His loss will be a greater loss to Government than to the society. The prestige of Government will receive a great flow and at the same time Government will be instrumental in loosening the spirits of violence. He is the greatest and the most zealous policeman Government have ever had.

An Honourable Member : Not paid.

Mr. B. V. Jadhav : The present Civil Disobedience Movement which is called the individual Civil Disobedience Movement has made it quite easy for Government to put it down. Each and every leader that goes out to disobey gives a previous warning or notice to Government of his intention that at such and such time and at such and such place he is going to commit such and such an act. So, the police have to be ready at that hour and at that place simply to arrest him. The work of the secret police has been taken away and it will be seen that in a way Mahatma Gandhi has by his action made use of the Ordinance laws unnecessary. The Ordinance laws simply provide Government with the power of obliging the so-called offenders to commit technical crimes so that they should be convicted and sent to prison for six months, a year or two years. As a matter of fact, on account of this open Civil Disobedience Movement the necessity of the Ordinance laws is taken away and the sooner the Government get the laws into disuse the better for them. I therefore think that the life of Mahatma Gandhi is a great asset in the interests of Government themselves. His leadership is wanted by the people ; his leadership is the leadership of peace and progress. If that leadership is taken away and the country is deprived of this Mahatma as a leader, one does not know who will take his place and what course of political activity we shall have to face.

The Honourable Sir Harry Haig : Sir, the Honourable Mover of this Resolution put his case in his opening words by saying that the course that the Government had adopted was neither logical nor politic. He did not, however, feel disposed to pursue the argument of illogicality, but I think the accusation of illogicality was based on this point that if a man is a prisoner he should be treated as a prisoner and should receive no concessions at all. Now, Sir, that is a perfectly arguable position and it is one which is held with conviction by certain Members in this House, by Pandit Sen for instance. But I gather it is not, in fact, held by the majority of those who have spoken in favour of this motion. I do not, therefore, propose to direct my main argument to that. The complaint, I gather, is that it was not politic on the part of the Government not to concede to Mr. Gandhi on this occasion precisely the same treatment that was given to him on the previous occasion, and that is what is described as impolitic, inconsistent, untenable and by various other adjectives that have been used by Honourable Members opposite. Well, Sir, let us remember the circumstances in which those very exceptional facilities were given to Mr. Gandhi last autumn. Mr. Gandhi, in the first place, was at that time a State Prisoner. Honourable Members opposite themselves recognise that it is reasonable and not uncommon to give to State Prisoners facilities wider than those that can be allowed

[Sir Harry Haig.]

to ordinary prisoners. He had been imprisoned in connection with the Civil Disobedience Movement. While he was in prison, there was suddenly launched in dramatic conditions a new movement for the uplift of the depressed classes—a movement which, in general terms, could hardly fail to enlist the sympathy of people in general.

Now, Sir, it might be claimed and in effect it was claimed by Mr. Gandhi that without his personal and unhampered direction that movement could not make reasonable progress and that it could not be properly launched. Government did not wish to stand in the way of the inauguration of that movement and in the very special circumstances they did agree to give Mr. Gandhi the widest possible facilities for launching that movement. Now, I wish to draw the attention of the House to what has happened since. Honourable Members will remember that last May Mr. Gandhi was released from jail unconditionally. It was thought at that time that he was devoting himself entirely to this social movement. He was undertaking in connection with that movement a 21 days fast. But, as we all know, when he recovered from the fast, he threw himself actively into politics and during all the time between his recovery from the fast and his re-imprisonment, there were no signs that I could observe that the Harijan movement was occupying his mind to the degree to which it appears to occupy it when he is in jail. He has now deliberately courted imprisonment on a political issue and at once it appears that life ceases to interest him unless he can do Harijan work just as if he were a free man. It appears to me that Mr. Gandhi wishes to combine simultaneously two incompatible policies, deliberate self-incarceration in jail and complete freedom to carry on his social work. I think that an ordinary man would never dream of supposing that those two processes were compatible, much less claiming as an indefeasible right that he should be allowed to do both at once. When, therefore, with his arrest he claimed his previous facilities, it was a question to be very seriously considered whether he should be allowed any facilities at all. I would remind the House of what those facilities previously granted amounted to. It is argued that they did not encourage civil disobedience. I concede that. But they had very undesirable effects on the administration and discipline in jail, and they were, when one looks at them, fundamentally inconsistent with the position of a prisoner. Mr. Gandhi was allowed to interview as many visitors as he liked. The number of persons who came to him averaged over a long period 64 visitors a week, and at the same time he was conducting an extensive correspondence which, being a prisoner, had to be censored and he was giving interviews to the Press. Well, Sir, our view was that facilities of that kind were really not consistent with the position of Mr. Gandhi as a prisoner. At the same time Government felt particularly in view of what they had done before that it was undesirable that they should take steps which could reasonably be described as hampering social reform, a social reform which in its general aspects they are certainly in sympathy with. They, therefore, after very careful consideration gave Mr. Gandhi facilities which they consider are ample to enable him to make an important and effective contribution to the work he has at heart. Those facilities were given with no niggardly hand and they represent the maximum which appeared to the Government to be consistent with the observance of ordinary jail discipline. What was the effect of this offer? Mr. Gandhi rejected the offer. It has been said that we are standing on certain trivial points, but I hope I have made it clear to the House that the Government took its decision and went as far as it felt it is reasonable to go. If there are only really small points which divide the Government and Mr. Gandhi, it is Mr. Gandhi who is to blame and not the Government. Mr. Gandhi really refuses to accept for himself the normal concomitants of imprisonment and in effect he is claiming to dictate the terms of his imprisonment and moreover he enforces that claim by a fast. It does seem to me very lamentable that this feature of the coercive fast should have found its way into public life in India. I am well aware that Mr. Gandhi claims that his fasts are not coercive but I think that is the interpretation which public opinion unmistakeably places upon them. They are intended, at any rate, they do create sympathy and a certain feeling of horror at the possibility of Mr. Gandhi's death and under the influence of those feelings it appears that people are deprived of their judgment. We all know what happened at the time of the Poona Pact. That, I understand, Mr. Gandhi claimed was not a coercive fast, but at the same time people carried away by their feelings no longer judged a public question on the issue whether it was right or whether it was wrong, but whether it was necessary to take certain action in order to save Mr. Gandhi's life. Sir, the Government of no country can be carried on on those principles (hear, hear). A year ago when Mr. Gandhi launched on that first fast, I ventured in this place to warn the House of the implications of a fast of that kind, and I said that the country if it accepted these methods would be subjecting itself to a dictatorship of a novel kind. I do think that the facts of the last year have borne out that warning. I admit that it is difficult to follow the workings of Mr. Gandhi's mind. Certain processes of thought or, as he would perhaps claim, inspirations.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has one minute more.

The Honourable Sir Harry Haig : .....lead him to conclusions which he is so convinced are right that he feels justified in employing the most extreme means to force them on other people. I hope, Sir, that Government will have the support of the House in the action they have taken and in making a stand against these methods.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, listening very carefully to the speech of the Honourable the Home Member it occurred to me that the task of the jail-keeper is a very unfortunate one. It took my mind back a century when somewhat similar circumstances arose and the British Government had to take charge of an illustrious prisoner. The Emperor Napoleon after Waterloo was kept by the British Government at St. Helena. How Sir Rudson Low, the counterpart of Sir Harry Haig, performed his duty is a matter of history. The task was not a congenial one and, as Lord Rosebery has recorded, it is a sombre chapter in history out of which neither Napoleon nor the British Government come out any the better. I hope, Sir, that when history records its decision the Honourable Sir Harry Haig will have a better verdict. But let us examine this position a little more carefully, because I feel that the issue is grave and the last word on it will not be said in this House nor within a short time to come. The issue is very grave indeed. What is it after all that we are considering? As the communiqué put it, Mahatma Gandhi soon after his

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arrest or re-arrest, if I may say so, claimed in a communication to Government that he should be allowed to carry on Harijan work which he had been doing as a State Prisoner in the Yervada Jail before,—a tall claim. I am quite free to admit that if Sir Harry Haig had been the jail-keeper that other people in his position might have been and had been devoid of imagination, he might have taken up the Jail Administration Manual, and said to such a prisoner who had been convicted of a breach of the law of the land, " Such a demand is absurd ; I refuse to accept any such demand or any such claim and you must be treated as any other prisoner ". Then, Sir, one would have said this is perfectly logical. As my Honourable friend, Mr. Sarma, was at pains to point out, Mahatma Gandhi himself did not claim any special privileges which the lowest prisoner would not have. Then the situation would have been perfectly logical. But what is it that the Honourable Sir Harry Haig and the Government did ? They said, " Oh yes, let us examine the position. He wants the unlimited right of having visitors, we shall give him two or three a day ; he wants the right to have a typist and a stenographer, we shall give him a convict ; he wants to have the right of having interviews for the Press and for the public, we shall give him only the right of interviews for Harijan work, and so on ". Notice, Sir, that it was not a total repudiation of the claim tall as it was ; it was an admission of that claim to a certain extent. What is the implication of it ? Mahatma Gandhi put it in that communiqué which I have here, that in the Yervada Pact entered into when he was in jail last September it was implicit that the Government of India recognised that that work is being carried on with their consent. We may take it, Sir, that this work is so important, this work of ameliorating the lot of 40 million people is of such a great magnitude that the Government of India at long last have softened to it, are prepared to extend facilities even to a prisoner in jail and to relax the rules of jail discipline. If that is so and if they are prepared to concede certain rights to him, then the question arises, is it right or proper, is it just and fair or politic to deny him all those rights ?

Now, Sir, one or two observations which fell from my Honourable friend opposite may be examined. He said the Government of India is not sticking at trifles ; it is Mahatma Gandhi who is sticking at trivial points. I make a present of that to my Honourable friend opposite. If it is on trivialities that Mahatma Gandhi is insisting, cannot the Government of India out of the fullness of their heart give way on trivialities ? Where is the question of principle involved ? We were at pains to find out yesterday if any question of principle was involved in the refusal of these requests. We were able to ascertain that no question of principle was involved because we have conceded the position that Mahatma Gandhi must be given certain privileges. We have conceded that position ; but having conceded that position, are we not prepared to go to the fullest extent, to the extent that privileges had been accorded to him either out of deference to his position or out of regard for the work that was being done when he was a State Prisoner ? Now, Sir, the net result of all that has happened between May and August is that from the position of a State Prisoner the Mahatma has been reduced to the position of an ordinary convict. If the jail rules are to be studied at this time, certainly the rules of discipline were there to be studied

when he was a State Prisoner. If those rules gave way to the considerations of untouchability work or, what I think is more important perhaps and is a more important reason, to the outstanding personality of the Mahatma, then certainly that blue book of jail discipline can yield now as well. Where is the point of sticking at trifles, as has been said ? Well, Sir, the real question is neither of jail discipline nor of dictation. Some people appear in a century who are inconveniently great, the esteem in which they are held by the people is so great and they have such a hold on the affections of the people that they defy not only jail rules but they defy classification ; and my Honourable friend is faced with that contingency. Similar was the case, as I pointed out, with Napoleon Bonaparte, the Emperor Napoleon as I will call him, who surrendered himself to the Captain of the " Bellerophon ". An amusing incident comes to my mind. The Captain of the ship inquired of the British Government, " How shall we address him ? " The mighty Napoleon who had upturned more thrones and created more thrones, swallowed up more princes and princelings than anybody else in the last century, about him this funny question was put to the British Government, " How shall we address him ? " The British Government ransacked papers and thought furiously, and what was the result ? The result was, " Refer to him as General Bonaparte ". They might have called him Bishop Bonaparte ; he was head of the church as he was head of the army, or head of the State, and the British Government had entered into negotiations with him as such at Amiens 14 years back. But after that furious thinking, they said he was General Bonaparte. Are we going to deal with these things in this petty manner, to ransack our dictionaries and to find out whether for this mighty man, for whom history shall have to record a verdict, our jail rules make any provision ? No jail rules in the world will ever make provision for such an inconvenient prisoner. The role of a jailor is a very unfortunate one and I must pity the Government of India for having to lock him up and let him out over and over again. It is just as well that we came to terms with him. It would lead to the peace of the country, it would lead to the progress of the country and it would lead to a lasting solution of many important problems that sorely await solution. But if this game of hide and seek goes on then my Honourable friend will in vain look into the jail rules for a solution ; he has to make use of his imagination. Part of it he did use. The keeper of Napoleon Bonaparte had not got a bit of it, he was absolutely without it. Sir Harry Haig is better, sitting on the heights of Simla. I only wish he had soared a little bit more. The idea that he is dictating the terms of his imprisonment or that he can be making Government impossible is one of those things which have been borrowed from no one knows where. Who ever considered that the Mahatma was for dictating anything ? It is a question of your having a particular point of view with regard to negotiations which you carry on with him. As has been remarked more than once he is the man who can deliver the goods—perhaps the goods have perished or another change has come over the Government of India ; but the position remains that you shall have to take serious account of the Mahatma and his following and the movement that he launched ; we are not safe, no constitution in this country will be safe with Mahatmaji within the jail walls or with Mahatma Gandhi on the wrong side. Now, the issue that we have to face at this time is, is the Government of India prepared with that meticulous sticking to jail rules for the serious consequences that

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might ensue if the Mahatma dies in jail because he sticks at trifles ? The Government of India would look ridiculous before the Bar of the world because he is well known not only in this country, but also in Europe and America and your action will be indefensible. Are you prepared to face the consequences that because the Mahatma stuck at trifles therefore you were also stuck up and you were not prepared to yield an inch ? That is the position that has emerged out of the statement made by the Honourable Member opposite. I submit I looked for much better arguments and reasoning from my Honourable friend than what I have received. With regard to this matter, as has been said before, let us look at it properly. The whole position has been that the Mahatma left the thread of his movement in the jail when he was released in May, and has now gone back to take it up at the very place where he left it. Apart from the fact whether he is a State Prisoner or an ordinary prisoner, the tale is where it was. There is no difference in essentials and if you are prepared to concede part of the ground that you have conceded, you are treating him as a special prisoner. Otherwise how could he be put into A class ? I would put it to my Honourable friend opposite by what rule of logic did you put him in the A class ? He never goes anywhere near the European style of living, he owns no property ; why did you not put him in class C ? By what rule do you put him into A class ?

An Honourable Member : He is a barrister.

Mr. Jagan Nath Aggarwal : He is a spinner ; he is an agriculturist ; he refuses to have anything to do with barristers or with law.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Many a barrister is rotting in C class.

Mr. Jagan Nath Aggarwal : Therefore your jail rules have already yielded ; they are not there, if that is so.....

An Honourable Member : He is an English barrister.

Another Honourable Member : He is no longer an English barrister : he has been struck off the rolls.

Mr. Jagan Nath Aggarwal : My friend says that he is an English barrister. I had not forgotten it, nor had the magistrate ; but it is not because he is a barrister that he has been put in the A class. If that were so it would be an incitement to all barristers to commit civil disobedience. (Laughter.) It is not so and I would wait for that assurance from the opposite benches. If that is so and if all barristers were to be placed in the A class, I am sure, the jails will again be overcrowded and the A class would have to be modified. I say, these jail rules have given way and if they have given way, what is the point in sticking at trifles ? As I said, either you do not want to parley with him or a change has come over the Government of India and they have become self-sufficient for the time being : but I think one may safely say that you are in that state, then the only thing that you can say is that you cannot stand dictation by a prisoner as to the terms of his imprisonment or that his imprisonment is self-inflicted or that you find it very difficult to classify him under the jail rules. In that case, I am afraid, you have not got much justification for the stiff-necked attitude that you have taken up.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got one minute more.

Mr. Jagan Nath Aggarwal : If you had started like that from the very beginning and taken your stand on the jail manual, you might have been correct. But it does not follow that everything correct in an extraordinary situation like this would be the most proper thing to do. I make a present of that to my friend opposite. Let him beware that the same verdict of history which was passed on Sir Hudson Low is not passed on him : he will pardon me for the parallel if he thinks it is an affront to him ; but I cannot help pointing out that the verdict on this question may be recorded by an authority other than that of this House.

Several Honourable Members : The question may now be put.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, this motion by my friend, Mr. Mitra, is not a motion that can be regarded as a mere academic discussion in a debating society. I would ask the Government to consider this question with that coolness of mind, heart and head which is the characteristic of the British nation on very serious occasions. The difference between the Government and these Benches is that the Government are not actually very serious about this question, but we on this side are serious. We consider this matter to be of very great importance not only to this country, but also to the whole world at large. We as representatives of the people have come here to co-operate with the Government and to represent to the Government the true feeling and the true sentiments, not of our own, but of our constituents, and if any of the Members here do not represent the views of their constituents, I am sure they are misleading the Government on this point. The Government do not still seem to be serious about this question. They have of course pride and prestige : they have their army and police behind them, owing perfect allegiance to them ; but our position is that we are here to represent the people and we have the interests of the country at heart. To the Government it may not appear a country-wide question. But so far as I have been able to read in the papers and the Government communiqués, what I find is this : that Government have always been impervious at first and have not listened to the reasonable arguments of the people on such occasions. As a lawyer I will say that we are always blamed to resort to legal quibbles and to legal hair-splitting. But in this case I find that Government have done more hair-splitting and the question of a prisoner and accused and so forth has been raised and thus the issues have been clouded. But it is no use now saying more as I know that the time at my disposal is very short and other speakers might be willing to speak. I will place before you, Sir, the latest telegrams which were received from Poona. They read as follows :

"From Special Commissioner—I shall be failing in my duty to press, public and Government if I don't take earliest opportunity of bringing to their notice publicly very grave risks which Government as well as country are running if there is no immediate change in treatment accorded to Gandhiji as it is inevitable that under present treatment Mahatmaji's condition likely assume grave proportions without any previous warning."....

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, to shorten the proceedings I wish to put a question, whether it is not a fact that at 3-45 P.M. to-day Mahatmaji has been released.

The Honourable Sir Harry Haig : I do not know what the Honourable Member's authority for that statement is.

Mr. Vidya Sagar Pandya : The Associated Press, if you please. Just now they have got the news and that is why I want confirmation or contradiction of it.

The Honourable Sir Harry Haig : The news has not reached me.

Mr. B. R. Puri : Is there any possibility of his having been released without the Honourable Member knowing it ?

Mr. Muhammad Azhar Ali :

" Poona Special Commissioner—I shall be failing in my duty to press, public and Government if I don't take earliest opportunity of bringing to their notice publicly very grave risks which Government as well as country are running if there is no immediate change in treatment accorded to Gandhiji as it is inevitable that under present treatment Mahatmaji's condition likely assume grave proportions without any previous warning. There are two aspects to question which agitates public mind over deadlock which prevails between Gandhiji and Government. Predominant aspect pertains to measures taken by Government to safeguard Gandhiji's health. Other and more secondary aspect pertains to rights and wrongs of issues in dispute between Gandhiji and Government. Present position with regard to treatment accorded Gandhiji is that he continues to be convicted prisoner removed to Sassoon Hospital by Yeravada prison authorities with view enable one their prisoners whose physical condition causing anxiety attended to better effect in hospital. Since Gandhiji continues prisoner entire responsibility for medical attendance, nursing and provision other facilities borne by Government. Civil Surgeon who Chief Officer of Sassoon Hospital Chief Medical officer in charge. Civil Surgeon assisted by other surgeons attached to Hospital according to routine prevailing in Hospital. Civil Surgeon visits Gandhiji in morning and in evening. Other surgeons also in close touch through nurses. There are certain hospital nurses ministering to Gandhiji in usual routine way. Gandhiji placed in enclosed balcony on first floor. It is in this very room that Gandhiji underwent his operation in 1924 as prisoner for appendicitis. Gandhiji because he is prisoner under constant vigilance of two police officers. One of police officer sergeant always inside room. Other Indian takes his seat outside room which is again covered from public by screen shutting out light and air to that extent. As concession Government Bombay agreed allow two visitors meet Gandhiji one of whom Mathuradas Tricumji other at present Andrews. This in addition to interviews in connection with Harijan publications. In addition Kasturbai whose sentence suspended allowed stay with Gandhiji during day time. Kasturbai remained with Gandhiji on Monday from 4-30 till 8 P.M. On Tuesday Kasturbai remained with Gandhiji throughout whole day retiring to Parnakuti at 7 P.M. With regard to interviews allowed to Andrews and Mathuradas Tricumji Civil Surgeon stipulated that interviews shall for half an hour only and that one interview shall be allowed between 11-30 and 12 noon and other interviews between 4 and 6. Mathuradas Tricumji had first interview at 4 P.M. on Tuesday....."

Mr. D. K. Lahiri Chaudhury : May I know for how long these interviews were permitted ?

Mr. Muhammad Azhar Ali : For half an hour.

An Honourable Member : May I know, Sir, if this telegram is addressed to the Honourable Member alone or it is addressed to all Members ?

Mr. Muhammad Azhar Ali : It was a Free Press telegram.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : It is true, Sir, that Mahatma Gandhi has been released. I have just now got the news confirmed.

An Honourable Member : The Local Government had no time to consult the Government of India.

Mr. Muhammad Azhar Ali :

" Andrews saw Gandhiji in forenoon, but it would appear that condition to condition on which interviews allows is that no disclosure shall be made of Gandhiji's condition to press. Nor do Government propose issue any official communiqué. Reasons which have led close students of situation reach conclusion that unknowingly in all probability Government are heading towards crisis. Mahatmaji's health can be readily stated. This is not first time Mahatmaji faced fast. Therefore, there are available authentic data of reactions of system of fasts. Experience of previous fasts proved that minimum conditions which are essential for Mahatmaji's good health are, one, selection of site which is open to fullest extent of light and air, two, provision regular scientific massage similar to what Dr. Dinshaw Mehta used to provide Mahatmaji in last fast, three provision regular anemas and taking all necessary steps to secure regular and complete working eliminatory system. Four taking necessary steps ensure Mahatmaji taking necessary quantity of water that his kidney may be kept in good working condition, five, provision necessary congenial mental environment. So far enquiries able elicit selection Sassoon Hospital specially particular room most unfortunate. It is true room has adequate windows but friends who have visited room in 1924 have clearest recollection that it is most inadequately open to light and ventilation. Room certainly according to nature cure experts most ill-suited for fasting patients. In opinion friends Mahatmaji would have been better situated in Yeravada Prison under mango tree....."

(Interruption.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should not be interrupted. He can proceed.

Mr. Muhammad Azhar Ali :

" If there was feeling that mango tree was luxury, European cells in which Gandhiji lodged it is asserted compare favourably with room in Sassoon Hospital. It is stated that it is possible for any fasting patient lodged in present room in Sassoon Hospital avoid having headache agues all over body, frequent recurrence of nauseas. Similarly Mahatmaji has to do without massage. It is believed that nurses apply to Mahatmaji's feet oil massage, but it cannot be considered adequate substitute for scientific massage which would tone up system of fasting patient. If Gandhiji been lodged in Yeravada Prison and allowed Girdhar Kripalani Mahadeo Desai and Baba Kalelkar they should be able serve efficient nurses.

No adequate news available regard working eliminatory system Mahatmaji. There is reason however to believe that owing to ill-lighted and ill-ventilated room and absence scientific massage eliminatory system not working satisfactorily resulting in pain in limbs, headaches, etc. There is also reason to believe owing unsatisfactory conditions in which fast conducted Mahatmaji unable take necessary quantity of water which very essential for proper working kidney. It needs be hardly stated there is no congenial.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got only half a minute more.

Mr. Muhammad Azhar Ali : Very well, Sir. I will read a telegram which has just been received :

" Free Press, Bombay, Free Press, Simla. Gandhiji released unconditionally at three fortyfive afternoon, looking very week. He is staying Parnakuti. Fast broken." (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till 11 O'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th August, 1933.

LEGISLATIVE ASSEMBLY.

Thursday, 24th August, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

TRANSFER OF ADEN TO HIS MAJESTY'S GOVERNMENT.

49. ***Mr. Gaya Prasad Singh** : Is there any proposal for the transfer of Aden to His Majesty's Government ?

Major W. K. Fraser-Tytler : The answer is in the affirmative. The Honourable Member has no doubt seen the Press Communiqué on the subject which was issued by the Government of India on the 20th June 1933, of which I lay a copy on the table.

Government of India Press Communiqué, dated the 20th June, 1933.

His Majesty's Government have recently received representations from different communities among the inhabitants of Aden as well as from certain quarters in India expressing their various views in regard to transfer of the administration of Aden from the control of the Government of India to His Majesty's Government. The matter is one which is now receiving the consideration of His Majesty's Government and of the Government of India in connection with impending constitutional changes. Full opportunity will be given for discussion in the Indian Legislative Chambers at their next Session and for all interests concerned to state their views. Meanwhile, His Majesty's Government think that it would be convenient that the considerations which suggest the desirability of a transfer of the administration and the conditions that would be entailed by such a transfer should be made known, so that the problem can be discussed with full knowledge of the facts. The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India ; that it would not naturally fit into the new federation ; that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control. If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established :—

(1) India would be relieved of the annual contribution of approximately £150,000 sterling or rupees twenty lakhs at present payable towards the military and Political administration.

(2) The right of appeal in judicial cases to the Bombay High Court would be maintained.

(3) His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. From their own point of view abandonment of this policy would clearly, in existing economic conditions, be financially unsound since the prosperity of Aden depends largely upon its transit trade.

(4) His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became in their opinion absolutely necessary.

(5) A proportion of Indian Service Administrative personnel would be retained in the Aden Service for some years after the transfer took place.

(6) No racial legislation or segregation would be permitted by His Majesty's Government.

Mr. Gaya Prasad Singh : Are Government aware of the obvious geographical fact that Aden is nearer to India than to England ?

Major W. K. Fraser-Tytler : Government are aware of that, but I think possibly it would be better to defer discussion on that point until the matter is debated on the floor of this House. An opportunity is being given for such a debate.

Mr. S. C. Mitra : Are the Government of India aware that there is a very strong feeling amongst Indians against this transfer, and will this House be given an opportunity to express their views on the subject ?

Major W. K. Fraser-Tytler : I would refer the Honourable Member to the reply I have just given to Mr. Gaya Prasad Singh.

Mr. S. C. Mitra : I could not follow the Honourable Member. Will he repeat his reply ?

Major W. K. Fraser-Tytler : An opportunity will be given for a debate on the floor of the House with regard to Aden.

ALLEGATIONS AGAINST THE MILITARY IN CALCUTTA.

50. ***Mr. Gaya Prasad Singh :** Is it a fact that on the 27th May last, about 25 Indian soldiers with a havildar, and an European officer, entered into the compound of the Shiva temple, which has been in existence for over 100 years, situated at the St. George's Gate, Hastings, Calcutta, cut down flower plants in the temple garden, and prevented the Hindus from going into the temple for worship ? Has the General Officer Commanding, Fort William, been addressed on the subject by the Hindu Sabha of Calcutta ? What are the facts of the incident, and the steps, if any, taken in the matter ?

Mr. G. R. F. Tottenham : I am informed that the facts are as follows. A small temple has existed for many years in the Ordnance Lines in question, for the use of the Hindu lascars living in the Lines. It possesses no egress to the main road and has never been open to the general public. Some time within the last seven years the priest of the temple encroached on a piece of ground measuring 139′ by 32′, which he made into a garden. The Lines themselves are being given up by the military authorities and it is intended to sell the property. Before doing so the military authorities naturally desired to regain possession of the encroachment ; and on the 27th May some sepoys under a warrant officer were directed to take possession of the ground. They were unable to do so, as objections were raised, and so they retired. No force was used and no flowers were cut.

The military authorities have never interfered with the site of the temple itself and they are prepared to hand it over to the Hindu community. They are now negotiating with the Hindu Sabha about the encroachment and it is hoped that an amicable settlement will be arrived at.

Mr. Gaya Prasad Singh : When did this alleged encroachment by the priest of the temple take place ?

Mr. G. R. F. Tottenham : Some time during the last seven years.

Mr. Gaya Prasad Singh : Were any steps taken by the military authorities concerned in a Civil Court or otherwise to regain possession of the land which was encroached upon ?

Mr. G. R. F. Tottenham : As I said, we are trying to arrange the matter amicably without going to Court.

Mr. Gaya Prasad Singh : My question was, before the sepoys entered into the compound and tried to take possession of the land, had any civil action been taken by the military authorities for regaining possession of the land ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. Gaya Prasad Singh : Under what law did the military authorities want to take possession and enter into the land ?

An Honourable Member : Martial law !

Mr. G. R. F. Tottenham : The military authorities held that the ground which had been encroached upon and made into a garden did not belong to the temple and that the land belonged to them.

Mr. Gaya Prasad Singh : My question was this. This alleged encroachment took place during five or six years and, during this period, no action was taken by the military authorities either in the Civil Court or Criminal Court. Then, under what colour of law did the military authorities try to enter into the land and take possession of it ?

Mr. G. R. F. Tottenham : I am not a lawyer, but I imagine there is a law of property under which one is entitled to take this sort of action.

Mr. Lalchand Navalrai : Was it under the orders of the higher officers of the military—the Havildar and the European officer—that they entered ?

Mr. G. R. F. Tottenham : Yes.

Mr. Lalchand Navalrai : Did they do any damage to the garden ?

Mr. G. R. F. Tottenham : No.

Mr. Gaya Prasad Singh : What is the way in which they tried to take possession of the land—mere entry into the ground or what ?

Mr. G. R. F. Tottenham : Mere entry.

Mr. Lalchand Navalrai : Did the higher officers decide that this was not a private temple but that it belonged to the Government ?

Mr. G. R. F. Tottenham : I have given their opinion.

Mr. B. R. Puri : Did the other party admit that it was a case of encroachment ?

Mr. G. R. F. Tottenham : No, Sir. I will read to you what the other party said, or rather what the other party did :

"The military party went to this particular spot on the 27th May and were met by two pandits of the temple. One of them raised a *lathi* above his head and threatened to strike the warrant officer if he entered the spot, and the other with a *kukri* threatened to cut the hands off of any one who tried to enter into any part of the garden. The warrant officer wisely withdrew the sepoys."

Mr. B. R. Puri : I take it that they did dispute the claim that they had committted any encroachment ?

Mr. G. R. F. Tottenham : Apparently.

Mr. B. R. Puri : If they did, beyond the fact that you had your own opinion that it was a case of encroachment, had you any other authority in support of your claim that it was a case of encroachment ?

Mr. G. R. F. Tottenham : Yes, Sir. There is the fact that the temple authorities have no documents of any kind to show that they have any right to the land.

Mr. B. R. Puri : Had you any documents which you could have produced earlier ?

Mr. G. R. F. Tottenham : We know that the land forms part of the Ordnance Lines which belong to the military authorities.

Mr. Lalchand Navalrai : Was the temple-keeper asked to produce his witnesses in support of his claim and was he a party to the enquiry that was made by the military authorities ?

Mr. G. R. F. Tottenham : Will the Honourable Member kindly repeat his question ?

Mr. Lalchand Navalrai : When the Government afterwards made an enquiry were the pandits at least asked to put in their claim and to produce their evidence, and were they a party to the proceedings, or was it a mere *ex parte* enquiry ?

Mr. G. R. F. Tottenham : No enquiry was made before this action took place, but an enquiry is now taking place and we hope to reach an amicable settlement.

Mr. Lalchand Navalrai : Are those pandits now being asked to put in their claim ?

Mr. G. R. F. Tottenham : They have no doubt been asked to put in their claim. We are discussing the whole matter and we hope to reach an amicable settlement.

Sardar Sant Singh : Are we to understand that the military authorities made themselves the judges of the dispute between themselves and the temple authorities ?

Mr. G. R. F. Tottenham : No, Sir. The military authorities claimed the plot as part of the military land in the Ordnance Lines and, when they met with objection, they have been trying to settle the matter amicably.

Mr. Gaya Prasad Singh : But don't you think that the proper course for them would have been to have gone to the Civil Court or Criminal Court instead of trying to take possession of the land under colour of no law ?

Mr. G. R. F. Tottenham : That is a matter of opinion.

Mr. Gaya Prasad Singh : What is the documentary evidence in possession of the military authorities to justify their claim ?

Mr. G. R. F. Tottenham : Exactly the same as their title in the Ordnance Lines.

Mr. M. Maswood Ahmad : What steps are Government taking to bring about an amicable settlement ?

Mr. G. R. F. Tottenham : They have got into touch with the Hindu Sabha on the subject and they are discussing the matter.

Mr. M. Maswood Ahmad : Will Government be pleased to communicate the result of that inquiry to the House ?

Mr. G. R. F. Tottenham : Certainly.

ACCIDENT TO THE 8 DOWN DELHI EXPRESS AT ASANSOL.

51. ***Mr. Gaya Prasad Singh** : Will Government please state the cause of the accident to the 8 Down Delhi Express at Asansol in June, the number of casualties, and the steps taken in the matter ?

Mr. P. R. Rau : The accident referred to occurred at Gomoh on the 3rd June.

At about 12|25 hours on the 3rd June, 1933, the outgoing engine of No. 8 Down Express, while backing on to the train which was standing on the Down Main Platform line, collided with the train stock resulting in slight injuries to 17 passengers, who were travelling in the front bogies of the train.

The Sub-Assistant Surgeon of Gomoh was immediately summoned. He attended with his staff at 12|40 hours, and rendered first aid to the injured passengers, who elected to continue their journey to destination.

An enquiry was held and the conclusion arrived at was that the collision was due to a sudden attack of fainting on the part of the driver at the moment he was nearing the rake. This finding has been accepted by the Senior Government Inspector.

TREATMENT METED OUT TO MR. M. S. ANEY IN THE MIDNAPUR JAIL.

52. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of Government been drawn to the statement made by Mr. M. S. Aney, Acting Congress President with regard to his treatment in Midnapur Jail, in the course of which he says that he was not given any concession during the period of his detention as a Division II under-trial prisoner, that he had no complaints to make against the rule to search as such, but against the method in which the search was conducted in defiance of all sense of decency, and that he was made to sit and stand forcibly when the Jail Superintendent visited the Jail ?

(*b*) Was any enquiry made into the allegations before the official denial was issued on the subject ? If so, who made the enquiry ; and was Mr. Aney, or any one else examined ? Are Government prepared to accept Mr. Aney's challenge that he is prepared to prove his allegations if Government gave him an opportunity ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I have seen a Press report on the subject. Mr. Aney himself has not addressed the Government in the matter. The facts were stated in my letter to Mr. Jog after due enquiry had been made by the Local Government on the complaints brought to notice by him. No further action is proposed to be taken.

As regards the complaint that Mr. Aney was given no concession as a Division II undertrial prisoner, I may note that in the case of undertrials there are only two divisions, not three as in the case of convicts. A Division II undertrial prisoner is not entitled to any concession.

Mr. B. R. Puri : May I know, inasmuch as the word " inquiry " is frequently occurring here, what is the exact significance of the inquiry according to the lights of the Government.

The Honourable Sir Harry Haig : I am afraid I cannot enter into an elaborate definition of what is meant by an ordinary word such as inquiry.

Mr. B. R. Puri : In order to enable you to appreciate what I am driving at, would you consider it to be an inquiry at all, if the inquiry was entrusted to the head of a particular department, the subordinate of which department is alleged to have offended any rule or regulation and after recording the denial of the party in question the inquiry is completed, would the Government regard that as a satisfactory and sufficient inquiry ?

The Honourable Sir Harry Haig : I now apprehend what the point of the Honourable Member's question is and I think I may answer him by distinguishing between two forms of inquiry. One is what might be called a formal inquiry involving the taking of a number of statements, what we call a departmental inquiry or a judicial inquiry. The other is a form of inquiry with which, I think, Honourable Members must be perfectly well acquainted—to ask a person what the facts are. That is all the inquiry that was made on this occasion. The Local Government asked the Superintendent of the Jail or the District Magistrate what were the facts and he reported.

Mr. B. R. Puri : In this particular case do the Government regard that the inquiry has been sufficient and satisfactory from their point of view ?

The Honourable Sir Harry Haig : Yes.

Mr. Lalchand Navalrai : The Honourable Member has not replied to one part of the question. There is an allegation that the search of Mr. Aney was conducted in defiance of all sense of decency and that he was made to sit and stand forcibly when the Jail Superintendent visited the jail. May I know if Mr. Aney has himself been asked whether he alleges that he was put to this treatment or not and what is the reply to this ?

The Honourable Sir Harry Haig : No, Sir. As I have already stated, Mr. Aney himself has not addressed the Government in the matter at all.

Mr. Lalchand Navalrai : May I know, therefore, that the reply to this question is that he was not put to that indecent treatment ?

Th Honourable Sir Harry Haig : I do not propose to go any further into the matter. Mr. Aney has not thought fit to make a complaint to the Government, and Government do not propose to take any further steps.

Mr. Lalchand Navalrai : Is it a fact that this incident took place ?

The Honourable Sir Harry Haig : I have made no further inquiries into the matter. It appears to me from Mr. Aney's subsequent statement that the matter was of such a trivial nature that the Superintendent did not know even what the matter complained of was.

Mr. Lalchand Navalrai : Then, the Superintendent did not go into such a serious allegation as this ?

The Honourable Sir Harry Haig : I do not think it is a serious allegation.

Mr. Gaya Prasad Singh : Was Mr. Aney examined in the inquiry that was made ?

The Honourable Sir Harry Haig : As I have already said, it was not a type of inquiry in which people are examined.

Mr. Gaya Prasad Singh : Mr. Aney was the person most interested in the matter and do the Government think that any inquiry could be complete or satisfactory when the party most affected in the matter was not examined ?

The Honourable Sir Harry Haig : If, as the Honourable Member says, Mr. Aney was the person most concerned, I should again like to draw his attention to the fact that Mr. Aney has made no complaint.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if an *ex*-M.L.A. is made to sit and stand and put to that sort of treatment, if that treatment is insignificant or not a bad treatment at all ?

The Honourable Sir Harry Haig : I am afraid even an *ex*-M.L.A. when he goes to jail must expect to submit to the ordinary jail discipline.

Mr. K. C. Neogy : Is this method of making a person sit and stand when the Jail Superintendent visits the jail a matter of ordinary rule or jail discipline.

The Honourable Sir Harry Haig : I think it is certainly an ordinary rule that when a superior officer visits the jail, prisoners must stand to attention.

Mr. K. C. Neogy : When he refuses to do so, does the jail rule permit anybody to make him forcibly stand ?

The Honourable Sir Harry Haig : I should think that it will be preferable to inflicting any severe punishment upon him.

Mr. B. R. Puri : Does not that amount to an assault ?

The Honourable Sir Harry Haig : I am afraid I must consult my legal advisers on that point.

Mr. Gaya Prasad Singh : Was Mr. Aney an undertrial prisoner or a convicted prisoner when this sort of treatment is alleged to have been accorded to him.

The Honourable Sir Harry Haig : He was an undertrial.

Mr. Gaya Prasad Singh : Is it in the jail rules that a prisoner should stand and sit, and if he does not do it, he should be made to do that forcibly ?

The Honourable Sir Harry Haig : Prisoners must certainly submit to jail discipline.

Mr. Gaya Prasad Singh : An undertrial prisoner is not a person who has been convicted by a competent court of law, and under what rule can he be made to sit and stand forcibly.

The Honourable Sir Harry Haig : I am afraid he must observe the ordinary jail rules of discipline.

Mr. B. R. Puri : If the Superintendent chooses to multiply his visits, what would be fate of the poor man ? After all the Superintendent is not the National Anthem that everybody should stand to attention ? (Laughter.)

NON-GRANT OF A PASSPORT TO MR. SUBHAS CHANDRA BOSE TO VISIT ENGLAND.

53. ***Mr. Gaya Prasad Singh :** Is it a fact that Mr. Subhas Chandra Bose has not been given a passport to visit England ? Have Government sent any recommendations in this matter to the authorities in England ?

The Honourable Sir Harry Haig : As regards the first part of the question, I would refer the Honourable Member to the reply given by me to Mr. S. C. Mitra's question No. 878 on the 23rd March. The answer to the second part is in the negative.

ALLEGATIONS AGAINST A CLERK IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

54. ***Mr. B. N. Misra :** (*a*) Is it a fact that there is a bogus clerk in the office of the Controller of Railway Accounts, actually working in the name of his ten years old son, as an agent of the Bombay Life Insurance Company, monopolising all the offices of the Government of India Departments for his profession and thus deliberately defying the Government Servants' Conduct Rules ?

(*b*) Is it a fact that in December, 1926, a report to this effect was made against that clerk to the officers by the Superintendent of his section but the matter was hushed up by the intervention of Rai Bahadur B. D. Puri, the then Deputy Director of Finance in the Railway Board, who got that clerk transferred temporarily to the Railway Board's office on 20 per cent. more pay than that which he was getting in the office of the Accountant General, Railways ?

(*c*) Is it a fact that after his re-transfer from the Railway Board's office the said clerk continued and still continues the insurance work ?

(*d*) Is it a fact that in April, 1932, Mr. I. S. Puri, the then Deputy Controller of Railway Accounts, stopped the increment of the said clerk on account of his inefficiency and passed on his increment papers very adverse remarks ?

(*e*) Are Government aware that soon after the transfer of Mr. I. S. Puri from the office of the Controller of Railway Accounts and on arrival of Mr. P. G. Shaw in that office, the papers containing the adverse remarks mentioned in part (*d*) above were destroyed by the said clerk and a fresh increment slip was prepared and sanction for the same was obtained by the mediation and help of superintendents ? If so, what steps have Government taken as to a complete inquiry into the case ?

(*f*) Are Government prepared to issue instructions to all the clerks of the Government of India and attached offices to desist from doing any kind of insurance work either in their own names or in the names of their relatives ?

Mr. P. R. Rau : (*a*), (*b*) & (*c*). I am informed that there is a clerk in the office of the Controller of Railway Accounts whose father and minor son jointly hold the agency in question, and that he used to assist his father outside office hours. In 1926 a report was received against him and he was warned that he should not engage in any private business without sanction. It is understood that he is now not doing any insurance work either directly or indirectly. The clerk in question was employed under the Railway Board temporarily for four months in 1926-27.

(*d*) & (*e*). The original increment slip was lost but the question whether an increment should be granted was carefully considered on its merits before it was sanctioned.

(*f*) The instructions contained in the Government Servants' Conduct Rules are considered to be sufficient.

QUETTA CLUB.

55. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state if there is a " Quetta Club " existing in Quetta ?

(*b*) Who are eligible to be members of this club ?

(*c*) Is it a fact that this institution was granted a large area of land by Government free of charge for their premises ? What was the original idea of this club being established ?

(*d*) Does this club supply wines, provisions, oilman stores and other advantages to people other than the members of this club ?

(*e*) Are Government aware that their last balance sheet showed a turnover of Rs. 2,27,027 in one department (wines and stores) in six months only with a profit of Rs. 13,626-7-6 ?

(*f*) Are Government aware that at present this club is working in competition with those having business in the same lines in the town of Quetta ?

(*g*) Does this club pay income-tax to Government ?

(*h*) Is this club exempt from licence and excise taxes and does this club pay any rents or taxes on club grounds, etc. ?

(*i*) If the answers to parts (*g*) and (*h*) be in the negative, will Government be pleased to state how much loss in that direction has been suffered by Government during the last three years ?

(*j*) Do Government propose to stop regular business and trade that this club has been doing which affects other dealers in Quetta and impose income-tax on its profits and other rates and charges leviable from this club ? If not, why not ?

Major W. K. Fraser-Tytler : Information is being obtained from the Local Administration and will be given to the House when it is received.

Mr. B. R. Puri : Have the Government issued any *interim* order that the activities of the club should cease, pending the inquiry.

Major W. K. Fraser-Tytler : No.

Mr. Lalchand Navalrai : Why not ?

Major W. K. Fraser-Tytler : Because I have not yet received information on the subject.

Mr. Lalchand Navalrai : Without any further information being received, why should not an *interim* order be issued making the club stop these activities, or these illegalities as I would call them. There will be nothing lost if an *interim* order is issued to this effect.

Mr. B. R. Puri : How much time will this inquiry take ?

Major W. K. Fraser-Tytler : I hope to have an answer very shortly.

Mr. B. R. Puri : In another week or 10 days ?

Major W. K. Fraser-Tytler : In about a week.

Mr. B. R. Puri : Then no *interim* order need be issued.

INTRODUCTION OF ELECTIVE SYSTEM IN THE QUETTA MUNICIPALITY.

56. ***Mr. Lalchand Navalrai :** (*a*) Is it a fact that the Quetta municipality consists of members nominated by Government ?

(*b*) When was this system introduced ?

(*c*) Do Government propose to introduce the elective system in the Quetta municipality ? If not, will Government be pleased to state their full reasons for not doing so ?

Major W. K. Fraser-Tytler : (*a*) The answer is in the affirmative.

(*b*) In 1896 when the Quetta Municipal Law was enacted.

(*c*) Government are prepared to consider the matter if and when a local demand for such action is manifest.

Mr. Lalchand Navalrai : Will the Honourable Member send a copy of these questions and answers to the Local Government to show that there is at least a demand from a Member here that the elective system should be introduced and, therefore, they may consider it ?

Major W. K. Fraser-Tytler : Yes, Sir.

Mr. Lalchand Navalrai : Thank you.

PROFESSIONAL REPRESENTATION IN THE CIVIL AND CRIMINAL COURTS OF QUETTA.

57. ***Mr. Lalchand Navalrai :** (*a*) Are Government aware that professional representation in the civil and criminal courts of Quetta is a restricted one and that members of the Bar are being allowed to appear only with special permission in very special cases only ?

(*b*) Do Government propose to allow unrestricted representation by the members of the Bar on the lines prevailing in the neighbouring province of Sind ? If not, why not ?

Major W. K. Fraser-Tytler : (*a*) Professional representation in Civil and Criminal Courts in Quetta is not restricted. Any qualified legal practitioner may appear as such in civil and criminal cases provided he obtains authority from the Agent to the Governor General and Chief Commissioner in Baluchistan. It is not the practice to grant such authority in very special cases only. There is no Bar in Quetta but thirteen qualified legal practitioners are permanently in residence there.

(*b*) Government do not propose to alter the existing system which appears to meet the requirements of the public who have expressed no desire for any change.

Mr. Lalchand Navalrai : Did the Honourable Member say that there are 30 members of the bar ?

Major W. K. Fraser-Tytler : I said 13.

Mr. Lalchand Navalrai : As it was a news to me, I was saying 30. According to my information, there are only two or three members of the bar. What I wish to ask is this. Is there any correspondence or move going on to the effect that British Baluchistan will become a separate province ?

Major W. K. Fraser-Tytler : No, Sir. I do not think so.

Mr. Lalchand Navalrai : May I know what are the reasons for not allowing the legal practitioners without any permission to appear if they are qualified ?

Major W. K. Fraser-Tytler : Because, as I have already said, the present system appears to meet the requirements of the public, who have expressed no desire for change.

Mr. B. R. Puri : I can answer that question better : because of the Regulations which lay down the law on the subject.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to consider whether the Regulation which places a bar against the members of the bar without a special authority be withdrawn ?

Major W. K. Fraser-Tytler : I shall require notice of that question.

Mr. B. R. Puri : Was sanction at all refused in any known cases during the last year or two ?

Major W. K. Fraser-Tytler : I am afraid I cannot say that. I must require notice of that question.

Mr. B. R. Puri : Would you kindly take this as a notice that an inquiry might be made as to how many applications were actually rejected ?

The Honourable Sir Harry Haig : What sort of an enquiry ? (Laughter.)

Mr. M. Maswood Ahmad : Has the Honourable Member suggested that Baluchistan is not going to be made a separate Governor's province ?

Major W. K. Fraser-Tytler : As far as I know, it is not ; but I shall require notice.

Mr. M. Maswood Ahmad : You have said in reply to a supplementary question by Mr. Lalchand Navalrai that it is not going to be made a separate Governor's province.

Major W. K. Fraser-Tytler : I said, as far as I know, is it not. But if you press the question, I shall require notice.

Mr. M. Maswood Ahmad : Are Government aware that there is an overwhelming demand from the Muslim community that Baluchistan should be made a Governor's province ?

An Honourable Member : Who will pay for its administration ?

Mr. M. Maswood Ahmad : We will pay.

FACILITIES GRANTED TO PROFESSOR S. C. SEN IN COMPLETING HIS STUDIES AND TAKING A CAREER THEREAFTER.

58. ***Mr. Gaya Prasad Singh :** (*a*) Are Government aware that Prof. S. C. Sen, M.Sc., A.F.R.Ae.S. (London), is the only Indian who has been given practical training at the workshop and air port of the Deutsche Luft Hansa (German Air Service) at Berlin and Munich, and carried on advance studies and research in the University of Munich, and has now gone to Croydon aerodrome, where necessary facilities have been granted to him by the authorities of Imperial Airways ?

(*b*) Have the Government of India or His Majesty's Government given this Indian any facility, financial or otherwise, in completing his studies and taking a career thereafter ?

The Honourable Sir Frank Noyce : (*a*) In the correspondence which has passed between the Director of Civil Aviation and Professor S. C. Sen who has written from time to time asking for information in connection with training facilities and the possibilities of obtaining employment in Civil Aviation in India, Professor Sen has stated that he has taken practical training in the Workshops and air port of the Deutsche Luft Hansa for about one and a half years and that he intended to take further short training at the Croydon ærodrome. Government have no information whether he is the only Indian who has been trained at the Deutsche Luft Hansa.

(*b*) Professor Sen has not applied for any financial assistance, but he has been given all possible assistance in the matter of advice and facilities for training in æronautical engineering and allied subjects.

Mr. Gaya Prasad Singh : Are Government aware that this gentleman, Mr. Sen, studied æronautics and the modern methods of æronautical research, such as, wind tunnel experiments and X-Ray analysis of materials at the Munich University ? I have got his letter with me.

The Honourable Sir Frank Noyce : I am quite prepared to take the Honourable Member's statement as correct.

SUM TO BE TAKEN FROM INDIA AS A RESULT OF THE OTTAWA AGREEMENT.

59. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if a sum of £2,880 *per* year is to be taken from India as a result of the Ottawa Agreement ? If so, for how many years and why ?

The Honourable Sir Joseph Bhore : The Honourable Member is probably referring to the recommendation contained in paragraph 358 of the Report of the Imperial Committee on Economic Consultation and Co-operation which met in London a few months ago as a result of a resolution adopted by the Imperial Economic Conference held at Ottawa in 1932. The Committee have recommended that the several Governments of the Empire should agree to contribute annually £24,000 for a period of three years in the first instance from the 1st October, 1933, towards the financing of certain Inter-Empire Economic Organisations, one of the most important of which is the Imperial Economic Committee. The amount of India's share of contribution has been fixed at £2,880 while larger contributions have been recommended in the case of some of the Dominions and the United Kingdom. I may add for the Honourable Member's information that contributions of the several parts of the Empire have been calculated after considering the statistics of general trade, exports from each part of the Empire to other parts of the Empire, the agricultural production of each part of the Empire, and the benefits likely to be received. The Government of India have accepted the recommendation of the Committee, subject to the concurrence of the Legislature. These contributions have no bearing on the Ottawa Agreement by which presumably the Trade Agreement between the United Kingdom and India is meant.

Mr. N. M. Joshi : May I ask whether any Indians will be employed in this organisation ?

The Honourable Sir Joseph Bhore : I think, Sir, that very largely, it consists of organisations which are engaged with research and investigation work. I am not in a position at the present moment to say whether Indians are or are not employed, but I shall certainly make inquiries on that point.

Mr. Gaya Prasad Singh : What will be the benefit to India as a result of this annual contribution ?

The Honourable Sir Joseph Bhore : I think we have, as a matter of fact, been contributing for some time to this organisation and, as far as I remember, a great deal of benefit has accrued to India from research work connected with mycology, agriculture and things of that description which are common to many parts of the Empire. But, as I have said, any new expenditure connected with this proposal must, as a matter of fact, come before the Standing Finance Committee which will have to be fully satisfied.

Mr. S. C. Mitra : May I ask if there are Indians in this organisation on the executive body ?

The Honourable Sir Joseph Bhore : As I have promised my friend, Mr. Joshi, I shall make inquiries.

Mr. S. C. Mitra : I do not mean the employees. I want to know if there are any Indians on the executive body of the organisation, such as, the High Commissioner ?

The Honourable Sir Joseph Bhore : I think the High Commissioner is there.

Mr. S. C. Mitra : Is there anybody else ?

The Honourable Sir Joseph Bhore : I really cannot give my Honourable friend any precise information, but I shall make inquiries.

RETENTION OF THE POST OF THE EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

60. *Mr. Gaya Prasad Singh : (*a*) Will Government be pleased to state if it is proposed to retain the post of the Educational Commissioner with the Government of India ?

(*b*) If so, on what pay ?

(*c*) What was the recommendation of the Retrenchment Committee in this connection, and what is the name of the present incumbent ?

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

(*b*) For the present, on a salary of Rs. 1,250—50—1,500 and a special pay of Rs. 250 per mensem, subject to a total pay of Rs. 1,500, besides overseas pay, if the officer is of non-Asiatic domicile and entitled to such pay. In view, however, of the desirability of reviving the Central Advisory Board and Bureau of Education as soon as possible, it has been decided to appoint to this post, in the near future, a retired educational officer of wide experience on a salary of Rs. 2,250 per mensem *plus* his pension.

(*c*) The Retrenchment Committee recommended that the salary of the post should be subject to a maximum of Rs. 1,500 per mensem. The present incumbent of the post is Mr. Leitch Wilson.

Mr. Gaya Prasad Singh : What was Mr. Leitch Wilson before his present appointment ?

Mr. G. S. Bajpai : He is an Inspector of Schools in the Punjab and he is merely holding the post temporarily until the beginning of October.

ALLEGATIONS AGAINST CERTAIN SERGEANTS DURING THE CONGRESS SESSION IN CALCUTTA.

61. *Mr. Gaya Prasad Singh : (*a*) Has the attention of the Government of India been drawn to a report published in the *Amrita Bazar Patrika*, dated the 10th June, 1933 (page 8) from Pt. Hargovind Misra of Patna, in which he says that he as well as the delegates who were holding the Indian National Congress at the Esplanade tram-shed were " violently attacked by the sergeants wielding batons with all their might, supplemented by kicks and blows ? ", that Pt. Binodanand Jha of Behar " was assaulted by kicks and batons " and the writer of the report was operated upon as an indoor patient in the Medical Hospital Bed No. 91, in the Eye Ward ?

(*b*) Were any of the persons mentioned in the report examined in course of any enquiry ?

The Honourable Sir Harry Haig : (*a*) Government have seen the report that Pandit Hargovind Misra was injured, but the injury was not as serious as the report would suggest. He received a lacerated injury on the lower lid of the left eye which necessitated stitching. No other operation was required. The eye-ball was in no way injured and no piece of glass entered it.

(*b*) Neither Pandit Hargovind Misra nor Pandit Binodanand Jha made any complaints to the authorities in Calcutta. Neither of them were examined in the course of the official enquiry. I would point out

that Pandit Hargovind Misra's statement was only published in the papers on the 9th June.

Mr. Gaya Prasad Singh : Was any inquiry made in the medical hospital regarding the incident reported by Pandit Binodanand Jha ?

The Honourable Sir Harry Haig : I do not know what incident was said to have been reported by Pandit Binodanand Jha.

Mr. Gaya Prasad Singh : The incident reported was that he was very severely assaulted in the eye and that he was injured and that he was operated upon as an indoor patient in the Medical Hospital Bed No. 91, in the Eye Ward ?

The Honourable Sir Harry Haig : I think the Honourable Member must be referring to Pandit Hargovind Misra.

Mr. Gaya Prasad Singh : I am referring to part (*a*) of my question. Yes, it is a report from Pandit Hargovind Misra. My question was whether any enquiry was made in the Medical Hospital to find out whether this portion of the report is correct or not ?

The Honourable Sir Harry Haig : No, Sir. The function of the medical hospital is to attend to the injuries of the patients.

Mr. Gaya Prasad Singh : And not to report whether a particular patient was attended to in the hospital or not ?

The Honourable Sir Harry Haig : Oh ! Yes ; there is the medical report certainly.

Sardar Sant Singh : Is it not part of the duty of the medical officer of a public hospital to report the matter to the police if such a case comes to them ?

The Honourable Sir Harry Haig : I have not heard that. It is a new doctrine to me.

Sardar Sant Singh : It is not a new doctrine. It is a well recognised practice in the Punjab, and if a doctor does not do it, he is punished for it.

Mr. S. C. Mitra : The same practice prevails in Bengal ; in the case of cognizable offences, the medical authorities have to report to the police.

The Honourable Sir Harry Haig : How is a medical officer to know whether it is a cognizable offence or not ?

Mr. S. C. Mitra : When the assault is very severe, or, in other cases, like poisoning, it is the duty of the medical officer to inform the police.

The Honourable Sir Harry Haig : I have already explained that this was not a very serious injury.

TROUBLES OF THE HINDUS OF THE ALWAR STATE.

62. *Mr. Gaya Prasad Singh : Have Government received any representation from or on behalf of the Hindus of Alwar regarding their troubles ?

Major W. K. Fraser-Tytler : Yes.

Mr. Gaya Prasad Singh : What steps have the Government taken with regard to the representation ?

Major W. K. Fraser-Tytler : I want notice of the question.

Kunwar Hajee Ismail Ali Khan : What was the nature of the representation from Alwar ?

Major W. K. Fraser-Tytler : I cannot discuss the question without notice.

Kunwar Hajee Ismail Ali Khan : Will the Honourable Member lay a copy of the representation on the table of the House ?

Major W. K. Fraser-Tytler : I require notice.

Captain Sher Muhammad Khan Gakhar : Can we discuss State matters in the House ?

INSULTING TREATMENT METED OUT TO DECK PASSENGERS AT THE TIME OF THEIR VACCINATION AT RANGOON.

63. *Mr. Gaya Prasad Singh : (*a*) Are Government aware that the deck passengers travelling by the British India Steam Navigation Company steamers from Calcutta to Rangoon are generally subjected to rough and insulting treatment at the time of their vaccination at Rangoon before disembarkation, and that I myself witnessed such a treatment meted out to them on the morning of the 28th April last when the *S. S. Egra* reached Rangoon ? Do Government propose to take any steps in the matter ?

(*b*) Is vaccination compulsory or optional ? If compulsory, why ? Why are not the deck passengers coming from Burma to India vaccinated on their arrival in Calcutta ?

Mr. G. S. Bajpai : (*a*) The answer to the first part is in the negative. The Government of Burma have made an enquiry into the particular instance referred to by the Honourable Member and have reported that the passengers were not subjected to treatment which was either exceptional or exceptionable.

(*b*) Under the Burma Vaccination Law Amendment Act, 1909, as amended by Burma Act IV of 1928, all persons arriving in Burma are liable to be vaccinated if they cannot produce evidence that they are already sufficiently protected against small-pox. This measure is regarded as essential in the interests of public health in Burma, as some of the emigrants may have come from districts infected with small-pox Vaccination of deck passengers coming from Burma to Calcutta is not compulsory under the regulations issued by the Local Government, presumably because the risk of the import of small-pox infection is small.

Mr. K. C. Neogy : Why does the Honourable Member accept the result of the enquiry held by the Burma Government in preference to the result of the enquiry held by my Honourable friend, Mr. Gaya Prasad Singh ?

Mr. G. S. Bajpai : I am not in possession of the result of the enquiry held by Mr. Gaya Prasad Singh.

Mr. K. C. Neogy : That is what the question refers to.

Mr. G. S. Bajpai : The question does not state that.

Mr. K. C. Neogy : The question says " I myself witnessed ".

Mr. G. S. Bajpai : It is perfectly true. If my Honourable friend very meticulously studied part (*a*) of the question, he will see that all that the questioner says is in general terms of rough and insulting treatment. That is the statement of the Honourable Member which I communicated to the Government of Burma and they say they have made enquiries and came to the conclusion that no rough and insulting treatment was meted out to them. Unless I am in possession of particulars which came to the notice of my Honourable friend, I am not able to controvert what the Burma Government have said.

Mr. Gaya Prasad Singh : Are Government aware that I received the following telegram from Mr. Ratilal Desai, Secretary, Citizens Public Meeting, Rangoon :

" Crowded Rangoon Citizens public meeting, Presidentship Dr. Dugal. The Corporation President convened 13th August under auspices Burma Provincial Hindu Sabha, Burma Indian Association 17 others for considering steamer passengers' grievances strongly supports your contention regarding overcrowding vaccination hardships other grievances."

Mr. G. S. Bajpai : My Honourable friend's first question was whether I was aware that he had received that telegram. As divination is not one of the attributes of Government, I must answer that part of the question in the negative. As regards the telegram itself, if the Honourable Member will be so good as to communicate a copy of it to me, I shall see whether any action is necessary.

Mr. Gaya Prasad Singh : Are Government aware that in the course of a public meeting of the citizens of Rangoon which was held on 13th August, at the Arya Samaj Hall under the presidency of Dr. R. S. Dugal, a number of resolutions were passed, one of which runs as follows :

" This public meeting begs to bring to the notice of the authorities concerned the scandalous overcrowding in the boats between Rangoon and India and the way in which passengers are huddled together without much regard for privacy and in a most humiliating way. This public meeting urges on Government to take immediate steps in the matter."

Mr. G. S. Bajpai : Well, Sir, I must repeat what I said in answer to the previous supplementary question. Unless the Honourable Member communicates to me the text of these resolutions, it is impossible for Government to be aware of those resolutions. If the Honourable Member will communicate a copy of these resolutions, as I have already promised, we shall see what action can be taken. But I should like to take this opportunity to say that what is referred to in the question is primarily overcrowding which is neither insulting nor rough.

Mr. K. C. Neogy : Sir, on a point of order. As the veracity of an Honourable Member of this House has practically been questioned, will you direct my Honourable friend, the questioner, to make a statement in support of the question which he has asked ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is always well understood that when an Honourable Member of this House makes a statement, he makes himself responsible for the accuracy of that statement. The Chair does not think there is any question of the veracity of any Honourable Member here being doubted. The Honourable Member, Mr. Gaya Prasad Singh, brings to the notice of Government certain incidents which he witnessed from which he wants the

Government to draw an inference that the passengers were given insulting treatment. On that the Burma Government have made an inquiry and the Honourable Member for Government says that no insulting treatment was meted out to the passengers. There is no question of doubting the veracity of any Honourable Member in those circumstances.

Mr. K. C. Neogy : I wish to point out that what my Honourable friend, Mr. Gaya Prasad Singh, states is that he witnessed certain definite kinds of treatment which appeared to him to be very rough and insulting, and unless he is permitted to make a statement before this House as to what he actually witnessed, it will be very difficult for this House to judge whether the Burma Government are to be believed in preference to my Honourable friend.

Mr. Lalchand Navalrai : On a point of order I should like to ask a question. When an answer is given to a question asserting certain things, are we debarred from putting supplementary questions in order to sift it and satisfy ourselves ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not see how the point of order arises. Does the Honourable Member, Mr. Gaya Prasad Singh, want to make a statement on this ?

Mr. Gaya Prasad Singh : My statement is based on certain incidents which I myself witnessed while I was on board the steamer on the particular dates mentioned in the question, and my statement is borne out by the resolutions which I have received on this subject and which I am going to put in the form of supplementary questions in support of my statement. My question was based on my own observations.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is quite entitled to ask supplementary questions provided they arise out of the main question. For that there is no ruling required. But the Chair understood Mr. Neogy to raise the point whether Mr. Gaya Prasad Singh would be allowed to make a statement in support of the allegation that he makes in this question, and the Chair is asking the Honourable Member whether he wants the permission of the Chair to make any such statement.

Mr. Gaya Prasad Singh : I am making my statement in the form of supplementary questions and call upon Government to deny it. Are Government aware that deck passengers at the time of vaccination are treated more as suspects and criminals than as *bonâ fide* deck passengers ?

Mr. G. S. Bajpai : No, Sir, Government are not aware of that. And if I may say with reference to what fell from my Honourable friend, Mr. Neogy, a little while ago, it is not the intention of Government or the individual who is speaking on behalf of Government at the present moment to doubt the veracity of what my Honourable friend said. I merely stated that there was a general statement and a general complaint in this. We referred it to the Government of Burma and they said that in fact such a thing did not take place. It is open to the Honourable Member, and I have made the offer to him, to communicate to me the particulars, which he considers, cover this particular statement. It is not necessary, if I may submit to the House, that those statements should be made here as I have undertaken to receive those statements and examine them.

Mr. B. R. Puri : Before those particulars are communicated, I take it that you must be informed as to what actually happened there. Therefore, I should like to know what were the facts from which those conclusions arose which have been put down and incorporated in the question.

Mr. G. S. Bajpai : If the House wishes to have those particulars read out, and you permit that, Sir, I have no objection.

Mr. President (The Honourable Sir Shanmukham Chetty) : In allowing Honourable Members to ask supplementary questions, the Chair must take into consideration the utility of the supplementary questions and the answers given at a particular stage. The Chair thinks that in order that the House may judge whether there is anything in the allegation made by Mr. Gaya Prasad Singh, he ought first to communicate to Government the facts which led him to come to this conclusion and the Honourable Member representing the Government has undertaken to make inquiries if those facts are given to him. So the Chair thinks the proper thing for the Honourable Member to do just now will be to communicate to Government the facts on which he based these conclusions and to put down questions later on after Government have had time to make inquiries. Otherwise if the Honourable Member were to give a catalogue of the incidents, the Government Member's reply would be that if that is communicated to him he will make inquiries ; and the time of the House will be wasted.

Mr. Gaya Prasad Singh : In view of the fact that with regard to one incident, vaccination, exception has been taken by my Honourable friend and a doubt has been cast on the statement which I made, I may be permitted to ask just one supplementary question on it. Are Government aware that in the public meeting to which reference has been made another resolution, which was passed with regard to vaccination, runs as follows and a copy of which I will communicate to the Honourable Member later on :

"This meeting, while appreciating the principle underlying the Vaccination Act of 1927, brings to the notice of the Government the hardships deck passengers have to undergo in the matter of vaccination immediately on their landing on the wharf and requests that measures be taken to so operate the provisions of the Vaccination Act as would remove the existing hardships and grievances of the passengers and, to achieve this, instruct the Port Health authorities to provide facilities and conveniences which would mitigate the hardships."

Mr. G. S. Bajpai : I have already said that Government have not received a copy of these resolutions from any source.

Mr. Gaya Prasad Singh : May I know who made that inquiry to which reference has been made in the course of the answer ?

Mr. G. S. Bajpai : The inquiry was made by the Government of Burma from the Assistant Port Health Officer.

Mr. M. Maswood Ahmad : What kind of inquiry ?

Mr. G. S. Bajpai : There has already been a sufficient disquisition on the various kinds of inquiry that can be made.

Mr. Gaya Prasad Singh : Are Government aware that I questioned the doctor who was in charge of vaccination at the time on the wharf with regard to the way in which passengers were compulsorily made to

stand and go about from place to place and roughly handled by some of the peons of the doctor ?

Mr. G. S. Bajpai : No, Sir ; I am not aware of that fact.

Mr. Gaya Prasad Singh : Then why do you deny it ?

Mr. G. S. Bajpai : I have denied nothing and I have affirmed nothing. I only communicated to the Honourable Member the report which I have received from the Government of Burma.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would suggest for the convenience of the House that in future when Honourable Members put down questions relating to incidents which they have themselves witnessed, they would do well, both for their own convenience and for the convenience of this House, that they should, along with the question, send up to Government a full statement of the facts to which the question relates.

Mr. Gaya Prasad Singh : I may explain my position and say that I received these papers from Rangoon only recently.

PRESENT POLITICAL AND ADMINISTRATIVE POSITION OF GILGIT.

64. ***Mr. Gaya Prasad Singh** : What is the present political and administrative position of Gilgit, and what is the amount of money, if any, which is at present spent over it annually by the Government of India ?

Major W. K. Fraser-Tytler : Gilgit proper is a part of the Kashmir State by which it is administered. The Government of India maintain a Political Agent in the Gilgit Agency and also contribute towards the cost of Kashmir State troops stationed in the Agency. The expenditure incurred by the Government of India is being ascertained and will be communicated to the Honourable Member in due course.

Mr. Gaya Prasad Singh : May I request that instead of communicating to me individually, a copy of the paper may be laid on the table ?

Major W. K. Fraser-Tytler : Certainly, Sir.

EXPENDITURE ON THE CHAMBER OF PRINCES FROM THE INDIAN REVENUES.

65. ***Mr. Gaya Prasad Singh** : Will Government be pleased to state if the institution of the Chamber of Princes entails any expenditure to Indian revenues ? If so, how much approximately per year ?

Major W. K. Fraser-Tytler : The answer is in the affirmative and the figure is about Rs. 10,200 a year on an average.

Mr. Gaya Prasad Singh : Are printed copies of the debates which take place in the Chamber of Princes available ?

Major W. K. Fraser-Tytler : I want notice of that question.

Mr. Gaya Prasad Singh : Since India is made to contribute annually to this institution of the Chamber of Princes, will Government kindly take into consideration that printed copies of these proceedings should be made available to the Members of this House as representing the taxpayers of India ?

Major W. K. Fraser-Tytler : I shall be glad to convey the Honourable Member's suggestion to the Department concerned.

Mr. B. R. Puri : Have Government absolutely no information as to what the Princes do inside the Chamber ? When we pay for it, are we not entitled to know something ?

NOMINATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE JOINT PARLIAMENTARY COMMITTEE.

66. ***Sardar Sant Singh** : (*a*) Will Government be pleased to state if it is a fact that Members of the Legislative Assembly nominated to the Joint Select Committee of Parliament made applications for being so nominated ? If so, when were such applications invited ?

(*b*) If the answer to part (*a*) be in the negative, is it a fact that representations either oral or in writing were made by the candidates for such nomination putting forward their claims ? If so, will Government be pleased to state what was the nature of such representation by each candidate ?

(*c*) Were there any cases where such representations were rejected ? If so, in whose case ?

(*d*) Is it a fact that Government received letters of thanks from any or all of the nominees for having been so nominated ? In case Government as such received no letter of thanks, is it a fact that any Honourable Member of the Government of India received such letter or letters ? If so, will Government be pleased to lay a copy of those letters on the table of the House ?

The Honourable Sir Joseph Bhore : With your permission, Sir, I propose to reply to questions Nos. 66 and 67 together.

It is possible that the Honourable Member is under a misapprehension regarding the procedure followed in the nomination of Indian representatives to sit with the Joint Select Committee. Power was given to the Committee by the Resolution appointing it to call into consultation representatives of the Indian States and of British India. The choice of such representatives was for the Committee itself alone. As stated by the Secretary of State in the House of Commons on the 7th March, 1933, he had some informal correspondence with His Excellency the Viceroy on the subject of the selection of delegates but no commitments were made which might embarrass the liberty of action of the Committee. There was no question of applications being invited or received or in any way dealt with by the Government of India.

Mr. M. Maswood Ahmad : Will Government be pleased to say what was the difficulty in sending elected representatives of this House to the Joint Parliamentary Committee and to the Statutory Railway Board and Reserve Bank Committees ?

The Honourable Sir Joseph Bhore : As regards the representatives sent to the Joint Parliamentary Committee, my friend should address his question to the Joint Parliamentary Committee and not to me.

Mr. K. C. Neogy : Is it not a fact that the persons selected were informed by Government or by responsible officers of Government about the fact of their having been selected long before the Joint Parliamentary Committee ever met and had an opportunity of formally considering

these selections : and is it not also a fact that accommodation had actually been secured for these members in the P. & O. boats by Government in anticipation of their voyage to England ?

The Honourable Sir Joseph Bhore : My Honourable friend will realise that I am not in a position, since I did not deal directly with this matter, to give him a definite reply, and I shall, therefore, have to ask for notice of that question.

Mr. K. C. Neogy : You will have it.

Sardar Sant Singh : May I request the Honourable Member to explain whether the names of the persons who were subsequently sent to the Joint Select Committee did not originate from the Government of India ?

The Honourable Sir Joseph Bhore : I have dealt with that question in my answer. My answer was that there was no question of applications being invited or received or in any way dealt with by the Government of India.

Sardar Sant Singh : How did the Government of India decide whom to recommend as members of the Joint Parliamentary Committee ?

The Honourable Sir Joseph Bhore : I have explained to the Honourable Member that the Government of India made no recommendations whatsoever.

Sardar Sant Singh : Am I to understand then that the members of the Joint Parliamentary Committee knew the names of all the members of the Indian Legislature who were subsequently sent there ?

The Honourable Sir Joseph Bhore : May I ask the Honourable Member to listen to my answer ? I said that there was undoubtedly informal correspondence between the Secretary of State and His Excellency the Viceroy.

Mr. K. C. Neogy : Do I take it that the Honourable Member denies having ever had any share in the selection, formal or otherwise, of these members personally ?

The Honourable Sir Joseph Bhore : I certainly have had no direct voice in the selection of these members.

Mr. K. C. Neogy : I did not mean direct voice : did the Honourable Member have any hand at all in the selection or in the determination of the choice of the representatives ?

The Honourable Sir Joseph Bhore : I cannot claim that I had.

Mr. M. Maswood Ahmad : Is it a fact that this House has not been given a chance to send its representatives to attend the Statutory Railway Board Committee ?

The Honourable Sir Joseph Bhore : That is dealt with in the next question.

Mr. K. C. Neogy : Was the Honourable Member ever approached by any individual non-official Member of this House for the purpose of securing his good offices in regard to this matter ?

The Honourable Sir Joseph Bhore : Does the Honourable Member refer to me personally ? If so, to the best of my recollection.....

Mr. President (The Honourable Sir Shanmukham Chetty) : No question can be addressed to a Member of the Government except in his capacity as Member of the Government.

Mr. K. C. Neogy : Exactly : as a Member of the Government, not as Sir Joseph Bhore.

The Honourable Sir Joseph Bhore : To the best of my recollection, no.

Mr. Jagan Nath Aggarwal : What about the letters of thanks ?

The Honourable Sir Joseph Bhore : I said we have received no letter of thanks.

Sardar Sant Singh : With reference to question No. 67, I want to know whether the facts mentioned in the question, that the full text of the speech of a particular Member was cabled to the Secretary of State and then the Secretary of State changed his view and accepted his nomination, are correct ?

The Honourable Sir Joseph Bhore : I certainly have no information on that point whatsoever.

Mr. K. C. Neogy : With reference to the statement made by my Honourable friend that there was some informal consultation between the Secretary of State and the Viceroy in this matter, may I know if there was any informal consultation between the Viceroy on the one hand and my Honourable friend on the other ?

The Honourable Sir Joseph Bhore : That, Sir, I am not in a position to say anything about.

Mr. Gaya Prasad Singh : You are not in a position to deny either ?

The Honourable Sir Joseph Bhore : I am not in a position to disclose any matters regarding the Executive Council.

Mr. Gaya Prasad Singh : May I know if the selection of delegates took place soon after the Ottawa betrayal agreement was discussed in this House ?

The Honourable Sir Joseph Bhore : My Honourable friend is aware of the dates concerned.

NOMINATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE JOINT PARLIAMENTARY COMMITTEE.

†67. ***Sardar Sant Singh** : Is it a fact that certain recommendations for nomination by the Government of India to the Joint Select Committee of Parliament were turned down by the Secretary of State on the ground that the person nominated was not considered '*safe*' ? Is it also a fact that the Government of India cabled the full text of the speech of the so-called '*unsafe*' nominee to explain or to convince the Secretary of State that the gentleman nominated was quite '*safe*' and that it was only then that the recommendation of the Government of India was accepted ?

†For answer to this question, *see* answer to question No. 66.

QUALIFICATIONS OF MEMBERS NOMINATED TO THE RESERVE BANK AND STATUTORY RAILWAY BOARD COMMITTEES.

68. *Sardar Sant Singh : Will Government be pleased to state the academic as well as commercial qualifications of those Honourable Members who are nominated to the Committee of the Reserve Bank and to the Committee of the Statutory Railway Board ?

The Honourable Sir Joseph Bhore : The Honourable Member is under a misapprehension in speaking of a committee of the Reserve Bank or a committee of the Statutory Railway Board. No committee was formed to deal with either subject. As announced in a communiqué of the 25th April last His Majesty's Government invited certain Members of the Indian Legislature to attend discussions in London on the Reserve Bank and Statutory Railway Board preliminary to formulating precise proposals under each head. The essential qualification of those invited was that they should be Members of the Indian Legislature. It appears to have been the intention of His Majesty's Government to take Members representative of the more important Parties and Groups in the Legislature.

Mr. M. Maswood Ahmad : Is it a fact that they attended the meeting in their private capacity or as representatives of the Assembly ?

The Honourable Sir Joseph Bhore : I do not know that I can describe their attendance as being in their private capacity : they were asked and invited to go because they happened to be Members of the Assembly.

Mr. M. Maswood Ahmad : Do Government take them as representatives of this House ?

The Honourable Sir Joseph Bhore : Does my Honourable friend mean to cast doubt upon the representative character of the elected Members who sit in this House ?

Mr. M. Maswood Ahmad : I said " representatives of this House ", not representatives of the people of India : no doubt they are representatives of the people of India ; but I want to know whether they attended the meeting in their capacity as representatives of this House and whether they were invited as such.

The Honourable Sir Joseph Bhore : I have made it quite clear that they were invited as being Members of the Indian Legislature.

Mr. M. Maswood Ahmad : What was the trouble in giving a chance to the Assembly to elect their representatives to attend these meetings ?

The Honourable Sir Joseph Bhore : I do not think in cases like these election is the best way of securing the best representation of all important interests in the House.

Mr. K. C. Neogy : In so far as the question of the Statutory Railway Authority relates to the Department of which my Honourable friend is in charge, will he state whether he had any voice, or whether he was consulted at any stage by anybody either here or in England, with regard to the choice of these members ?

The Honourable Sir Joseph Bhore : I must refuse to give any reply to such questions, because any reply that I might give would be disclosing information which I am not in a position to disclose to the House or to anybody else.

Mr. K. C. Neogy : Were the Government of India as a whole consulted in regard to this matter ?

The Honourable Sir Joseph Bhore : I must ask for notice of that question.

Mr. Lalchand Navalrai : Might I know from the Honourable Member if the respective parties in the House were consulted with regard to the nomination of the members who are considered representative ?

The Honourable Sir Joseph Bhore : To the best of my recollection, the majority of those invited sit on the front benches of this House, and I think that that is a sufficient justification for the invitation extended to them.

Mr. K. C. Neogy : Is it also a fact that some of them consistently vote with the Government ?

Mr. Gaya Prasad Singh : Are Government aware that whatever decisions these gentlemen will arrive at will not be binding as representing the voice either of this House or of the country outside ?

The Honourable Sir Joseph Bhore : I am quite aware of that, Sir.

Mr. Lalchand Navalrai : May I know if those Members who sit on the front benches are considered sufficiently representative even to be sent to Committees, and not the other Members ?

12 NOON.

The Honourable Sir Joseph Bhore : My friend is asking me to pronounce between the respective merits of different individuals in this House. My reply to him must be of that of the examinee at the theological examination who, being asked to give a list of the major and the minor prophets, replied " far be it from me to decide between these holy men ".

Mr. S. C. Mitra : May I know when did the Government of India come to the decision that the elective system has ceased to secure proper representation in this House ?

The Honourable Sir Joseph Bhore : I assume that when parties in this House elect from among themselves individuals to sit on the front benches, Government may take that as the best indication of the trust and confidence which the parties have in the individuals concerned.

Mr. S. C. Mitra : Every Member who was selected was not a front bencher ?

The Honourable Sir Joseph Bhore : I said, Sir, the majority.

Mr. S. C. Mitra : What about the minority ?

The Honourable Sir Joseph Bhore : If my friend is referring to minorities, I will say that Mr. Joshi who, at any rate in Delhi, does not sit exactly on the front bench was also invited. He represents a minority interest.

Mr. S. C. Mitra : You said the majority of the Members who sit on the front benches were selected ; but what about those who do not sit on the front benches and yet they were selected ? Was it for voting with the Government ?

The Honourable Sir Joseph Bhore : I did not select them.

Mr. S. C. Mitra : Who was responsible for their selection ? Why did you select those who do not sit on the front benches ? What was the criterion by which you made the selection of such people ?

The Honourable Sir Joseph Bhore : My friend must address that to the authority who was responsible for their actual selection.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he said that all those who were selected were sitting on the front benches ?

The Honourable Sir Joseph Bhore : I thought I said the majority of those who were invited occupied seats on the front benches.

Mr. Lalchand Navalrai : Why was the minority taken from the back benches ?

Mr. Amar Nath Dutt : Is it a fact that there is a warrant of precedence among the Members sitting on this side ? Have the Government framed any warrant of precedence for the Members of this House ?

The Honourable Sir Joseph Bhore : They have no warrant of precedence, but I think that leaders of parties are always accorded some preferential treatment in consultation on matters of public interest.

Mr. B. R. Puri : May I know why this extraordinary solicitude was shown to this Legislature on this particular occasion ?

The Honourable Sir Joseph Bhore : Does my friend object to the solicitude shown to it ?

Mr. B. R. Puri : I object, because on more important matters the position of this Legislature had not been recognised, and, therefore, I want to know why this special recognition was shown on this occasion with regard to this particular subject ?

The Honourable Sir Joseph Bhore : I shall certainly bear my friend's point of view in mind in future.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the week beginning Monday, the 28th August. You have already directed that in that week the House shall sit for Government business on the 28th and 30th August, and the 1st September.

On Monday, two motions will be moved for the election of members to the Committees attached to the Department of Commerce and the Department of Industries and Labour.

Thereafter, leave will be asked to introduce the following Bills :

(1) A Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, and

(2) A Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.

Thereafter, Government will give time for Mr. S. C. Mitra's motion for leave to amend Standing Order 17 of the Legislative Assembly Standing Orders.

On the conclusion of the above business, the following legislative programme will be brought forward.

The business unfinished on yesterday's list will be taken up in the order shown on the combined agenda for the 22nd and 23rd instant.

A motion will then be made to circulate the Indian Petroleum Bill for eliciting opinion. Thereafter, a motion will be moved for referring the Indian Income-tax (Third Amendment) Bill to a Select Committee. These two Bills were introduced on Tuesday last.

This business will be followed by motions to take into consideration and pass :

(1) The Indian Wireless Telegraphy Bill, as reported by the Select Committee,

(2) The Land Acquisition (Amendment) Bill, as reported by the Select Committee, and

(3) The Murshidabad Estate Administration Bill.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 941 asked by Mr. N. M. Joshi on the 27th March, 1933 ; and also

(*ii*) the information promised in reply to part (*b*) of starred question No. 987 asked by Mr. Nabakumar Sing Dudhoria on the 28th March, 1933.

NON-MAINTENANCE OF THE RECORD OF POOR BOX COLLECTIONS MADE ON VARIOUS SHIPS BY THE SHIPPING OFFICE, BOMBAY.

*941. (*a*) A regular record is maintained, but it is not practicable to record the individual collections of each ship. The collections are placed in the safe and locked in a cash box in the presence of a gazetted officer. The amounts when large enough are counted in the presence of the Shipping Master and paid into the Imperial Bank of India.

(*b*) The present Shipping Master recently made an enquiry into the system in force in regard to the crediting of poor box collection.

(*c*) The Assistant Shipping Master and the Cashier have been responsible for the work.

(*d*) No. The procedure is as stated in the reply to part (*a*) of this question.

(*e*) The Shipping Master has decided to stop temporarily all poor box collections as the interest on the amount standing to the credit of the Distressed Seamen's Fund is now sufficient to meet the expenditure in connection with the relief of distressed seamen. Government do not consider that any further action is necessary at present.

ABOLITION OF THE APPOINTMENTS OF THE DEPUTY AND ASSISTANT SHIPPING MASTERS IN CALCUTTA.

*987. (*b*) (*i*) The duty of the Superintendent, Continuous Discharge Certificate Department, was to superintend the work of that Department under the supervision of the Assistant or Deputy Shipping Master. The present Assistant Shipping Master holds charge of the Branch Shipping Office and, apart from his administrative functions, his duties are to issue Continuous Discharge Certificates of all types, to investigate cases of fraud in connexion with these documents, and to impose penalties or prosecute offenders. He also acts for the next senior official when occasion arises.

(*ii*) The average daily number of new, duplicate and higher issue continuous discharge certificates issued during 1922-23, when the post of Superintendent existed, was 40. Since the creation of the post of Assistant Shipping Master, the average has been 26.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table—

(*i*) the information promised in reply to starred question No. 315 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 9th February, 1933 ;

(*ii*) the information promised in reply to starred question No. 746 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ; and

(*iii*) the information promised in reply to starred question No. 1017 asked by Mr. Muhammad Anwar-ul-Azim on the 28th March, 1933.

REMOVAL OF THE SORTING OFFICE TO THE MADRAS GENERAL POST OFFICE BUILDING.

*315. (*a*) Government have seen the article.

(*b*) Yes, the transfer of the sorting department to the same building as the other departments of the General Post Office is expected to be conducive both to substantial economies and increased efficiency.

(*c*) Presumably the Honourable Member wished to know the floor space available for each branch of the sorting department. This is as follows :

	Sq. ft.
Parcel branch	1,625
Registered letter, Registered packet and ordinary letter branches	2,911

(*d*) 151. According to departmental standards a floor area of 5,840 sq. ft. is justified.

(*e*) Yes, it is short by 1,300 sq. ft. in the aggregate.

(*f*) The building was constructed by the Madras and Southern Mahratta Railway for the Posts and Telegraphs Department. A monthly rent of Rs. 384-15-1 is paid to the Railway.

(*g*) Yes, for an additional rent of Rs. 295 a month.

(*h*) Yes.

(*i*) There is no lease.

(*j*) Yes.

(*k*) Yes, but possibly by a re-distribution of departments it may be located on the first floor.

(*l*) 12 ft.

(*m*) 32 ft. by 50 ft.

(*n*) No.

(*o*) The description of the location of the hall it is proposed to use and the condition in which work is conducted in the surrounding departments as stated by the Honourable Member is not accurate. Artificial light is necessary for certain periods of the day only. Fans are installed throughout the building.

(*p*) Yes.

(*q*) No. The staff of the Postal Stock Depot was considerable and in the adjoining portion other departments have worked for years without ill effects.

(*r*) No structural alterations are contemplated.

(*s*) and (*t*). The ground floor is not a basement. The Executive Engineer, North Presidency Division, and the Architect to the Government of Madras who were consulted are of opinion that the changes which it is proposed to make are quite feasible.

(*u*) Government do not consider this necessary.

(*v*) No apprehensions of such results are felt.

(*w*) There is no reason whatever for imputing this policy to Government.

(*x*) Yes. Government see no reason to forbid an examination of the proposal.

RETRENCHMENT IN THE AMRITSAR HEAD POST OFFICE.

*746. (*a*) The fact is that three Hindus and two Muslims were retrenched out of 26 Hindus, 43 Muslims and six Sikhs in the cadre of postmen and the communal ratio existing before the retrenchment was thereby slightly disturbed.

(*b*) Yes.

(*c*) One Hindu was retrenched in excess of the communal ratio through a misunderstanding of the orders on the subject. The Retrenchment Board was formed of officers holding certain specified posts and not on a strictly communal basis.

(*d*) The Postmaster-General has since ordered the reinstatement of the Hindu retrenched in excess of the communal ratio. Government do not propose to order the constitution of Retrenchment Boards on a communal basis.

GRIEVANCES OF THE MUSLIM STAFF OF THE QUETTA HEAD POST OFFICE.

*1017. (*a*) No. The request for an interview came explicitly from the Muslim Union in a letter from that body, dated the 14th September 1932.

(*b*) No. Though unable to comply with the request in the letter just referred to the Director gave interviews freely to individual Muslim members of the staff.

(*c*) and (*d*). Do not arise.

The Honourable Mr. A. H. Lloyd (Finance Member) : Sir, I lay on the table—

(*i*) the information promised in reply to starred questions Nos. 968 to 973 asked by Khan Bahadur H. M. Wilayatullah on the 28th March, 1933 ; and

(*ii*) the information promised in reply to starred question No. 1204 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 10th April, 1933.

CONSTITUTION OF THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*968. (*a*) The existing constitution is shown below :—

(*i*) Accountant-General	1
(*ii*) Assistant Accounts Officer	1
(*iii*) Accountants	6
(*iv*) Upper Division Clerks	44
(*v*) Stenographer	1
(*vi*) Typists	3

(*b*) Yes.

(*c*) Yes. The Accountant-General, Posts and Telegraphs, is not an original audit officer but an administrative and final accounting authority, a technical adviser to the Director-General, Posts and Telegraphs, and also has appellate powers in cases of appeals from the orders of his deputies on audit points : the work in his office cannot be compared with that of any of the five subordinate offices under his control. The work in the office of the Accountant-General, Posts and Telegraphs, justifies the existing staff of Gazetted Officers.

STRENGTH OF THE NON-GAZETTED STAFF IN THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*969. No precise formula has been or can be devised for determining the non-gazetted strength of the office for the reasons given in the reply to (*c*) of the previous question. The staff is calculated on the estimated amount of the different kinds of work to be done based on past statistics as in the case of other administrative and Secretariat offices of Government.

ABOLITION OF THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*970. (*a*) It is not within the knowledge of Government that any officer of the Indian Audit and Accounts Service has made this statement. The office is a very necessary one.

(*b*) Government consider that the abolition of the office of the Accountant-General, Posts and Telegraphs, is wholly impracticable.

ACCOUNTANTS IN THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT OFFICES.

*971. The question of the localisation of the Accountants' cadre is still under the consideration of Government. No specific provision is necessary for adequate representation of minority communities. The general orders of the Government of India on the subject, which are followed by all offices of accounts and audit, are applicable also to the Posts and Telegraphs Audit Offices.

REPRESENTATION OF MINORITY COMMUNITIES IN THE OFFICES OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*972. (*a*) The orders mentioned are those of the Government of India.

(*b*) The questions do not arise in this connection because the orders quoted by the Honourable Member do not apply to departmental promotions : they apply only to initial recruitment and there was no fresh recruitment in 1932 either for substantive or officiating vacancies.

APPOINTMENT OF THE ASSISTANT IN CHARGE OF THE ADMINISTRATION BRANCH IN THE OFFICE OF THE DEPUTY ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS, DELHI.

*973. The appointment of Superintendent, Record, is made by the Deputy Accountant-General, Posts and Telegraphs, Delhi, who selects a suitable member of the Upper Division cadre, with due regard to his experience, length of service, and aptitude for administrative work.

POST OF THE PERSONAL ASSISTANT TO THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*1204. (*a*) No.

(*b*) Does not arise.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table—

(*i*) the information promised in reply to a supplementary question to starred question No. 509 asked by Mr. M. Maswood Ahmad on the 25th February, 1933 ; and

(*ii*) the information promised in reply to unstarred question No. 170 asked by Mr. Goswami M. R. Puri on the 1st April, 1933.

CIVIL HOSPITAL, DELHI.

*509. Under the rules at present in force the following inclusive charges are levied from paying patients in the Civil Hospital, Delhi :—

For a large room	Rs. 2 per day.
For a small room	Re. 1 per day.

ENHANCEMENT OF WATER TAX IN THE TIMARPUR QUARTERS, DELHI.

170. There are four types of quarters at Timarpur, B, C, D and E. B type quarters are metered. No representation has been received from the occupiers of the C and D type quarters for reduction in water charges. The occupiers of E type quarters have made a representation which is at present under the consideration of the Notified Area Committee. No representation has been made to the Chief Commissioner. The discontent has apparently arisen from the fact that in New Delhi the tax charged on an E type quarter is Rs. 1-8-0 per mensem against Rs. 2-8-0 charged in Timarpur. Previous to January, 1933, the Public Works Department charged water rate at Rs. 1-8-0 per mensem irrespective of pay, type of quarter and area. The Notified Area Committee, who have now taken over the collection of water rate charges, have increased the charge to Rs. 2-8-0 per mensem. This rate has been fixed after taking into consideration the average cost of water consumed in such quarters.

It is not true to say that in the New Delhi Municipality only one rupee per tap per mensem is charged for a continuous daily supply of 24 hours.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1092 asked by Mr. Uppi Sahib Bahadur on the 1st April, 1933.

Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
4. I.S.D./Elect./1932/185 of 8-8-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Ry., Parel.	Electrically driven pumps and air compressors for filtration plant in Kalyan yard:—		
		(*i*) Pumping sets complete—Item (*i*).	2	Messrs. Harland Engineering Co., Calcutta.
		(*ii*) Starters—Item (*ii*) ..	2	
		(*iii*) Accessories—Item (*iii*).	2	
		(*iv*) Suctions valves 8" dia.—Item (*iv*).	2	
		(*v*) Strainer & foot valve 8" dia.—Item (*v*).	2	
		(*vi*) Reflux valve 8" dia.—Item (*vi*).	2	
		(*vii*) Air compressor complete—Item (*vii*).	2	
		(*viii*) Starters—Item (*viii*) Accessories.	2	
5. I.S.D./Elect./1932/178 of 9-8-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Ry., Parel.	Electrically driven air compressor for Matunga Shops:—		
		Self-lubricating direct coupled two stage air compressor—Item (*i*).	1	Messrs. Indestro Trading Co., Bombay.
		SXA English Elec. Co.'s incoming transformer Pillar—Item (*ii*).	1	Messrs. English Electric Co., Bombay.
		SXA English Elec. Co.'s feeder pillar—Item (*iii*).	1	Do. ..
		Iron-clad main distribution board—Item (*iv*).	1	Messrs. Johson & Phillips, Bombay.
6. I. S. D./E. B.-2/1932/4 of 14-10-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Wheels, spur, solid, for axles of motor bogies of Electric Suburban Stock.	25	Messrs. Alfred, Wiseman, Ltd., Birmingham.

The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
6	7	8	9	10
Rs. a. p.	Rs.		Rs. a. p.	
		This indent was submitted with immediate delivery terms as the work for which these stores were required had to be completed before 31-3-33 and the time required for their manufacture and importation had also to be taken into consideration.		*Items* (*i*) *to* (*vi*).—The lowest tender was rejected as it did not comply with specifications. *Items* (*vii*) *&* (*viii*).—The lowest tender was rejected as it did not fully comply with requirements.
634 0 0 per set.				
408 0 0 each.				
89 12 0 each.	1,254	....	648 0 0	
89 12 0 each.				
219 8 0 each.				
137 0 0 each.				
861 0 0 each.	555	....	898 0 0	
183 0 0 each.				
525 0 0 lot.				
8,019 0 0 each.	The lowest suitable tender was accepted.	This indent was marked immediate as the work for which these stores were required had to be completed by 31-3-33 and the time required for manufacturing the plant to this Railway's specification and importing them had also to be taken into consideration.	..	*Item* (*i*).—Indestro Trading Co.'s was the third lowest tender which was accepted for Rs. 8,019 (including Rs. 614 or spares). The lowest tender was Rs. 5,760 (excluding spares) but was rejected as it did not fully comply with requirements.
1,760 0 0 each.	As accepted			
2,055 0 0 each.				
2,220 0 0 each.	..	..	..	*Items* (*ii*) *&* (*iii*).—Single tenders were obtained for both items as duplicate sets of those already in service were indented for.
£23 10 0 each.	..	The indent was marked urgent as the stock of these wheels had been exhausted owing to the unforeseen failure of a number of these in service. The time required to manufacture and import them was also taken into consideration.	..	The purchase was arranged by the Director General, India Store Department, London to whom the Indent was transferred.

Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.	The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reason for such articles being indented with immediate delivery terms why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
1	2	3	4	5	6	7	8	9	10
			No. T. C.		Rs. a. p.	Rs. a. p.		Rs. as. p.	
7. G.B.4-32-207 of 4-11-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Dy. Chief Engineer, Bridges, Manmad.	Angles, M. S. 6″ × 6″ × 3/4″ × 33′ 8″ long.	24 10—7 app.	Messrs. Osman Chotani & Co., Bombay.	6 8 0 per cwt.	As accepted ½	Stores indented were urgently required for the completion of the Bridge renewal work on the Dina Jhansi Section. Delay in supplies would have meant a cessation of work and the completion to programme as laid down would have been jeopardised.	*Nil.*	
		Angles M. S. 6″ × 6″ × 3/4″ × 25′ 0″ long.	11 3—11 app.		6 8 0 per cwt.				
		Angles M. S. 6″ × 6″ × ½″ × 20′ 3″ long.	24 6—5 app.		6 8 0 per cwt.				
		Angles M. S. 6″ × 6″ × 5/8″ × 33′ 8″ long.	24 8—6 app.		6 8 0 per cwt.				
		Angles M. S. 6″ × 6″ × 5/8″ × 20′ 3″ long.	24 5—5 app.		6 8 0 per cwt.				
		Angles M. S. 6″ × 3½″ × ½″ × 53′ 8″ long.	12 6—8 app.		6 8 0 per cwt.				
8. G.B.-4-32-209 of 4-11-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Dy. Chief Engineer, Bridges, Manmad.	Plates, M. S. 35″ × ½″ × 20′ 0″ long.	Nos. T. C. 12 9—11	Messrs. Osman Chotani & Co., Bombay.	9 8 1	7 1 1	....	312 0 0	Order was originally placed on the lowest tenderer. But owing to his non-compliance in time, it was cancelled and another placed at a higher rate. The possibility of recovering the difference in price from the defaulting contractor was considered but owing to the fact that delay was caused by the ship overcarrying the stores to Karachi instead of delivering them at Bombay it was decided not to penalise the first contractor.
		Plates, M. S. 19″ × ½″ × 20′ 0″ long.	18 7—14						
		Plates, M. S. 14″ × ½″ × 40′ 6″ long.	27 17—9						
		Plates, M. S. 29″ × ½″ × 30′ 0″ long.	12 7—19						
		Plates, M. S. 29″ × ½″ × 12′ 0″ long.	24 6—7						
9. F. 33-6 of 30-1-1933.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Engineer, G. I. P. Rly., Bombay.	Salt glazed stone ware pipes, 15″ dia.	2,407 R. Ft.	Messrs. The Perfect Pottery Co., Ltd., Jubbulpore.	8 4 0 per cwt.	7 7 1 per cwt.	Stores indented were urgently required for the completion of the Bridge renewal work on the Bina-Jhansi Section. Delay in supplies would have meant a cessation of work and the completion to programme as laid down would have been jeopardised.	154 3 1	
					8 4 0 per cwt.			124 5 2	
					8 4 0 per cwt.			281 11 11	
					8 4 0 per cwt.			128 5 9	
					8 4 0 per cwt.			102 8 5	
10. F. 33-7 of 30-1-1933.	Do. ..	Pipes, cast iron, straight, spigot and socket ends 6″ dia., 9 ft. long.	360 Nos.	174 pipes 12 ft. from Messrs. Richardson & Cruddas, Bombay 128 pipes 9 ft. from Messrs. The Bengal Iron Co., Calcutta.	2 12 0 per R. Ft.	As accepted ..	The indent was marked immediate as the stores were urgently required for the completion of the Gwalior Drainage Scheme and the Gwalior Durbar was pressing for an early completion of the work.	..	The order was placed with the lowest tender.
					5 10 0 per cwt. 6 4 0 per cwt.	The lowest suitable tenders were accepted.	Ditto. ..	..	Orders were placed with two firms who offered to supply from stock. The lowest tenderer offered pipes cast horizontally which were not acceptable and quoted 8 weeks delivery.

INDENTS PLACED BY THE GREAT INDIAN PENINSULA

*1092. *Statement showing indents of the value of Rs. 5,000 and above with immediate Department during the period 1st April, 1932*

A	B	C	D	E	F	G	H	I	J
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.	The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
1	2	3	4	5	6	7	8	9	10
					Rs. a. p.	Rs. a. p.		Rs. as. p.	
1. I.S.D./Elect./1932/76 of 29-4-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel, Bombay.	One set of 90 lead acid cells complete.	1 set of 90 cells.	1 set of 45 cells from Messrs. J. Stone & Co. (India), Ltd., Bombay. 1 set of 45 cells from Messrs. Chloride Electrical Storage, Ltd., Bombay.	3,591 14 6 per set of 45 cells. 3,600 0 0 per set of 15 cells.	3,591 14 6 per set of 45 cells.	The indent was marked "Immediate" as these cells were required for the cooking equipment of the "Deccan Queen". The lowest quotation was submitted by Messrs. J. Stone & Co. @ Rs. 7,183-13-0 per set of 90 cells. As however it was found desirable to get experience and see if a better life can be obtained with Exide iron-clad cells offered by the Chloride Electrical Storage Co., Ltd., at a slightly higher rate, the order was split up between the two tenderers.	8 1 6	
2. I.S.D./E.A. 1/1932/2 of 29-4-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Axles, cranked for J/1 type engines.	3	Messrs. Wright Pinhorn & Partners, Ltd., Simla. Messrs. Heatly & Gresham, Ltd., Calcutta.	1,580 0 0 each.	As accepted ..	The indent for these axles was marked urgent as the stock of these was exhausted due to heavy demands. Engines taking these axles were in the shops for repairs and it was noticed that the existing axles were near to condemning sizes, and it was also anticipated that future consumption was likely to be excessive.	*Nil.*	Orders were placed wi the lowest tender The demand cou not be advertised o ing to urgency. Te ders were issued to firms out of whom quoted.
		Axles, cranked for N/1 type engines.	2		1,614 0 0 each.	Do. ..			
3. I.S.D./Elect./1932/80 of 11-5-1932.	Controller of Stores, G. I. P. Rly., Parel.	Sections, negative, for Lux RTG-9 accumulators.	72	Messrs. Chloride Electrical Storage Co.	27 8 0 each. 22 4 0 each. 27 12 0 each. 20 5 0 each. 35 0 0 each.	Do. ..	Stocks were suddenly depleted owing to unforeseen abnormal demands.	*Nil.*	These were required f stock, an l are propri tary articles obtai able only from Messr Chloride Electric Storage Co.
		Sections, negative, for Lux RTG-7 accumulators.	180	Do.					
		Sections, positive, for Lux RTG-7 accumulators.	180	Do.					
		Sections, positive, for Lux RTG-5 accumulators.	84	Do.					
		Sections, positive, for Lux RTG-9 accumulators.	80	Do.					

...ery ... placed by the Great Indian Peninsula Railway on the In... 16th February, 1933.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House will now resume consideration of the following motion moved by Mr. C. S. Ranga Iyer on the 24th March, 1933 :

"That the Bill to remove the disabilities of the so-called depressed classes in regard to entry into Hindu temples be circulated for the purpose of eliciting opinion thereon by the 30th July, 1933, and the amendment moved thereto by Pandit Ram Krishna Jha that the Bill be circulated amongst the heads of the Religious Institutions, secular heads, trustees or administrators of the village temples in consultation with the Hindu villagers and Collectors of Districts for ascertaining the opinion of lay people likely to be affected by this Bill and not amongst the Arya Samajists, the Brahmos and Hindu Mahasabhites who have no faith in temple worship."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : On a point of order, Sir. If you will kindly look at the list of business, you will see that the Bill was to be circulated and opinions were to be elicited by the 30th of July, 1933, which date has now elapsed. Are we in order to discuss this motion now, because if we pass this Resolution now opinions will be received long after the 30th of July, which was the date mentioned in the original motion. So are we in order to discuss this matter now, as the date is past ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is really a matter of procedure. The Honourable Member will himself observe that there are various amendments on the paper in which more suitable dates are given, and, at the time when the question is put, it will be for the House to decide as to what date they should decide upon. It does not arise at this stage.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : I have given notice of two amendments, one for the purpose of eliciting opinion thereon by the 31st December, 1934, and the other by the 30th June, 1934. Before I move any of these, I should like to know from the Honourable the Home Member whether he is prepared to support my first amendment. I want 31st December, because I want the discussion to take place at Delhi as the attendance at Simla is always very thin and the subject is very important.

The Honourable Sir Harry Haig (Home Member) : Does the Honourable Member want me to make a statement now on behalf of the Government before there has been any debate on this point ?

Pandit Satyendra Nath Sen : I want that the next stage of discussion should be taken up at Delhi and not at Simla. That is my intention in specifying the date as 31st December ; otherwise it will come up next August at Simla.

Mr. President (The Honourable Sir Shanmukham Chetty) : What exactly does the Honourable Member want ?

Pandit Satyendra Nath Sen : I wish to know whether I will get support from the Government for my first amendment ; if so, I will move the first amendment ; otherwise I will move the second one.

An Honourable Member : You take your own chance.

Mr. President (The Honourable Sir Shanmukham Chetty) : In order to enable the Honourable Member to make up his mind as to what amendment he is going to move, he wants to know the attitude of the Government in the light of which he will decide what amendment he should move.

Before he came to this House this morning, he should have found out from Government what their attitude was going to be, and the Chair does not think that the Honourable Member can utilise this opportunity and ask the Honourable the Home Member to make a statement on the subject. The Honourable Member must make up his mind as to which of his amendments he is going to move.

Pandit Satyendra Nath Sen : In that case I will move the second amendment.

Mr. R. S. Sarma (Nominated Non-Official) : On a point of order, Sir. Before the Honourable Member moves his amendment, there is an amendment next to his, standing in my name which is of a more general character, while the amendment of Pandit Satyendra Nath Sen is of a restricted nature. Therefore, I feel that you will give me an opportunity of moving that amendment before he moves his.

Mr. President (The Honourable Sir Shanmukham Chetty) : It has been the practice in this House, and that practice is being followed on the present occasion, to allow various Honourable Members who have given notice of various amendments to move those amendments and to have a comprehensive discussion on all those amendments and the original proposition. When the time for voting comes, it will then be for the Chair to decide which is the more comprehensive amendment and the Chair will naturally put to vote that amendment which it considers to be more comprehensive. The Chair understands that Pandit Satyendra Nath Sen does not want to move amendment No. 2 on the list, but wants to move No. 3. Is that correct ?

Pandit Satyendra Nath Sen : Yes, Sir

Mr. K. C. Neogy (Dacca Division, : Non-Muhammadan Rural) : I should like to know under what Standing Order this particular amendment which my Honourable friend wants to move is in order, because Standing Order No. 39, which, I take it, is the Standing Order bearing on this particular question, runs as follows :

".....if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon....."

I do not suppose that this Standing Order contemplates a restricted circulation as my Honourable friend desires, and that observation would also apply to the amendment which has been moved by my Honourable friend, Mr. Jha. I should like to have your ruling on this particular point.

Mr. President (The Honourable Sir Shanmukham Chetty) : What exactly is the point that the Honourable Member wishes to raise ? Will he repeat it ?

Mr. K. C. Neogy : As far as I can see, Standing Order No. 39 lays down in specific terms the amendment that can be moved at this particular stage, and that does not seem to me to be of a restricted character at all.

Mr. President (The Honourable Sir Shanmukham Chetty) : What sub-clause of Standing Order No. 39 please ?

Mr. K. C. Neogy : (2) (*a*).

[Mr. K. C. Neogy.]

May I make a reference to the previous Standing Order? It says :

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :

(*a*) that it be taken into consideration by the Assembly either at once or at some future day to be then specified ; or

(*b*) that it be referred to a Select Committee ; or

(*c*) that it be circulated for the purpose of eliciting opinion thereon."

That is the specific nature of the motion that it is permissible for a Member in charge of a Bill to make, and if some other Member makes a motion by way of an amendment to a substantive motion moved by the Member in charge, then also the amendments must be in similar language as stated in sub-clause (2) (*a*) of Standing Order No. 39, which says :

"……if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion……"

Mr. President (The Honourable Sir Shanmukham Chetty) : On what Standing Order does the Honourable Member rely for his contention that when the Member in charge moves that the Bill be circulated for the purpose of eliciting opinion thereon, only a particular kind of amendment can be moved to that ? The Chair is not able to find that Standing Order.

Mr. K. C. Neogy : The Standing Order is silent on the point, but these are the only motions that are permissible under the Standing Order to be moved, and, that particular motion having been moved, I do not suppose that any amendment of the kind contemplated by my Honourable friend, Pandit Satyendra Nath Sen, is in order.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member must realise that no explicit provision is made in the Standing Order as to what kind of amendments can be moved to the motion of a Mover of a Bill that the Bill be circulated for eliciting opinion thereon. When Standing Orders are silent on the point, it will be for the Chair to decide what amendments to such motions would be in order, and the Chair in this case has held that Pandit Satyendra Nath Sen's amendment is in order.

Pandit Ram Krishna Jha (Darbhanga *cum* Saran : Non-Muhammadan) : So far as my amendment is concerned, it was moved on the 4th March and there was a debate on it and my Honourable friend's point of order is rather too late.

Pandit Satyendra Nath Sen : I beg to move :

"That the Bill be circulated amongst the temple-going Hindus for the purpose of eliciting opinion thereon by the 30th June, 1934."

As the House is aware, a similar amendment was moved by my Honourable friend, Pandit Ram Krishna Jha, at the last Delhi Session which runs as follows :

"That the Bill be circulated amongst the heads of the Religious Institutions, secular heads, trustees or administrators of the village temples in consultation with the Hindu villagers and Collectors of Districts for ascertaining the opinion of lay people likely to be affected by this Bill and not amongst the Arya Samajists, the Brahmos and Hindu Mahasabhites who have no faith in temple worship."

Sir, I have practically accepted all the points of that amendment, for instead of a roundabout phraseology, I have put it in a simple expression, namely, temple-going Hindus, and, as I want to put it in the prescribed form, I have inserted a time-limit, *viz.*, 30th June, 1934. If I were to have my own way, I would rather oppose the Bill outright instead of moving a circulation motion, but, as there is very little chance of achieving any success in that direction, I am constrained to move this amendment for circulation.

In the first place, I will argue that this Bill is *ultra vires* of this Legislature. It was never the intention of our rulers or of the British statesmen that such Bills should be brought forward for discussion in the Legislature because it involves serious religious questions which cannot be discussed by the Members of this House. They are not experts in those matters. I will, first of all, refer Honourable Members to the memorable notification issued by the Government of India on the 16th May, 1857. The pertinent portion runs as follows :

"The Government of India have invariably treated the religious feelings of all its subjects with careful respect. The Governor General in Council has declared that he will never cease to do so. He now repeats that declaration and emphatically proclaims that the Government of India entertains no desire to interfere in the religion or caste."

This notification was confirmed and ratified by the Queen's Proclamation which runs thus :

"We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with religious beliefs and worship of Our Subjects on pain of Our highest displeasure."

If I seek protection under these Proclamations and notifications, it is my duty to show that this Bill affects the religious feelings of the Hindus. I think it will require no arguments to prove that temple affairs are religious affairs. It is a *prima facie* case that temples are purely religious matters, and this Bill is not only religious, but it is subversive of all religion, because the real demand of the reformists is not temple-entry alone, but something beyond that. Dr. Ambedkar, one of the leaders of the Depressed Classes, has put it very clearly. He says :

"What is required is to purge it of the doctrine of *Chaturvarna*. Do Mahatma Gandhi and Hindu reformers accept this as their goal and will they show courage to work for it ? But whether they are prepared for this or not, let it be known once for all that nothing short of this will satisfy Depressed Classes and make them accept temple-entry."

And this demand has been practically acceded to by Mr. Gandhi, the high priest of the sacrifice of religion. Writing in the *Harijan*, dated the 11th February, he says :

"It is highly likely that at the end of it we shall all find that there is nothing to fight against in *Varnashram*. If, however, *Varnashram* even then looks an ugly thing, the whole Hindu society will fight it."

That is the ultimate demand of the reformers.

Now, I will speak a few words to remove the misconception of many of my Honourable friends regarding Mr. Gandhi's view in respect of inter-dining and inter-marriages. They are under the misconception that he does not insist on these things, but in the course of his statement which

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appeared in the *Hindustan Times* of the 6th December, he says clearly that:

"Restriction on inter-caste-dining and marriage is no part of the Hindu religion."

He goes on to say :

"Wherever, therefore, the people voluntarily take part in functions where touchables and untouchables, Hindus and non-Hindus are invited to join dinner parties, I welcome it as a healthy sign." "Dining and marriage restrictions stunt Hindu society", and so on.

So the ultimate demand of these reformers is not temple entry alone or the abolition of untouchability, but the subversion of the basic principles of the Hindu religion. It is true that such Bills can be introduced with the previous sanction of the Governor General. The Indian Councils Act of 1861 and the Government of India Act of 1919 make provision for such introduction, but consistently with the previous Proclamation and notification to which I have referred, this previous sanction is to be regarded as an additional safeguard and evidently relates only to those Bills which do not infringe any religious laws and where the usages and customs are silent. This view was clearly expressed by Sir FitzJames Stephen when, in 1870, speaking on the Special Marriage Bill, he said :

"When *silent*, we can legislate for the best interest of those for whom we have to legislate."

That is the position as regards previous sanction. I must impress upon Honourable Members that they should not be led away by the previous sanction that has been accorded to this Bill by the Governor General. That absolute non-interference was the guiding principle of the British statesmen appears from the fact that in the very year in which the Government of India Act was passed, *viz.*, 1919, another Act was passed in England, namely, the Church of England Assembly Act which conferred the power of discussing religious matters on the National Assembly of the Church of England. If that was the view taken in regard to England, which is practically governed by one religion, it goes without saying that their intention was certainly not to place India, which is governed by so many religions, at the mercy of the Legislature which is composed of such heterogeneous elements. Does it stand to reason that my religion should be dictated by Sir Harry Haig, or by Sir Abdulla Suhrawardy or by Mr. Dumasia. Our religion is going to be dictated by men who do not belong to the Hindu religion at all. So far as Bengal is concerned, I may mention two apostles, namely, Sir P. C. Ray and Dr. Rabindra Nath Tagore, neither of whom belongs to the Hindu religion. They are Brahmos and not Hindus.

An Honourable Member : Brahmos are Hindus.

Pandit Satyendra Nath Sen : They themselves declare that they are not Hindus.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : What caste do you belong to ?

Pandit Satyendra Nath Sen : I am Vaidya.

Mr. D. K. Lahiri Chaudhury : Are you admitted into the *sanctum sanctorum* of the Hindus ?

Pandit Satyendra Nath Sen : Yes, generally. That these things cannot be entrusted to the Legislature has been recognised by Dr. Finer

in his work on "The Theory and Practice of Modern Government". On page 753, Volume II, he says :

"It is impossible for the ordinary institutions of Government to penetrate the depths, and master the complexities, of any modern branch of society and law without the special aid of those to whom the matter is one of lifelong and intimate acquaintance, and to whom all things are revealed owing to the vital quality of their interest in the result."

This view is also endorsed by Sir Arnold Wilson who, in an article, entitled "The Church and State" which appeared in the January issue of the *English Review*, quotes the view of Lord Hugh Cecil, and says :

"He would exclude the laity from the discussion of the mystery of sacraments which belongs to the Bishops and subordinately to the clergy. He would permit no intrusion by the laity on the stewardship of the mysteries of the Gospel."

Having argued this point, I would now discuss the principles of the Bill. It should be remembered that this Bill was sponsored at the instance of Mr. Gandhi. So, some discussion of the affairs which took place outside this House may not be irrelevant to the present discussion. At the outset I wish to make it clear beyond any doubt that we have no objection to much of the present propaganda. We do not object to this movement for the uplift of the so-called Depressed Classes—I do not admit that, really speaking, there are any Depressed Classes in our society—in matters educational, hygienic or vocational, and so forth. Give them facilities in every direction so long as our religious principles are not injured. I refuse to admit that the temple-entry is a part of their amelioration, because very few of them are anxious for that. In fact, one of the temples in Bengal, at Munshiganj, was thrown open to them, or rather they forced their entrance into that temple, but now a days the temple is being frequented neither by the caste Hindus nor by the Depressed Classes.

Sir, this Bill has three different aspects—the religious aspect, the legal aspect and the political aspect. I will discuss the three aspects one by one. First of all, I would say that the temple affairs are extraordinary affairs. They are spiritual matters which are technically called *Adrishtarthak* which means not *drishtarthak, i.e.*, their results cannot be seen with our physical eyes ; they relate to spiritual matters. They are not within the scope of our ordinary common sense. When we recite some *mantras* before an image, it is invested with a peculiar sanctity. What common sense is there ? A round piece of stone, with one or two holes, with one or two navels within, produced by nature in the river Gandaki is regarded as an image of the Supreme Being ? What common sense is there ? These are beyond the scope of ordinary common sense. Now, Sir, what is the value of common sense ? It is not a constant thing. My common sense differs from the common sense of Mr. Jadhav, and his common sense differs from that of Mr. Mitra.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Common sense means special sense.

Pandit Satyendra Nath Sen : According to the common sense of Mr. Gandhi, the Gita is the only book of truth, and according to the common sense of another gentleman, Professor Dwijadas Datta, father of Ullaskar Datta, who has made a greater sacrifice than Mr. Gandhi, because he sacrificed his own life.....

An Honourable Member : Ullaskar is still alive.

Pandit Satyendra Nath Sen : In his book " Rigveda unveiled " he speaks of the pernicious principles taught by the Gita. This is the value of common sense. The common sense of Mr. Gandhi dictates that there should be a legislation of this sort and the common sense of Pandit Madan Mohan Malaviya dictates that there should be no such legislation. This is the value of common sense. How can we rely on the common sense of men who are not better than pygmies when compared with the sages of old in whom the sense of *satva* so much prevailed ? How can we rely on the common sense of a man who commits " Himalayan blunders " once every week and has to correct himself later on ? In 1921, he says, " to ask to inter-marry and inter-dine is tantamount to asking Hindus to give up their religion ". " Prohibition against inter-marriage and inter-dining is essential for a rapid evolution of the soul ". In 1932, he says :

" Restriction on inter-caste dining and marriage is no part of the Hindu religion. This reform is coming sooner than expected."

Just compare these two statements, and you will at once realise the infallibility of this super-man. In 1921, he said :

" I believe that caste has saved Hinduism from disintegration. I am inclined to think that the law of heredity is an eternal law and any attempt to alter that law must lead, as it has before led, to utter confusion."

In 1932, he says : " Caste is a social evil. Caste has got to go ". Just compare these two statements and you will realise at once how infallible this gentleman is. This being the position of common sense, I should say that our only guide should be the injunctions of the Shastras. Now, what do the Shastras say in respect of temple-entry ? The Shastras grant different privileges to different castes. The Brahmans have got the highest privileges ; next come the Kshatriyas, then the Vaishyas, then the Sudras and then come the untouchables, who are outcastes. I do admit that the untouchables have been given the least number of privileges and there are reasons for that. In order to make the view of the Shastras clear, it may be necessary to give a short account of the Hindu sociology in one or two sentences. Sir, children can be begotten in two ways, through lawful marriages and through promiscuous combination.

Mr. D. K. Lahiri Chaudhury : What is the promiscuous combination ?

Pandit Satyendra Nath Sen : You know that as much as I do. Promiscuous combination is of two kinds, firstly by the *anuloma* system, and secondly by the *pratiloma* system. The *anuloma* system is where the male belongs to a higher caste, and *pratiloma* system is where the male belongs to a lower caste. *Pratiloma* is more despicable than the *anuloma*.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : But when the woman belongs to no caste but professes another religion ?

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Is *pratiloma* system a marriage ?

Pandit Satyendra Nath Sen : We refuse to call *pratiloma* a marriage, it is nothing more than a combination. These *pratiloma* children again give birth to other children more despicable than themselves. The worst types of these children are called *Antyajas*. This is not my own definition. This is what we have got in the Shastras. There are three kinds of untouchables. The worst type of *pratiloma* children comes in the first category. The second class are those who are guilty of seriously violating religious laws, and the third are those who belong to other religions. We are at present concerned with the first class of these untouchables, namely, those who owe their origin to serious violations of marital laws. I do realise that these children are not responsible for the violation of these laws. They are not responsible for the sins of their forefathers and, therefore, we do not hate them. Rather we look upon them with a certain amount of sympathy. We look upon them as the children of diseased parents. We simply keep ourselves in segregation. That is no disability imposed upon them, rather that is a check upon our own selves.

Mr. D. K. Lahiri Chaudhury : Do you believe in the dictum that sympathy is the universal solvent ?

Pandit Satyendra Nath Sen : Yes.

Mr. D. K. Lahiri Chaudhury : Then, why do you segregate yourselves ?

Pandit Satyendra Nath Sen : There must be a limit to everything. It is owing to the fact that they are untouchables that the least amount of privileges have been conceded to the *antyajas*. The Shastras say that if a *chandala* or a *patita, i.e.,* a fallen man, enters into a temple, the temple gets defiled and it has to be purified by cow's urine, cow's dung, and so forth.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What is the definition of a *chandala* ?

Pandit Satyendra Nath Sen : My Honourable friend wants to have a definition of *chandala*. A *chandala* is the issue of a Brahman woman and a sudra father, not legally married, because no legal marriage can take place between the two.

Mr. R. S. Sarma : I want your ruling as to how far the observations of my Honourable friend are relevant to the amendment which he has tabled. I can understand his observations if he is totally opposing the circulation. Apparently he accepts the amendment and accepts circulation. I want to know, however much his observations may be relevant as an exhibition of his Shastric knowledge, can they be relevant in support of the amendment he has tabled ?

Pandit Satyendra Nath Sen : My object is to discuss the Bill at some length so that the public may be in a position to realise the real situation and to gauge the implications of the provisions of the Bill.

Mr. R. S. Sarma : If that be the object, then the amendment for circulation is to elicit public opinion and not to educate public opinion.

Pandit Satyendra Nath Sen : It is argued that no man can be condemned for the whole life on account of the sins of his forefathers. He may be promoted to a higher caste by purificatory ceremonies and *dikshas*. According to our Shastras, *jati* and *janma* are identical things. Both the words are of the same origin ; they come from the root, *jana*—to be born. Of course, there were certain exceptions, such as in the case of Visvamitra, but those few exceptions go to prove the general rule. There should be no impatience on the part of any individual, because this birth is not the only birth. There is a fundamental difference between the philosophy of birth according to the Hindus and that according to other nations. Our

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birth is determined by the acts performed in previous births. The Chhándogya Upanishad says :

" Ramaníya-charanáh ramaníyám Yonim ápadyeran—Bráhmana-Yonim vá, Kshatriya-yanim vá, Vaishya-yonim vá.

Kapúya-charanáh kapúyám Yonim ápadyeran—swa-yonim vá, sirkara-yonim vá, súkara-yonim vá, chándála-yonim vá. "

Those who perform meritorious acts, get meritorious births—they are born as Brahmins, Kshatriyas and Vaisyas ; and those, who perform lowly acts, get low births such as those of dogs, hogs and *chandalas*. As I have already informed Honourable Members, Mr. Gandhi bases his faith on the Gita. The Gita also refers to these untouchables in unmistakable language. It is not, however, to be considered that these untouchables have no claim to salvation. They have got as much claim as we caste-Hindus have. Really speaking, in the case of the untouchables, the rules are less rigid than those prescribed for the higher castes. Only a single utterance of Harinam is more efficacious in the case of a *chandala* than severe penance practised by a Brahmin. This is the rule prescribed by the selfish Brahmins with regard to the untouchables. The Gita says :

" Mám hi Pártha Vyapásritya yepi syuh pápa-yonayah striyo vaishyá stathá súdrá stepi yánti parám gatim."

" Every body will be able to attain salvation provided he clings to me (referring to his own self), be he a Vaishya, be she a woman, be he a *pápayoni.*"

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The Gita further says :

" Kim punar Bráhmanáh punyá bhaktá rájarshaya stathá. "

" Be he a Brahmin or a Kshatriya, everybody is entitled to salvation."

Honourable Members will notice that Lord Krishna refers there to four castes and their females and to some other people also. He refers to Brahmans, Kshatriyas, Vaishyas, Sudras, females and to the *pápayonis, i.e.,* those who are of sinful birth. Who are these *pápayonis* according to the Gita ? They must be the untouchables, and this phraseology has been repeated by Manu also in regard to the *Antyajas* :

" Varnápetam avijnátam naram kalusha-yonijam. "

" They are outcastes, they are of sinful origin."

It is for this reason that the Shastras have not given them so much privileges as they have given to the Brahmans, the Kshatriyas, and so forth.

This much for the religious aspect of the question. I now turn to the legal side. Sir, a temple consists of four things—the deity, the founder, the trustee and the beneficiary. If the proposed innovations are introduced, we will be doing injustice to all of these. The object of the founder will be violated, the trustees have no power to deviate from the intentions of the founder, the beneficiaries will be deprived of their rights, and the deity will be defiled. Tudor, in " Charitable Trusts ", says :

" In cases relating to Charity, a majority cannot control the minority."

There are innumerable decisions of the High Courts of Bombay and Madras, etc., which clearly say that no deviations can be allowed. Justice Beaman of the Bombay High Court observes :

" Any extension or limitation of the scope of a trust so as to exclude those who were intended to be included, or to include those who were intended to be excluded, is really a breach—and a very serious breach—of trust."

I. L. R. 13 Madras says :

" A Hindu temple is not a public place in the sense in which a public road is a public place. It is open only to the persons belonging to the religious community for whose use and benefit it was dedicated."

As regards the referendum method advocated by our reformers, I. L. R. 20 Madras says :

" No amount of consent on the part of the public will justify a breach of trust by the Manager."

There is also another decision which says :

" A minority however small, holding fast by the tenet would be entitled to prevail against the majority, however numerically large, which could be shown to have receded from or renounced them."

So, in the teeth of the established custom of the land and in the face of these decisions of the Honourable High Courts, I think no legislation can be allowed in this matter. Sir, it should be remembered that even if there is no explicit rule in the Shastras, if there is an explicit custom to that effect, that custom is to be adhered to, because custom also, if it does not run counter to the Shastric injunctions, is to be regarded as an authority on *Dharma.* My Honourable friend, Mr. Jadhav, knows it very well :

" Vedokhilo dharma-múlam smriti-sile cha tadvidám
Áchára chaiva sádhúnám átmanas tushtir eva cha. "

Sir, one word more regarding the referendum question. The folly is at its highest when it is proposed that these temple affairs are to be decided by taking votes. Does it stand to reason that a man who has devoted his whole life to the study of the Shastras will have only one vote and the man in the street also will have one vote ? So far as religious matters are concerned, the voting system is entirely foreign to the Hindu mind. Our Shastra says that even the word of one individual should prevail against the word of innumerable persons provided that that single individual is conversant with the subject with which he deals :

" Ekopi veda vid dharmam yam vyasyed dwijottamah
Sa vijneyah paro dharmo nájnánám udito yutaih. "

" Even the word of a single individual who is learned should prevail against the word of ten thousand people who are ignorant."

That is the true view of the Shastras.

Sir, I now come to the political aspect of the question. It is argued that if we do not give them certain privileges now, they will embrace other religions. But is that apprehension well-founded ? We have it on the authority of Dr. Ram Prasad, Provincial Secretary of the All-India Depressed Classes' Association, Delhi, who has issued the following statement :

" We are Hindus and we desire to remain as Hindus. As a matter of fact, it will be interesting to know that persons who become converts to Christianity come back to the Hindu fold seeing that there is no solace and comfort and equality in that Christian religion. Did not my friend, Dr. Solanki, M.L.C., of Bombay, come back to Hinduism after having once been converted to Christianity ? "

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That is the position. It is a misapprehension to hold that these people will go to other religions and find solace there, because there is no solace in any religion in this world to one's heart's content. Untouchability there must be present in each and every society, as has been admitted by Mr. Gandhi also. It is argued that they are 40 millions in number and, if they go away, we Hindus will be weakened. Sir, I do not know the exact number of these Depressed Class people. At one time we had it as 40 millions and that is the figure Mr. Gandhi put in his statement. A few days later, when my Honourable friend, Rao Bahadur M. C. Rajah, led a deputation to His Excellency the Viceroy, it came up to 46 millions in the course of a few days, and it has been put at 60 millions by Mr. Rajagopalachari, the worthy lieutenant of Mr. Gandhi. So I am inclined to believe that none of these figures is correct. They are all wrong figures and their number is not so much.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : What is your figure ?

Pandit Satyendra Nath Sen : I am not prepared to give any figure. I simply prove the discrepancy in your figures.

Rao Bahadur M. C. Rajah : I took the figure as given in the Government census.

Pandit Satyendra Nath Sen : Then Mr. Gandhi's and Mr. Rajagopalachari's figures are wrong.

Sir, they argue that some concession must be made according to *desh, kala* and *patra,*—very sweet and attractive words indeed. But *desh, kala* and *patra* cannot take us beyond the basic principles of religion. We must stick to the basic principles, and what are the basic principles ? The basic principles of the Hindu religion are three,—the authority of the Vedas, the existence of God and the existence of re-birth. These are the three basic principles. We cannot go beyond the Vedas. The Vedas enjoin us to do certain things and we are bound to do them. We know what the value of numerical strength is : we Hindus are a majority community. What is the value of a Hindu today ? We are nowhere ; and what is the value of Russia against Japan ? Nothing. The one thing needful is to have sincere people belonging to a particular community : only one man will suffice. There is no value to be attached to numbers. (Interruption.) I would, therefore, urge that my Honourable friends will be pleased to oppose this Bill. If they really want to consult the opinion of the people—we have been flooded with telegrams—my Honourable friend, Pandit Ram Krishna Jha, has got in his pocket some 150 telegrams.....

1 P.M.

Mr. R. S. Sarma : Who financed them ?

Pandit Satyendra Nath Sen : I do not know : it may be you or my friend, Mr. Rajah. Sir, I reiterate that the Depressed Class people should not be fomented against the caste Hindus. They have lived in perfect amity and concord for thousands of years past owing their allegiance to caste Hindus. They should be taught the religious principles which made their forefathers loyal to the Brahmins. That will bring them solace and comfort. Otherwise they will find no comfort. Let me assure the Honourable Members of this House again that we are prepared to give them every facility and every relief : we are prepared to give them their living, give them high posts if they are competent to hold them, give them seats in the Legislature if they want to have them. (Interruption.)

I may refer here to another point also. If you really want to ameliorate their condition, it is not by allowing them temple entry which they really do not want, but by bringing them back to their hereditary profession of which they have been robbed, not by caste Hindus, but by reformers under western influence. We are always prepared to make every concession for them : they have their proper share—the washerman and barber and other Depressed Classes have their share on ceremonial occasions : we give them alms specially on religious occasions such as eclipse, etc., though my Honourable friend, Mr. Navalrai, is not prepared to give them alms even. He gave notice of a question which unfortunately was not reached this morning—I will read out that question : he is annoyed by beggars on station platforms ; he is annoyed by the exhibition of their diseased bodies....

Mr. Lalchand Navalrai : I am also annoyed by the Pandit beggars on the railways and elsewhere.

Pandit Satyendra Nath Sen : I may tell my friend that the beggars mostly belong to the Depressed Classes and are not Pandits.

Mr. Lalchand Navalrai : My Honourable friend should understand that that is a different question altogether : my question refers to the harassment that they cause : and this should not be mixed up with the other question.

Pandit Satyendra Nath Sen : But you should give them alms, after all.

Mr. Lalchand Navalrai : Yes, but not in that harassing manner.

Pandit Satyendra Nath Sen : Sir, temple entry is no part of Swaraj ; Swaraj is concerned only with political emancipation ; and this is even no part of their spiritual emancipation : they have got their own temples and idols and their priests and they are at liberty to worship there ; but unfortunately they do not do that ; though they have the right of making worship of Shiva and Shakti, they are hankering after temple entry at the instigation of others ; they should be made to realise their own situation and they should be made to live in amity and concord with caste Hindus as they have done for the last thousands of years.

One word more and I have done. Instead of putting it in a general form, I have inserted the expression " temple-going Hindus ". I find that that point was recognised by the Government also in the Government communiqué which was published on the 23rd January. They say :

" But the Governor General and the Government of India desire to make it plain that in their opinion it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects not merely in the legislature but also outside it by all who will be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion and if adequate time is given to enable all classes of Hindus to form and express their considered opinion."

That is the point. So I want to have it circulated amongst the Hindus only, and by Hindus I mean not the Brahmos as was demanded by Mr. Navalrai, but the temple-going Hindus only. And there is

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another point. I put the time limit at the 30th June. Generally three or four months time is allowed for the purpose of circulation for ordinary Bills. But this is a Bill of a sensational character and, therefore, I think nothing short of ten months will be adequate. The communiqué says :

"This purpose can only be satisfied if *adequate* time is given."

With these few words, I move my amendment.

Mr. R. S. Sarma : Sir, I move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

I do not think I shall be justified in wasting the time of this House by making a speech in support of this amendment, because it is so simple that I do not think any speech is called for in support of the amendment. It is more or less on the same lines as that of the previous speaker, with this difference, that his is a more restricted one and contains words which, in my opinion, are absurd and impracticable, namely, temple-going Hindus. I do not know how it can be found out who will find out who are the temple-going Hindus. With regard to this, the Government spokesmen had made it clear from time to time that Government are anxious to give the widest possible publicity to the provisions of this Bill and to elicit public opinion in this matter. Therefore, there is more or less general agreement that the Bill ought to be circulated, except that there are some enthusiasts who want public opinion to be elicited before a particular date before the end of this year, and there are other die-hards like Pandit Sen who want that the time limit should be the next year or the year after that. To my mind, both are impracticable. As for those who want to have it circulated and opinion obtained before the end of this year, I think the time is so short that it will not be practicable to get adequate public opinion before the end of this year. On the other hand, if this House agrees or if the Government support the amendment that public opinion should be elicited before December, 1934, it may lend colour to the impression that Government are standing in the way of this useful social reform. Therefore, as a compromise, I suggest that 30th June, 1934, is a proper date by which public opinion should be elicited. I may inform the House that in this I have the support of my friend, Mr. Rajah, who is a representative of the Depressed Classes in this House than whom there is nobody more interested in the welfare of the Depressed Classes, and I hope Government will see their way to accept this and show *bona fides* of their sympathy for the great cause.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order. The House stands adjourned till half past Two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

Mr. D. K. Lahiri Chaudhury : Mr. Deputy President, I am very glad that you have called my name and given me the opportunity of expressing my views on this important subject. I have said on different occasions that I am one of those who do not believe in social reform by legislation ; and, as such, I will oppose all the measures at every stage in whatever form they come before the House. I feel sorry that my Honourable friend, Pandit Sen, has been so uncharitable towards Mahatma Gandhi. Even Pandit Sen had the courage to address the Mahatma as "Mr. Gandhi", and, further, he remarked last evening that the Mahatma was doing all these things out of "*Dambha*" and "*Kama*" which mean vanity and passion. I cannot tolerate these remarks against the Great Mahatma whose sincerity and honesty cannot be challenged by anybody. It cannot be denied that the treatment meted out to these Depressed Classes is so distressing that I am rather glad that the Great Mahatma has taken up their cause, and he has cherished the idea of doing social good to these people. I quite appreciate that. I also appreciate the feeling with which he starts the campaign against untouchability even at the cost of his life. He is doing everything he can to ameliorate the condition of the Depressed Classes. No one can deny that something should be done for the uplift of the Depressed Classes. I am sure that my Honourable friend, Mr. Rajah, who is present in this House, has better experience of the pinch of the shoe for he is one of the sufferers. It is a fact that in Southern India they are dealt with even worse than animals, like cats and dogs. No one can deny that.

Pandit Satyendra Nath Sen : In towns, or in villages ?

Mr. D. K. Lahiri Chaudhury : In towns, in villages, and even in Pandit Sen's house, I say. (Laughter.)

But I do believe and believe sincerely that, by moving a measure like this, the real object can never be served. Sir, the minority problem has played a foremost part and a dangerous part, if I may say so, in the field of politics. If we look into the parliamentary debate of 1910, we will find that there was a strong move to establish a minority party in India. The object of the British politicians has been served and they have gained their purpose. The Communal Award and the Poona Pact have doomed Bengal for ever. It was rightly said by the Home Member last evening that even though many of us felt the effect of the Poona Pact, we were absolutely silent in order to save the life of Mahatmaji. We did not raise a single protest against the pact though it was extremely dangerous to Bengal, and, practically speaking, the future of Bengal is absolutely dark economically, socially and politically, and every citizen of Bengal is groaning under the burden of this Communal Award, especially under the Poona Pact.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : We are not discussing the Poona Pact. We are discussing the Temple Entry Bill.

Mr. D. K. Lahiri Chaudhury : Yes, Sir. I am not discussing the Poona Pact ; I am discussing the Temple Entry Bill, but, at the same time, this is the right and opportune moment to record our protest constitutionally, and this is one of the main reasons that I am objecting to this

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Bill. I may state that the Poona Pact has done enormous injury to the whole of Bengal. But that does not mean that one should criticise the Mahatma so severely. His past cannot be shaken off by one of his present actions. I strongly resent the remarks which were passed by my friend, Pandit Satyendra Nath Sen, yesterday about Mahatma Gandhi. He calls himself a Pandit, and, may I ask, whether he knows the definition of a Pandit which is given in the Gita ? The definition is :

" Yasya sarvesamarambha
Kama sankalpa varjita,
Jnanagni dagdhakarmanam,
Tamahah panditam budhah."

That is the definition of a Pandit. (*An Honourable Member* : " Translate it.") I am going to translate it :

" One who has given up all kinds of worldly desires and ambitions and one who is bereft of taking any initiative in any worldly affairs and one whose worldly activities are burnt in the sacred fire of knowledge is said to be a Pandit by the wise men."

Now, may I ask the Honourable Member whether he knows how that Pandit will behave with the untouchables. That *sloka* runs as follows :

" Vidya Vinayasampanna,
Brahmaney gobi hastini,
Shunichaiva swapakecha,
Panditah samadarshinah."

Which means that " Pandits should not differentiate between learned, amiable Brahmins, cows, elephants, dogs and *chandala* (untouchables) ".

Pandit Satyendra Nath Sen : When you are in need of milk you will approach a dog and not a cow !

Mr. D. K. Lahiri Chaudhury : I do not know what my Honourable friend means. But I can say that a Pandit should embrace every body, whether he be a Brahmin or an untouchable.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He is a Vaidya Brahmin, don't you admit it ?

Mr. D. K. Lahiri Chaudhury : Now, Sir. There are three aspects under which I oppose this Bill—socially, politically and spiritually. Socially I say that there will be so many differences between the Depressed Classes and the caste Hindus that instead of bridging the gulf, the differences will be so widened that no power, however strong it might be, will be able to bring them round. My conviction is that social uplift should go *pari passu* with political uplift. Until the country is politically advanced and attains political liberty, social liberty is bound to be very remote. At this stage I must state frankly and candidly that the author of this Bill, who could not exercise his brain to uplift the cause of politics in this country, has thought it fit to take up the cause of social uplift by means of this measure.

Now, I come to the political side. The political aspect of this question is very grave, but this is not the proper occasion for dealing with it, because the Chair will rule me out of order. But one thing I want to emphasise is that there are great many estates and properties in this country which are endowed in the name of a temple, and if this Bill is

passed, many of the temples which get contributions will be deprived of those contributions. There are many families which have been maintaining their livelihood from the contributions of the temple for ages and, as a landlord, I feel that if this Bill is passed, it may deprive their rights of enjoying those contributions. It is so comprehensive in its scope. From my scrutiny of the temples in India, I find that there is not a single temple in India which can be called a public temple, because a temple, according to Hindu religion, is personal. It is not like a Christian Church or a Muslim Masjid. If any gentleman erects a temple out of sincere devotion to his religion, it is his bounden duty to look to the interests of that temple so that the temple may not be polluted by others. He opens the temple to the particular caste to which he belongs and he may not like other castes to enter into it. If this Bill is passed, there will be great difficulty in conducting the management of the temple and even the necessary obligations.

Mr. B. V. Jadhav : There is nothing in this Bill about the management of the temple. It is only about the entry.

Mr. D. K. Lahiri Chaudhury : The trouble is that the temple entry is only the beginning. When other classes enter the temple by a majority of the votes in a particular locality, they will claim the right to direct the management of the temple. This is only the first move. So, from this point of view, this Bill ought not to be passed by this House. Take for instance the Jagannath temple. There is no question of untouchability there. Every one can enter that temple, but even that temple belongs to the Raja of Puri. That is not a public temple. The management at present lies with the Court of Wards. There is an officer in charge who conducts the management. So also about Badrinath and the Kalighat temples. That is one aspect of this Bill. Then, another aspect is this. My idea of a Hindu temple is that a Hindu goes there for the realisation of his own self. It is called a *mandir* in Sanskrit. A *mandir* is a place where you can go and concentrate your mind to attain the truth or the absolute. That is the ideal of the temple. Temple entry can only be had by those people who really believe in the existence of God.

Mr. Lalchand Navalrai : Do not the Depressed Classes believe in God ?

Mr. D. K. Lahiri Chaudhury : They do. That is why I say that they must have temples of their own. They are after all the creation of God.

Now, the Depressed Classes number 40 millions in India and there is nothing to prevent them having their own temples for their own prayers. They can manage them themselves. That is my real point. I do not minimise the position of the Depressed Classes in any way.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

They must have a place of their own where they can concentrate their mind on God. Every one of us who is born in this world has got spiritual claim of worship in him and no one can deny that every man has the right to worship God. But passing a legislation of this kind, you should not infringe on the rights of those who have erected and endowed these temples for a particular purpose out of their generosity

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and firm belief in their respective religion. That is the reason why I am objecting to people entering a temple, the donors of which never contemplated that those people, who belong to other castes, would enter the temples. They erected them only for a particular class of people belonging to his community. I will never take any objection to the Depressed Class people having their own temples and worshipping in them. That is my point which has forced me to take my stand against this Bill. I verily believe that Mahatma Gandhi has taken up a very right attitude for the uplift of the Harijans, but I appeal to him in the name of truth, justice and equity, not to set up one community against the other ; in that case he will hardly be able to attain his object. The land of India is sanctified with the blood of so many disciples who were born and died here in the name of their religion. India is a place where every man can forsake his property and wealth, but no one will be prepared to forsake his own religion. India is a place where so many prophets were born. In this connection I blame also the Treasury Benches for having allowed this Bill to be discussed on the floor of this House. Their policy has been not to infringe the customs and rights of any people by any law or legislation, but unfortunately in this House we have got the right to discuss any matters, be they social or political or religious. But I do hope that the Treasury Benches will at least take up the cause of the particular community which stands to lose a good deal if this Bill is passed into law. If they will allow this Bill to be passed, I may tell them with all the emphasis that I can command that there will be such a social revolution, instead of peace and amity in this country, that no power in the world will be able to control it. If the executive of this country also meddle with the religious rites and customs of the people, then their administration also will be in jeopardy. I do not understand the attitude of Pandit Sen. Why has he come here with folded arms to move a dilatory motion. We must fight very strongly on this point and should not hesitate even to shed our blood in the temples, because I do believe in the fact that, in the name of religion, bloodshed has occurred in this country several times. At the same time, we must always keep a soft corner for those who have been badly treated in this country. If any schools and other institutions are started for them, I declare it, on the floor of this House, that I am prepared to help them in every possible way, but let them not infringe the rights of the Brahmans and others in the temple. That is not a proper thing for them to do. I am a Brahman, Sir, and am speaking in the name of Brahmans today. Of course, I am not a Brahman of the orthodox type, but a moderate Brahman, because my mode of living and my customs are quite different from those of orthodox persons. To me every human being is human and there is no difference between one soul and another. That is the highest conception of the Hindu religion. Sir, I am a Vedantist. I believe in the doctrine of Brahma the absolute. But I feel for those Brahmans whose feelings are such that they cannot tolerate any infringement upon their religious rites and customs. I hope that the executive will take up that attitude seriously. Let them remember that India is a country where thousands of religious wars have taken place and the pages of its history are full of such religious bloodsheds.

Rao Bahadur M. C. Rajah : Mr. President, the reason why I intervene in this debate is to clear certain misconceptions that are lurking in the minds of some of my friends in the House. Sir, I am extremely

sorry that my revered leader, Raja Bahadur Krishnamachari, is not here today. The other day, on the 24th March, 1933, while opposing this Bill, he said that as far as human memory could go, these gentlemen (referring to Depressed Classes) never entered a temple and that their entry would desecrate the temples. Sir, I shall presently show to the House that the Raja Bahadur was not correct in this.

It is most unfortunate that there should be in this country a class of people who believe that the exclusion of certain classes from temple worship is based on the true interpretation of the precepts of Hinduism. Little do those, belonging to this class, realise the injury they are inflicting upon the religious and political well being of the Hindus. It will be out of place to go into the very debatable question of how far the ancient and sacred books support the case for or against the untouchables. It will be more interesting to consider that such a sentiment is purely of a historical growth and was an evil growth of certain political conditions that existed in this country in the past. This inferiority was a political condition caused by the conquest of the country by the White Aryan races and it is no wonder that the White races effecting a slow domination over the Coloured races developed a sentiment of superiority over the conquered, and the literature of the conquerers refer to this sentiment. There can be nothing inherent in the nature of the people to justify such a permanent assignment of a place of inferiority. It can be easily understood by those who have a knowledge of historical growth of institutions and customs. Sir Herbert Risley, writing in the " Census of India (1901) " remarks :

" In Madras, the Mala, the Nair and the Pariah of whom the last retain the traditions of a time when they possessed an independent organisation of their own had been delegated to a low place in the Hindu social system."

Sir, the Depressed Classes represent the earliest civilization of India. Long before the Aryans came to India, the Depressed Classes had their own political and social institutions :

3 P.M.

" A time before this when the Aryans came to India "

says F. A. Steel in *India through Ages* :

" they found a people in India civilised enough to have towns and disciplined troops ; to have weapons and banners ; women, whose ornaments were of gold ; poisoned arrows whose heads were of some metal that was probably iron ".

These were the ancestors of the present Depressed Classes, a tawny race as compared with the white skinned Aryans. The Aryans called them :

" the neglectors of sacrifices, who decorated with gold and jewels ", and " dwellers in iron cities ".

There are at the present day some relics of their ancient rights and privileges which show beyond doubt the former greatness of these people, which are still to be found in the village organisations. Their decision in disputes concerning ownership of land is considered as final. Mr. W. F. Sinclair calls the Mahar as the guardian of boundaries and of public peace and health.

In an inscription of the eleventh century A. D., we find recorded the decision of one Vesali Parian and his councillors to be a final one in a civil case concerning the ownership of a piece of land belonging to a temple. The special privileges the Depressed Classes enjoy even to this day point to their former greatness. At the annual festival of the tutelary Goddess of George Town in the premier city of Madras, the Thali or marriage

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badge is tied round the Goddess by a member of the Depressed Classes in the name of the entire community. A member of the Depressed Classes officiates as Priest at the bull games at Dindigul ; during the great Hindu annual festival at Conjeevaran, Srivilliputtur, Kumbakonam, Trivottyur and other places in the South, the members of the Depressed Classes are allowed to pull the ropes of the huge cars containing the idols. During the festival of Siva at Tiruvalore in the Tanjore District, the headman of the Depressed Classes is specially honoured by being placed on the temple elephant along with the God and made to carry the Chowry in his hand for fanning the idol. In the famous temple of Krishna in Melkote, in the Mysore State, members of the Depressed Classes are accorded special privileges.

Pandit Satyendra Nath Sen : Where do you get all these ? Why special privileges ?

Rao Bahadur M. C. Rajah : You are ignorant of facts and figures, and yet you call yourself a Pandit. Your ancestors were more sensible than you are and so they accorded special privileges. Melkote is the chief seat of the Sri Vaishnavite Brahmins and the place where Sri Ramanuj lived in the 12th century. They enjoy a similar privilege at Sriperambadur in Chingelput district. In the case of a number of temples, there is a periodical admission of the Depressed Classes even under the present practice. Yet Raja Bahadur Krishnamachariar says, as far as human memory could go, these gentlemen never entered a temple. The Valluvars, a section of the Depressed Classes, were priests to the Pallava Kings, before the advent of the Brahmins and even for some time after. Sir Harold Stewart, in the Census Report of 1891, quotes an unpublished Vatteluttu of the 9th century which says that Sri Valluvar, the temple minister, will employ six men daily and do the temple service.

Dr. Gustav Oppert in his book, " *The original inhabitants of Bharatvarsha or India* ", says :

" Valli is a well-known female name common among the Pariahs and Pallars ". " Subramanya, the South Indian representative of Kartikeya, the son of Siva, is credited with having chosen a South Indian girl called Valli as his wife ". " That Subramanya's wife, Valli, was a low caste South Indian woman ". " Parvati, the wife of Siva and daughter of the mountain Himalaya, is even worshipped as a Pariah woman in her disguise as Matangi."

Sir, there are many sacred places and many holy temples, in South India, but for inspiring the pure joy of religious ecstasy there is perhaps no place equal to Chidambaram where the Divine Essence of the Universe is represented as engaged in an eternal dance of delight. Here, Nanda, belonging to the Depressed Classes whose very existence is one long story of unremitting toil rewarded by poverty, social degradation and religious excommunication panted for a glimpse of that God whose heart is love and whose feet, ever active and ever moving and ever balanced in joy. Did not God release Nanda from bondage to a master who was both an orthodox Brahmin and a landlord ? Did not Nanda aspire for a vision of God while he was still enclosed in flesh ? The image of Nanda is found in all Saiva temples and is worshipped even to this day by the devotees. Among the 63 Nainars or Saivite Saints who are worshipped as Gods the well known Nanda and the holy Thiruvalluvar belong to the Depressed Classes. Did not God order the Brahmin priest to carry Tirupan Alwar, the untouchable vaishnava saint, on his shoulder right into the temple ? Do not the orthodox Brahmins accept that Tirupan Alwar has become one with God Sri Ranganatha at Srirangan in South India ? Do not the Vaishnavite Brahmins chant the verses in the famous work of Tirupan Alwar, " Amaran Adhiparan " in all Vaishnavite temples side by side with the Sanskrit hymns ? Is not the image of the Tirupan Alwar now found in all the Vaishnavite temples in South India and universally worshipped ? Among the twelve Alwars or Vaishnavite saints who are now being worshipped as Gods in Vaishnavite temples, the famous Tirupan Alwar, Nambaduvan and Maraneri Nambi belong to the Depressed Classes. Ravi Das of Oudh, Chokamela of Maharashtra and Hari Das of Bengal have all sprung up from the untouchable classes. So also Arundhati, the wife of Brahmarishi Vasisth, one of the Sapta Rishis, who was famous for her chastity.

An Honourable Member : Where do you get all these from ?

Rao Bahadur M. C. Rajah : I am surprised that these people should call themselves orthodox Pandits and yet are quite ignorant of Hindu history and Hindu religion. These Honourable gentlemen come here in the name of religion to defend Hindu religion and it is a shame that they are ignorant of these things. When Abhimanyu, son of Arjun, was hit by an arrow, what did Subhadra, his mother, do ? She invoked the blessings of Arundhati and her son recovered. What does this show ? This shows the high veneration with which she was held by women of all classes. Jambavan, who was called a bear in Ramayan by the Aryan poet in his conceit, belonged to the Depressed Classes. Jambavan was the custodian of all ancient learning and a mighty warrior. Yet, Sir, Raja Bahadur Krishnamachariar says that the entry of these gentlemen into the temples would desecrate these temples. Sir, these facts show that the so-called untouchables were intimately connected with the important Hindu temples in India and that these temples originally belonged to them. All the ancient Hindu temples in India belonged to the Depressed Classes and not to the Aryans. They were gradually taken over from the Depressed Classes. The following extract from O'Malley's *Indian Caste Customs* will show how the Brahmins usurped the rights of the Depressed Classes' priests. Sir, O'Malley says :

" A curious example of the way in which Brahmans become associated with non-Brahmanical worship may be mentioned. In Bengal there is a Godling, called Dharmaraj, who is now worshipped in the shape of a stone and credited with powers of healing. His priests are commonly men of the scavanger castes, such as Hari and Dom. In one district some Brahmans suffering from diseases believed to be incurable turned in despair to Dharmaraj, vowed to make offerings if cured, and were miraculously cured. They had to redeem their vows but would not make their votive offerings through the established priest, who was an untouchable Hari. A way out of the impasse was found by installing a low Brahman who was ready to associate himself with the Hari in order to make it a living. The two became partners, each having a clientele of his own, but the Brahman was predominant partner, for he forced the Hari to make his sacrifices of pigs and cocks in the jungle behind the building housing Dharmaraj. Finally the Hari family died out and the Brahman remained in sole possession."

Sir, this was how these temples which belonged to the Depressed Classes passed into the hands of these cunning Brahmans. Sir, in this connection I may also lay certain facts before you to show that God does not make any difference between untouchables and the high caste men. Have you heard of the " Midday Pariahs " a Brahmin sect of old cursed

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by God Shiva and made outcastes for 90 minutes every day ? This curse continues to this day in Tiruwalur in Tanjore district, from where my leader Raja Bahadur Krishnamachariar comes. Certain high caste priests in Tiruwalur once decided upon holding a *yagna* or great sacrifice and to request *Ishvara* or God to be present on the occasion and to receive the offerings in person. A deputation waited on the presiding deity. But the deity would not think of moving from his place, but wanted the offerings at the temple. Through the intervention of the Goddess word came to them that God Shiva would be present at the function, but that he would not be dictated to as to the mode of his dress. The priests agreed saying, " Oh, yes, let him come as he pleases ; what difference can it make to us ? " The priests were dressed in immaculate dress. The sacrificial fire was glowing and the smell of butter hung heavily in the air. There were only a few seconds more for Shiva to arrive. But no signs of his coming. But just at twelve, the appointed hour, the priests saw an outcaste, carrying a carcass on his back and followed by four dogs with his wife in Pariah garb. To avoid their being getting polluted by this outcaste and his wife, they took to their heels not caring what became of their *yagna*. But the deity, for it was He who had come with the Goddess in that dress with the four Vedas as the dogs, symbolically accepted the gifts, blessed the really pious and departed in haste. But He outcasted the priests who had fled. Through the intervention of the Goddess, Shiva laid it down that they shall be untouchables only for half a *jama* (90 minutes) a day. All men are equal in the eyes of God. God is for the sinners and the oppressed and not for the orthodox, who think they are righteous.

Sir, these clearly indicate that such a low state was never a natural state and those responsible for creating such a state could have easily sought and found an authority for such a state in the ancient and sacred books. The state of law was in so confused a condition, so capable of being lent for any interpretation, that it was no wonder that any number of texts could be found in the ancient books by those who were anxious to search for it to prove that the ancestors of these untouchables were real devils. Imagine in what state these authorities must have been in those dark ages when the white races flushed by the sense of conquest sought to create and render permanent its own superiority and the corresponding inferiority of the conquered races. How easy would have been the task and are we for ever to be in a state of religious serfdom because of these texts ? Sir Thomas Strange, whose monumental contribution to the development of Hindu law is well recognised, writes thus :

" To those who have made the Hindu law a part of their study, it cannot appear strange that it is so unsettled and contradictory. Many of the opposing writers are in point of credit equal to each other, and regardless of consistency texts are adopted for each for the purpose of sustaining his own end. The obsolete is confounded with the acknowledged law. The context is often omitted and passages which ought to be relatively considered are quoted as if they are absolute and independent in themselves. We cannot therefore wonder that so little satisfaction is obtained from authority. Nor can we but lament that some effort has not long since been made to distinguish and separate those which are not rules of action."

These remarks of a great scholar in Hindu law correctly describes the state, and one wonders how any correction can be centred on a state of law in this condition. We believe that ignorance alone can justify so

blind a faith and the objection from the class that swears on the holy books may be set aside as unworthy of consideration.

The learned author of this Bill considers the impossibility of the disability being ever removed by any method beside legislation. The final pronouncement of the highest judiciary in the land in 35 Indian Appeals, 176, shattered the hopes of those who believed that by a series of judicial decisions this much desired removal of disability could be effected. But the pronouncement of the Privy Council would be no surprise to those who knew the unwillingness of the British jurist to interfere with the personal usages and customs of the people of India. Though those now trained in a system of democratic jurisprudence realise all the inequity of certain rules of law they are unwilling to interfere. But whenever the legislature did intervene to correct such inequities they have been beneficent measures. In actual life we have experienced the benefits of legislation and we need have no apprehension for the future in putting this Bill on the Statute-book. The sooner this disability is removed the better for our religion and the sooner these ancient barriers are broken, the ancient gulf is bridged, the earlier will be the unity of the race of Hindus realised.

Sir, there is no ingredient in the universe separate from Brahma, that to look upon the world of merits and demerits with an eye of absolute equality is the only means of liberation, that to view all things as Brahman is the only means of salvation. To the pure all things are pure. This is the basic principle of Hinduism. What did Sree Krishna say in the Gita ?

" See me in every one. If you insult any one, you insult me in him. If you disdain any one, you disdain me in him. If you love me, love every one, for then alone do you really and fully love me."

Sir, this Bill confers on millions of untouchables certain benefits and removes from them the age-long stigma of inferiority, confers on the emancipated a sense of self-respect and is the greatest contribution towards the abolition of untouchability in this land.

With these words, I support the amendment of my friend, Mr. Sarma, that the Bill be circulated for eliciting opinion thereon by the end of June, 1934.

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, at the outset I must admire the ingenuity of the authors of the Bill, but, before I express an opinion on the Bill, I must show the genesis of the measure. It is undoubted that the majority of the educated people in the country are in favour of temple entry and all the English papers except the *Indian Mirror* are in favour of temple entry. There is no doubt also that the religious consciousness of the people is on the increase and I have heard the objections and read the views of the orthodox people on this question. Their first objection is the want of cleanliness in the Depressed Class people. But, Sir, that objection is gradually failing. I have seen even in villages that the Depressed Class people are cleaner than the Brahmans or the high caste people. The second objection is about customs and usages. But, Sir, when the times are changing, I do not see how the old customs and usages can continue. We must and we will have to change with the times if we are to live in this world. The third objection, as the Honourable Member has just pointed

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out, is that Dr. Ambedkar does not want temple entry. Well, what he said was that temple entry was a side issue, but he wanted bread for the poor people. The fourth objection is that the mere sight will pollute the deity or idol. But this view does not stand on strong ground, because we see in *melas* when the processions are taken out, and when the idols are taken out, everybody sees them, and there is no *prayaschit* or cleaning of the idol after the procession has been taken out. The fifth objection is that the *jugmohan* or the place where the idol is installed is too sacred to allow anybody to go there : it is sacred even for the ordinary people ; even a Brahmin like myself cannot go inside the *jugmohan*, and I cannot go unless I am dressed as the priest wants me to dress.....

Mr. Lalchand Navalrai : Are you orthodox or liberal ?

Rai Bahadur Kunwar Raghubir Singh : I am a liberal. I do not see any objection if these people are allowed to enter the compound, if not the *jugmohan*. The sixth objection is that twice-born people only can go there. By twice-born what I have understood is that those who are invested with the sacred thread are considered to be twice-born. But now with the change of times, I see that even the Depressed Classes are using the sacred thread. So I do not know how this difficulty is going to be solved. The seventh objection of these orthodox people is that the private temples cannot be thrown open to these Depressed Classes, but the public temples are always open. Now, Srijut Dhirendra Kanta Lahiri Chaudhury said that there was no public temple. But in our provinces there are goddesses under the trees : they have a small temple and everybody has a right to go there, and if there is an image of Lord Shiva, then if nobody is there to look after the image, it is open to everybody and everybody goes there and can do *puja* and worship.....

An Honourable Member : Then what more is wanted ?

Rai Bahadur Kunwar Raghubir Singh : I am giving your views and your objections, and I will come to my views later on. Their last objection is that, if this Bill is passed, then the orthodox people will not go to the temples, that they will leave off visiting the temple and so the purpose for which they were built will not be attained. But I see that orthodox people, barring a few exceptions, are not very keen on going to temples. I myself go to the temple once a year or twice a year.....

An Honourable Member : So frequently as that !

Rai Bahadur Kunwar Raghubir Singh : So seldom I should say. The next consideration in this connection, as has been pointed out, is that God did not differentiate between man and man. If we see a man, we cannot say that he is a Depressed Class man or that he is an orthodox man or a *Sanatanist* or Arya Samajist : it is not written on his forehead that he is an untouchable. If an outsider were asked to see Rao Bahadur Raja and Pandit Satyendra Nath Sen, he cannot differentiate between them. (Laughter.) Then we know that there was Raidas in my province, a great *bhakta* or worshipper of God ; he was a *chamar* by caste ; and there was Sadna, a butcher ; and Kabir who was a spinner, not of the Gandhi type, of course, but he was a great worshipper of God : they were all great *bhaktas*.....

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Kabir was a Punjab man.

Rai Bahadur Kunwar Raghubir Singh : But he lived in Benares ; they were all Depressed Class people, but they are considered to be the teachers of mankind. Honourable Members must have heard the name of Mira, the great Princess of Udaipur, who is considered to be the Rani of all Hindus : she belonged to that family and she became a worshipper of God, a *bhakta*, and she went to Benares and adopted this Raidas as her Guru. So it is admitted on all hands that these people have been teachers of mankind. So there are people even among the Depressed Classes who are good ; all men are not of the same kind. There is a proverb or motto which is believed even by Christians, and perhaps also by Muhammadans, that " to serve man is to serve God ". If we cannot serve God in a proper manner, we have to serve man ; if we consider man to be below beasts, we are not serving God. There is a story, I think it is a fact, that Lord Ram Chandra, who is considered to be an *avatar* of Vishnu, ate the eaten berries of a Bhilni (wife of a Bhil).....

Pandit Satyendra Nath Sen : Where did you get it from ?

Rai Bahadur Kunwar Raghubir Singh : Everybody knows it : it is in the Ramayan, and I can show it to you.

In view of all these considerations, I come to the conclusion that the Depressed Class people should be allowed to enter into the outer precincts of the temple. As for the notice spoken of in the Bill, private temples should be excluded from the notice which is required to be given by those who want to enter the temple.

There has been another suggestion by Mr. Lahiri Chaudhury that they should build their own temples ; but the Depressed Classes are very poor people and they cannot afford to build so many temples as to afford facilities to everybody. So I would suggest to the orthodox people to contribute to and start a fund to build new temples for them ; and I would advise the orthodox people not to think that the great Sanatan Dharma, which has stood up for several centuries, in spite of the attacks by other religions, can be killed by this temple entry question. I do not think so. It will go on as it has been going on. If we show any regard for the Depressed Classes, then there is no doubt that national solidarity is bound to come. This is one result which will be produced by allowing facilities to the Depressed Classes ; and the other which some speakers doubt is Swaraj. But I know also the fact that most of my constituents are against temple entry as such, because most of them are illiterate and hence oppose it. Therefore, I will support Pandit Ram Krishna Jha's amendment that it should be sent for eliciting opinion, because religious matters should not be brought before Legislatures and this is the opinion expressed by our great Sanatanists leader, Pandit Madan Mohan Malaviya.

Then, the fear has been expressed that there may be civil war among the Hindus, but I say that this is just the time when such a thing should not happen, and, therefore, Sir, I would advise caution in the matter. There is no doubt that great interest has been aroused and no disabilities of any kind must remain so far as the Depressed Classes are concerned ; but, Sir, these disabilities cannot be wiped out in a day ; it will take time. Orthodox people are alienating the sympathies of their own kith and kin which, I am afraid, will recoil on their own heads. So I will request them to be equally cautious. They should remember that the days of orthodoxy are numbered and we cannot plough the same furrow for ever.

Mr. Amar Nath Dutt : Sir, at the very outset I must make my position clear. I am not an orthodox Hindu, but I am a representative of a division with a population of 15 lakhs, the majority of which are orthodox Hindus. Sir, my constituency includes the sacred town of Katwa where Shri Chaitanya Dev had his initiation or *Sanyas*. Be that as it may, I have always held that this Legislature is not the proper place where we can discuss things of this character. These are questions which are personal to every individual. A man may believe in one God, or several Gods, and may be an idol worshipper, or he may be an atheist or agnostic. When I heard some of the speakers, who preceded me, I felt that I was in a theological class room taking my elementary lessons on God and how to worship Him. If I had been really a student, I would have been in difficulty to decide whether to follow my friend over there, Pandit Satyendra Nath Sen, or my friend over here, Mr. Rajah.....

Rao Bahadur M. C. Rajah : Follow me.

Mr. Amar Nath Dutt : But in my judgment these things are matters for discussion in a theological class room and not in this Legislature. A man's faith is his personal concern and should not be interfered with by the Legislature. It is for me also to choose what company I shall keep, and what faith I shall pursue. If I say to my friend, Pandit Sen : "Pandit Sen, excuse me, I cannot bear your sight, please be off from me",—the Legislature ought not to force me to associate with Pandit Sen.

Mr. B. R. Puri : If that becomes law, you would see the opposite benches cleared and English people packed off.

Mr. Amar Nath Dutt : I am not so narrowminded as my friend over there from the Punjab. It has been our lot to live here with several foreigners, in fact we who are the descendants of our Aryan forefathers, are also foreigners. We came from Central Asia. It is one thing for the Dravidians from the South to say that they are not foreigners, but we Aryans, who came from Central Asia, are also foreigners. After us came the Rajputs, then came the Pathans and Moghuls and after them came the Englishmen. Sir, if we are to drive out any foreigner, I think India will have to ask every one of us to make an exit excepting my friends from the land of Jambubans. What I submit is, we should seriously consider whether it is the function of the Legislature to legislate on matters like these. I think I may claim to be a member of the Depressed Class, and I would like to be a member of the Depressed Class considering the Poona Pact and its effect on Bengal ; I welcome to be a member of the Depressed Class, and the Kayasthas would welcome to be members of the Depressed Class in view of the political advantage we are likely to gain in Bengal owing to the blessed Poona Pact.....

Mr. S. C. Mitra : Is it only for election purposes ?

Mr. Amar Nath Dutt : Yes, in these days, election covers every field of activity as my friend knows very well. If my friend's political life goes away, then he is nowhere. I think he will admit this. I know there are Brahmins who will not take water from my hands, but I have never made a grievance of it. I have my own family God, as every Hindu has, and I know the Honourable the Law Member has also got his own

family God in his village which is just close to mine, but he is not allowed, in spite of his high position, to touch his own God,—and I am sure he will bear me out, that neither he nor his brother of revered memory ever made a grievance of it. These are questions which one must settle for himself outside this hall. Here we are concerned mainly with the laws of the country and the policy of the Government, and not with urging any social or religious reform. One thing is quite clear, that the men who are very keen on temple entry are men who are themselves not believers in idol worship, and it appears to me that they are carrying on a sort of vendetta against the orthodox community.....

An Honourable Member : It is a political game.

Mr. Amar Nath Dutt : I did not support the orthodox community when they excommunicated the people who went abroad in those days. They were compelled to live the life of a foreigner in their own land ; they were almost like outcastes. Of course, those days have gone now, but without taking names—many names occur to me, and I think my friend over there from East Bengal who is laughing knows what they are,—many people carried on a tirade against idol worship, and established another theistic Church by the name of Brâhmo Samaj, and it is at their instigation that this vendetta is being carried on against the orthodox community, to which I cannot be a party. As I have already said, it will be a negation of democracy if we are allowed to legislate about faiths and social customs and manners, unless it be of the nature of *Sati*. Had it been a permissive legislation, I would not have minded it. It is all very well now to play to the galleries and say that all the newspapers are supporting it excepting the one paper the *Indian Mirror*. Many of us know the fourth estate, and nothing has pained me more than this that they have at times to say things which will help them to sell their paper well. That is really a deplorable state of things.

Sir, as I do not wish that Pandit Sen, or, for the matter of that, Pandit Ram Krishna Jha, should compel me to keep a *chutka* over my head or recite *sandyavandan* or not to take food brought by men who are not of my caste—as I do not like that they should have any right to legislate like that, so also I do not wish to compel them to act in a way in which I would like to see them act—that they should throw their idols away, or they should take food from the hands of my Honourable friend over there, Mr. Rajah, or, for the matter of that, from the hands of those who are non-Hindus. I do not want to compel them to do so. This is a simple thing, whether or not we can force our own views upon others as you do not like that they should subject us to accepting their views in matters of faith and social custom. I do not believe that those gentlemen who are very keen and vociferous about the support of this Bill really in their heart of hearts think that it is necessary. I for my part can say for Bengal that there is no such thing as untouchability in my own province, and the division into Depressed Classes and Caste Hindus which has been made by the Poona Pact is one of the greatest blows that have been offered in recent years to the political progress of my province.

My Honourable friend has quoted from the Vedas and other sacred books, while my friend over there has quoted Mr. O'Malley and Sir Thomas Strange. Both of them tried to give certain interpretations about religious rites and customs and about the historical origin of certain

[Mr. Amar Nath Dutt]

religions. But one thing about which my Honourable friend quoted, namely, from Mr. O'Malley,—I think I know better than many of us here, probably save and except the Law Member, about the *Dharmaraj* which is peculiar to Western Bengal and that part of Western Bengal from where we hail. My Honourable friend did not really follow the true spirit of Mr. O'Malley's few lines, for if he had understood them, he would have seen that they did not support his case. On the other hand, it supported my Honourable friend, Pandit Satyendra Nath Sen's case. Be that as it may, I am not here either to support Pandit Sen or to oppose him, but I say this that Bills like this should not be allowed to come into this House. Unfortunately when it has been allowed to come in, I think that if we make short work of that, it will be better for us. With these words, I appeal to the House not to waste its time any more on wrangling about matters on which we cannot agree, and about which we intend not to agree and are determined not to agree.

The Honourable Sir Harry Haig : I rise on behalf of Government not to express any opinion on the merits of this Bill, but to say quite shortly that we agree to the proposal that the Bill should be circulated for opinion. In saying that, I do not want the position of Government in any way to be misunderstood. Our agreement to the circulation of this measure must not be taken in any way as implying support to its provisions. It is true that the Government, as I think most Honourable Members in this House, have a feeling of sympathy for the Depressed Classes and are anxious to do what they can to promote their social and economic improvement. But it was made sufficiently clear by my Honourable friend, Mr. Lahiri Chaudhury, that it is possible to hold those views and yet to oppose the Bill.

Now, Sir, I think it would be most convenient if you will permit me to read out a portion of the statement which the Government issued on the 23rd January last, because memories are short and this was a considered statement of the position of the Government and I should like on this occasion, if I may, to repeat it :

"The Governor General is not prepared to deny to the Central Legislature an opportunity of considering these proposals and is therefore according his sanction to the introduction of the Bills. But the Governor General and the Government of India desire to make it plain that in their opinion it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects, not merely in the Legislature, but also outside it, by all who would be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest possible manner for the purpose of eliciting public opinion, and if adequate time is given to enable all classes of Hindus to form and express their considered views. It must also be understood that the grant of sanction to the introduction of these Bills, in this as in other cases in which previous sanction is required, does not in any way commit the Government to acceptance or support of the principles contained in them and that the Government of India retain a free hand to take at later stages such action in regard to these proposals as may, upon a full consideration of the circumstances, appear necessary."

That, Sir, is the position of the Government.

With regard to the date of circulation, there is little for me to say, for only one date is in fact before the House, that is, the 30th June, 1934. That, Sir, seems to us to be a reasonable date in order to secure the objects we are aiming at, namely, eliciting public opinion in the widest possible manner and giving adequate time for views to be formed and expressed.

The only other point I have to deal with is the question whether the Bill should be circulated in the ordinary way or should be circulated only to certain limited classes. I think I may say that the view of Government is that, if the Bill is to be circulated, we should secure the fullest possible circulation. We want this matter fully ventilated, fully discussed and fully considered.

Pandit Satyendra Nath Sen : Is it not against the spirit of your communiqué ?

The Honourable Sir Harry Haig : No, Sir. I think it is entirely in accordance with it. It refers to all classes of Hindus.....

Pandit Satyendra Nath Sen : All classes of *Hindus*.

The Honourable Sir Harry Haig : And I think from a practical point of view, it would hardly be possible to limit the circulation of the Bill as has been proposed by some Honourable Members. Government, therefore, propose to give their support to the amendment of my Honourable friend, Mr. Sarma.

Some Honourable Members : Let the question be now put.

Mr. B. V. Jadhav : Sir, the orthodox point of view has been ventilated at great length for about two days and the other side of the case has not been put to the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is certainly no objection to allow the discussion to continue. The Chair only thought that those who support the Bill are anxious to send it out for circulation.

Mr. B. V. Jadhav : I am very much obliged to you for giving me an opportunity of expressing my views on this very important Bill. It is very well known that this Bill has been opposed by a section of the Hindu community who call themselves Sanatanists, but I may assure this House that I consider myself to be a better Sanatanist than many of them. I believe in one God and I believe in the brotherhood of many. I consider all men to be equal. It is the Sanatanists who want to create divisions among Hindus and want to perpetuate them. My learned friend, Pandit Sen, defined Dharma in three categories, belief in the infallibility of the Vedas, belief in the existence of God and belief in re-birth. But I may tell him that the Mimamsa School, who have a strong faith in the infallibility of the Vedas, do not believe in the existence of God and still my learned friend will not deny that the followers of the Mimamsa School are Sanatanists or Hindus.

Pandit Satyendra Nath Sen : It is not a fact that the Mimamsa School does not believe in the existence of God.

Mr. B. V. Jadhav : It is a fact. You may read the books on the subject.

Pandit Ram Krishna Jha : A little knowledge is a dangerous thing.

Mr. B. V. Jadhav : Quite true. You may wear that cap, it will fit you. As regards re-birth, many of the Hindus do not believe in it and still they are Hindus. I believe in re-birth ; but I have come across a number of men who do not believe in it and still are as good Hindus as you and I. So I want to point out that the definition of Hinduism that my learned friend has given not be accepted in its entirety. As a matter of fact, I have said it is hardly possible to define Hinduism accurately.

[Mr B. V. Jadhav.]

Now, the second point that I wish to touch upon is that the Sanatanist always relies on the Queen's Proclamation and says that Government ought not to interfere with religion. I may draw the attention of the House to section 67 of the Government of India Act and I do not think that the framers of that Act or the British Legislature that passed the Act had no regard for the Queen's Proclamation. They had every regard for the Queen's Proclamation and I do not think they have violated the terms of that Proclamation by enacting this law. Section 67, sub-section (2) says that it shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting the religion or the religious rites and usages of any class of British subjects in India. So, with the previous sanction of the Governor General, any such measure can be introduced in either House and if both Houses accept that measure, it can pass it into law with the Governor General's sanction.

I may point out that according to the Manu Smriti, on which the Pandits mainly rely, the fountain head of religious usages is the King. It is he who has to determine what is religion and what is not, what is proper and what is not proper. He is to be advised by a council of learned Brahmins, but they are councillors and their advice may be taken, accepted or rejected. It is the king who has to determine everything. And if you will look into the practice, you will find that the King has intervened on many occasions. In my own Presidency, there had been many instances in which the king settled cases even against Brahmins. It is the king who can put Brahmins out of caste and re-admit them into the caste. This practice was followed in the days of the Muhammadans also. They did give their decisions on religious matters. After the advent of the John Company in Calcutta, it is on record that in the days of Warren Hastings, the Courts of East India Company decided such matters and the Hindu Bania of Warren Hastings presided in his stead. In the province of Madras also, there were religious courts presided over by English Collectors and their decisions have been brought into execution. A foreign Government, a Christian Government, saw the inconvenience of giving decisions in religious matters and the British people ultimately adopted the policy of neutrality. The Queen's Proclamation affirms that attitude of neutrality. The British Government by themselves will not interfere in religious matters. They will observe religious toleration and will allow people to go in their own way. But, beyond this, the Queen's Proclamation cannot go. Now, Sir, the Indian Legislature has been formed and rights of autonomy have been given to a certain extent. Therefore, it is but natural that religious questions should be allowed to be discussed in the Legislature and decided according to the votes of the majority. It is for the Governor General to see that the majority does not rule over the minority unreasonably or that the religion of the minority is not interfered with unnecessarily. For that purpose the provision in section 67 of requiring the sanction of the Governor General is made and that is quite enough.

Shastras are flung in our face and it is said that the Rishis have say, this and said that and that usages ought not to be changed. But, 1934. examines the course of events in ancient India and of even my secure the it will be found that religious practices have been consta in the widest

My learned friend said that there were no temples in the *Krita* and

4 P.M. *Yugas*, and he says that these temples were duced in later ages. Is it not a change in the religious practices ? The religion has been always changing, although learned Pandits and Sanatanists have been boasting of its remaini constant and unalterable according to their ideas of what they think a constant and unalterable. But if they will think for a moment, they will find that every age, nay every day there have been material changes going on.

Pandit Satyendra Nath Sen : There has been no change in the basic principles.

Mr. B. V. Jadhav : Basic principles ! We left them long long ago. There is only one basic principle, namely, there is one God and there is one *Varna*. The one *Varna* you have split into four and added the fifth, although the Vedas particularly say that there is no fifth. You have now split that into thousands of castes.

Now, Sir, let us see how this untouchable community came into existence. My learned friend has given us the clue and I have read the same thing in the only paper that is supporting Sanatanism, the *Indian Mirror*. By the by, I may point out to the House that there was an admission on the part of the Sanatanists that the whole Indian Press, with the exception of this newly started *Indian Mirror*, is in favour of temple entry.

Pandit Satyendra Nath Sen : The papers have been bought over.

Mr. B. V. Jadhav : But the papers are for the people and if the people like the ideas promulgated in these papers, you cannot deny that the whole majority of their readers are for temple entry and in favour of the doctrines that are preached in these papers. The *Indian Mirror* is a paper brought out by the Sanatanists and I have to express my thanks to the management of that paper that they give me a copy *gratis*. I would not pay for it, certainly. And I do make some use of that paper.

Pandit Satyendra Nath Sen : You are again making the mistake of relying upon votes.

Mr. B. V. Jadhav : In this House we have to rely upon votes : so the argument against votes does not stand in this House.

Pandit Satyendra Nath Sen : But this House was not intended for discussing religious matters.

Mr. B. V. Jadhav : We shall speak about it afterwards. It is the ng that has to decide in religious matters and the present Legislature nds in the place of the King. The King is there to give the ultimate tion. Now, the *Indian Mirror* also said, as my friend, the Pandit, has that the *Chandalas* came into existence as a result of connections. It not say promiscuous connections. I grant, for the sake of argument, e issues of a Brahman woman and a Shudra were classed as *Chan*- Perhaps a Brahman woman may have thought a Shudra to be a ate, but that is by the bye. There is no expiation according to the nd his doctrine is that once a *Chandala* is born, he and his for hundreds and thousands of generations should remain What is this argument ?

ndit Satyendra Nath Sen : I did not mean that. A *ala* may be born as a Brahman in the next birth.

Mr. B. V. Jadhav : One does not know when that next birth is to e. We are living in the present time and you cannot ask the *Chandalas* be satisfied with the promise of better birth in the future. Sir, it is a ery anomalous position that the Sanatanists have put themselves into. The Sanatanists are great advocates of the four fold system of *Varnas* and hey particularly say that there is no fifth. So, what do they say ? Do hey say that the untouchables or the *Chandalas* belong to the Shudra lass or do they belong to some class other than Shudras ? If they are Hindus, they must come somewhere within its fold of the four *Varnas*. f they do not come within that fold, then they must be outside Hinduism. do not know what stand the Sanatanists are going to take. I do not now whether they are going to admit them as Shudras or going to put them utside the pale of the four *Varnas*.

Pandit Satyendra Nath Sen : They belong to no *Varna*.

Mr. B. V. Jadhav : If they do not belong to any *Varna*, then, I subit, that they do not come within the fold of Hindu religion; because, the Hindu religion is based upon the four fold division of *Varnas*. If they re outside these *Varnas*, then they are not Hindus and then the question ecomes very simple.

My learned friends have got great sympathy for the *Chandalas* or the epressed Classes and my friend, the Pandit, advises them to stick to their rofessions and not aspire for higher loaves and fishes. He instanced proessions such as washerman, etc. I heard him say something about washerien and barbers. But in a private talk with him, he admitted that barbers ere not untouchable. but the washermen, are. Now, on my side I may oint out that a washerman is not an untouchable at all. What about the asherman who washes the clothes of the learned Pandit ? The washerman is an untouchable, but the clothes he washes are not untouchable.

Pandit Satyendra Nath Sen : They are washed at home.

Mr. B. V. Jadhav : Yes, a few drops of water are sprinkled on them. hat practice was followed in my younger days. But what a travesty of leanliness that is. If a few drops of water can purify a cloth washed by asherman who is a *Chandala*, then the conscience of my learned friend ust be a very convenient one and it becomes satisfied by a very small purication. The less said about this affair, the better. My learned friend ays that if the untouchables enter into temples, the Gods will be polluted.

What is going to purify those Gods which are being polluted ? It e droppings of the cow. A cow goes every where and eats all undesiral ings and perhaps even the droppings of the untouchables themselv nd that cow is very sacred for my Honourable friend. I know, some ears ago, in the temple of Srirangan, a *Smartha* Brahmin Sanyasi wen rostrated himself before the God, and the learned Brahmins of that aishnavites, declared that the God was polluted by the *Smartha* S owing down to the God, because he belonged to another sect. llution was washed away by the Brahmins in dinners. When rahmins think that expiation ceremony should be performed, the mptuously feast themselves for purification. These pollution he belly of the Brahmins. When the untouchables will be

and when they will be allowed to rise in life, and they will feed th mins, those Brahmins will write out some books in which they w that they have descended from certain Kshatriya Kings or from e Rishis, and so on.

Pandit Satyendra Nath Sen : Try to make them rich first.

Mr. B. V. Jadhav : But you don't allow them to become rich.

Pandit Satyendra Nath Sen : But why temple entry, if they wan to become rich ?

Mr. B. V. Jadhav : Temple entry is a symbol. There is my friend, Mr. Lahiri Chaudhury, who sympathises with everybody and gives a very good tip to Mr. Gandhi and those who are the friends of the Depressed Classes. He says, let them have separate temples. A very good idea indeed. As I said just now, the question of temple entry is not the be-all and end-all. Those who ask for the temple entry, ask people to recognise that the Depressed Classes men are men and, as human beings, they have got their own rights. Up to this time the children of the Depressed Classes were not allowed to attend ordinary schools conducted at the expense of public money. They were not allowed to make use of Dharamsalas which were erected at the expense of public money. These elementary rights of equality of all subjects were denied to these unfortunate people. The question on their part is the demand of equality and it is to be seen whether this House is going to recognise their claim to equality or not. This question of temple entry is merely a symbol. If they are Hindus, they have got the rights of other Hindus and if the other Hindus go to pay their obeisance to the Gods, then *a fortiori*, the Depressed Classes ought to be allowed to do the same.

Pandit Satyendra Nath Sen : Have all the Caste Hindus equal rights ?

Mr. B. V. Jadhav : They ought to have. If they have not, it is a wrong which ought to be righted as early as possible. One wrong will not justify another wrong.

Sir, I should like to say only a few words about the condemnation of the Poona Pact by the people of Bengal. I fully realise that the condition of the advanced communities in Bengal who are technically called *Bhadraloks*.....

Pandit Satyendra Nath Sen : Is a reference to the Poona Pact relevant to the present discussion ?

Mr. President (The Honourable Sir Shanmukham Chetty) : There has been reference already to the Poona Pact in the course of the discussion.

Pandit Satyendra Nath Sen : The Honourable Member, Mr. Lahiri haudhury, was ruled out of order by the Deputy President when he made eference to the Poona Pact.

Mr. President (The Honourable Sir Shanmukham Chetty) : A de d discussion will not be allowed, but if any Honourable Member just a reference, that will be in order.

r. B. V. Jadhav : Upto this time the Depressed Classes, and even ho do not belong to the fortunate class of *Bhadraloks*, were com lost sight of in Indian politics and were not allowed to have any ation in the Councils. Now, when by efforts of their own leade

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. Ambedkar and Mr. Rajah, their claims have come to be recognised hen the *Bhadraloks* see that the tables are likely to be turned upon they are going to condemn the Poona Pact. It is very inconvenient hem, for they will suffer in the Legislatures. There is no doubt about t and I sympathise with them. But all these years they have been sing as the leaders of the Depressed Classes. The Brahmins in my part f the country and also in your part of the country, Sir, did the same a ew years ago. But the non-Brahmins began to demand their rights and o demand equal position in society and in the Legislatures and in the ame way it is but right and natural that the claims of the Depressed Classes ought to be adequately recognised. My advice to the advanced ommunities or to those who now feel strongly against the Poona Pact is hat if the voting strength is with the Depressed Classes, then, according o the voting strength, they must secure seats. If you are ready to do hem justice and if you want to win their confidence, then in the long run ou will not suffer, because the total number of Hindu seats will remain he same. But if you desire to exploit them and take advantage of their ackwardness, then certainly the representatives of the Depressed Classes vill have to oppose you in the Indian Legislatures and claim their rights. his is but natural. All these troubles have been brought about by the elfish motives and the selfish actions of certain Sanatanist communities.

Mr. Amar Nath Dutt : Please use better expression.

Mr. B. V. Jadhav : If that expression offends you, I am ready to withdraw.

Pandit Satyendra Nath Sen : You need not withdraw. We are ecustomed to these offensive expressions.

Mr. B. V. Jadhav : All I say is that the Depressed Classes ought to e recognised as human beings and if they are Hindus—and I hold them to e Hindus—they should enjoy all the rights of the Hindus. I give my upport to this Bill and to the motion of Mr. Ranga Iyer that it be circulated for eliciting public opinion. I may point out that according to the mendment tabled by Sanatanists, I shall have every right to give my ote. I do not come under any of the categories they intend to exclude. question may be asked whether I will go to temples.

Mr. Amar Nath Dutt : You do not go to the temples, but your wife oes.

Mr. B. V. Jadhav : I went to the temple in my childhood. I do not hink there is any use going there now.

Mr. Amar Nath Dutt : So the temple is pure.

Mr. B. V. Jadhav : They have been as pure as they were before. Th rahmins who do *puja* have not improved in their manners, or their mora do not support the original motion. I hope the motion for circulat ill be carried.

Some Honourable Members : The question may be put.

Mr. President (The Honourable Sir Shanmukham Chetty) uestion is that the question be now put.

The motion was adopted.

and, therefore, my Honourable friend, the Mover of this Bill, has thou it to put the word " vicinity " instead of the word " locality ". It ma said that locality might be considered to be vicinity. But vicinity wo mean close neighbourhood. Objection may be taken that there might be houses or villages nearby within three or four or five miles of scene and that if a person is brought from another place further a he may not be considered to be a person of the vicinity. But such ca where the distances are very long are very rare and in those case even if this change is made, vicinity will mean the nearest place thoug the nearest village may be six or seven miles away. Therefore, knowing the mischief that is now being done, I would recommend that this amendment should be made.

I pass on to the third amendment. This is with regard to section 167 of the Criminal Procedure Code. Under this section the police are authorised to take prisoners in custody to the magistrate if they wa to investigate the case for more than 24 hours, for what is technic called a " remand ". The present practice is that if the police th there is no representation on behalf of the accused, they take the acc to the Court : but often they take him to the residence of magistrates, and what is objected to by this amendment is that should not be taken to private residences of magistrates. Another a ment is that before giving a remand, the accused must be hear his counsel should be given a hearing. I say, this is a very s amendment. At present the police take a man before a magist the magistrate passes an order *ex parte* : I suggest that the giving should be done publicly, and if it is done publicly, i done in Court and, therefore, this amendment is a good one. to the other point about the accused being accompanied his being allowed to say his say whether a remand dinarily the police want remands that. They are not jurisdiction hat. I

Mr. Lalchand Navalrai.]

ase and section 205 should be amended in order to take away t
ord "summons" occurring there, and to alter it to say that whe
r an accused person is complained against, it will be in the discretion
the magistrate to give him personal exemption. I need not say
nything more and I think this will appeal to the House.

Then I proceed to section 386. This section refers to cases where an accused person is sentenced to fine and in default he is directed to undergo imprisonment. Now, the section itself provides that if he undergoes imprisonment and his fine has not been recovered till then, the magistrate has got power either not to issue warrant or to issue warrant for the purpose of realising that fine. Now, this amendmer proposes that if the man has already undergone imprisonment in lieu o that fine, the fine should not still be taken from him and the power o agistrate that is vested in him to issue a warrant or not to issue it ould be amended. If a man is not able to pay the fine or the money s not been recovered till he has actually undergone the imprisonment, should the sword of Damocles, I mean the warrant, hang over him ? ore, I think this amendment is also quite reasonable.

s I was saying, my friend has selected very reasonable amendments he Criminal Procedure Code. I hope I have shown that all are very important points, and there remains only one more, which very briefly allude to.

, Sir, this remaining amendment refers to section 406 of the Procedure Code. This allows an appeal when a man is con- for what is popularly called "badmashi". Under this amend- is convicted for keeping good behaviour or for keeping the peal would always lie not to the District Magist- The law has been amended in s ions Court, but the p appeals in se st the

Lalchand Navalrai.]

d by the Mover is that section 30 should be omitted now. It will l that this section 30 was originally intended, as appears from th ing of the section, to apply to those non-regulated provinces where were no Sessions Courts and the Courts' work was mostly done by tant Commissioners and Deputy Commissioners. At present it applies Burma, Sind, Central Provinces and certain parts of the Punjab where here are Commissioners. This section appears in the Criminal Procedure Code since long, and is it not time now for Government not to give these powers to magistrates ? We find that in Sind, for instance, which was formerly considered as a non-regulated province, there are now Sessions Courts in every district. Not only that, but there are also Additional and Assistant Sessions Judges. There are also first-class Subordinate Judges who have got criminal powers and yet these magistrates are given such large powers. I submit that it is not required at this time and, so far as this section is concerned, it is high time that it should now be deleted. It may be said that at present there are very few magistrates who are given these powers, but that is not so. I assure you that in every district you will find one or two magistrates having powers under section 30 and they exercise these powers in the face of the Sessions Court sitting only at a short distance. I do not understand why these powers should be given to them. If there is any political consideration, it would be different, but it is not done from that point of view at all. It applies to ordinary persons, and why should the people, who are accused before them, not claim to be tried in a regular Sessions Court where the procedure is better, the consideration is better and the authority is better.

Sir, I will now deal with the second amendment which is with gard to section 103 of the Criminal Procedure Code. I will explain to the House what section 103 is. It says that the police have got power to go and search a certain person's house if they suspe ave got reasonable grounds for believing that he has goi operty or any such thing in his house. Section 103 require some respectable persons of the locality must be present at the the search. At present the word in the Criminal Procedur "locality". This word in practice has been abused by the p I will explain how. The intention of the Legislature is clea namely, that they should take some respectable people from bourhood, so that they will be such persons as can see that do not do anything wrong and, if they do anything wrong, bours will have the courage to come forward and speak th not join the police in the fabrication of anything wrong. of the police now,—and I say it as a result of an experience practice,—is this : They start from their thana which or seven or eight miles away from the scene and take with persons from their own thana town—not police officers, but are more or less at their beck and call or at any rate peop be ready to join hands with them if there be any difficulty fo tion. These persons are considered to be persons of the l scene be so many miles away. What is wanted by th this, that the very object of the section should be namely, persons of the neighbourhood should be pre

Mr. President (The Honourable Sir Shanmukham Chett Chair proposes to put Mr. Sarma's amendment first to the vote, be s the most comprehensive amendment to the original question.

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon end of June, 1934."

The motion was adopted.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, as some of the opinions have not yet been received, I am advised not to move the motion* standing in my name to-day, but I will do so on some other day.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now take up further consideration of the following motion moved by Sardar Sant Singh on the 9th February, 1933 :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the Honourable Sir Harry Haig, Sir Hari Singh Gour, Mr. S. C. Mitra, Rao Bahadur B. L. Patil, Mr. Lalchand Navalrai, Mr. Abdul Matin Chaudhury, Mian Muhammad Shah Nawaz, Mr. B. R. Puri, Sir Abdur Rahim, Mr. Gaya Prasad Singh, Mr. D. G. Mitchell, Rao Bahadur S. R. Pandit 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. Lalchand Navalrai (Sind : Non-Muhammadan) : Sir, this is a legal subject and I find I have every right as a lawyer to say something or this Bill. Sir, it appears to me that the sections of the Criminal Procedur Code which are sought to be amended are very important sectior One mistake that I consider has been done by the Mover is this that wants six sections to be amended at once by one Bill. That might com- te and might confuse at least those who are not lawyer Member er, I shall try to put the sections clearly to the House to s r the proposed amendments are reasonable or not. The fi. of the Criminal Procedure Code which the Honourable the Mover amend is section 30. That section provides that even ere be a Sessions Court working, Government have got the power t special Magistrates who can be given full powers to pass any less than death. In other words, a magistrate having first-class he can ordinarily give only two years' imprisonment, is given section power to pass sentences up to anything less than death. nd that such magistrates are given these powers after a few eir service and we find that these magistrates always pass nces. They are given big cases, for instance, cases under sec- the Indian Penal Code which deals with attempt to commit they pass sentences in these cases. And you can see clearly agistrate's Court the procedure is that of a magistrate and not essions Court where cases are tried with the aid of a jury or e can sit as a magistrate, go through the prosecution and ss sentences which I have mentioned. The amendment

* l to provide for the protection of the names "Khaddar" and rade descriptions of cloth spun and woven by hand in India, be n."

LEGISLATIVE ASSEMBLY.

Monday, 29th August, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Cloc Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

The Honourable Sir George Schuster, K.C.S.I., K.C.M.G., C.B.E., M.C. (Finance Member).

QUESTIONS AND ANSWERS.

IMPORT AND EXPORT OF CERTAIN COMMODITIES SINCE THE RATIFICATION OF THE OTTAWA PACT.

69. ***Sardar Sant Singh** : (*a*) Will Government be pleased to state the quantity of the following commodities that were exported to Great Britain since the ratification of the Ottawa Pact by this House and also the quantities exported in the same period of the previous year to Great Britain :

Wheat, oil seeds, jute, tea, rice, cotton, coffee, steel and hides ?

(*b*) What was the effect of the Pact on the export of these commodities to countries other than Great Britain during the same period ?

(*c*) Will Government be pleased to state the quantity of imports from Great Britain into India during the same period before and after the Pact of the following goods :

Piece-goods, machinery, motor cars and chassies, cinema-films, woollen goods and photographic materials ?

The Honourable Sir Joseph Bhore : (*a*) and (*c*). I lay on the table two statements containing the information asked for.

(*b*) Another statement is laid on the table showing India's tota exports of the commodities mentioned to countries other than Unite Kingdom. It is however too early to draw any conclusions as to th effect of the Ottawa Trade Agreement.

Statement showing the exports from British India to the United Kingdom of the commodities mentioned below during the five months January to May, 1932 and 1933.

Commodities.	1932. Five months from January to May.	1933. Five months from January to May.
Wheat	*Nil.*	*Nil.*
Oil-seeds—		
Non-essential .. .. .. Tons.	47,609	40,658
Jute, raw .. .. ,,	20,531	59,809
Jute, Gunny bags .. .. .. No.	19,490,900	16,698,142
Jute, Gunny cloth .. .. .. Yds.	23,863,156	26,498,986
Tea .. .. Lbs.	48,603,025	60,779,633
Rice (not in the husk) .. .. Tons.	36,767	212,988
Cotton, raw	10,909	22,867
Coffee .. .. Cwts.	49,960	44,868
Iron or Steel—		
Pig .. .. Tons.	36,778	28,586
Bars* .. .. ,,	..	3,933
Hides and Skins, raw .. .. ,,	2,116	2,326
Hides and Skins, Tanned or dressed .. ,,	6,419	5,716

*Separately recorded from April, 1933. Figures for 1933 are for two months April and May.

Statement showing imports from the United Kingdom to British India, of the articles mentioned below during the five months January to May, 1932 and 1933.

Articles.	1932. Five months from January to May.	1933. Five months from January to May.
Cotton piecegoods including tents .. Yds.	201,895,075	254,886,068
Machinery and Mill work .. .. Rs.*	3,56,19,812	3,05,00,050
Motor Cars .. .. .. No.	982	2,538
Chassis† .. .. No.	448	305
Cinematograph films raw and exposed .. Length in ft.	2,350,857	4,188,112
Woollen piecegoods .. .. .. Yds.	557,780	831,505
Photographic instruments and apparatus other than cinematograph films. Rs.*	5,22,071	6,10,790

*Quantity not recorded; Value is stated.

†Representing chassis of motor omnibuses only.

Statement showing exports from British India of the commodities mentioned below to the following countries during the five months January to May, 1932 and 1933.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
	Tons.	Tons.
Wheat.		
Arabia	693	51
Other countries*	645	623
Oil-Seeds (non-essential).		
Castor-seed.		
France	6,500	3,454
U. S. A.	14,739	7,557
Groundnuts.		
France	118,944	93,016
Netherlands	31,444	21,871
Germany	34,363	17,966
Italy	29,896	17,170
Linseed.		
France	8,637	9,637
Germany	2,284	3,150
Italy	4,300	4,468
Australia	4,611	3,234
A. Jute, raw.		
Germany	36,316	45,366
France	17,319	33,912
Spain	16,949	17,580
Italy	21,115	20.8 17·1
U. S. A.	7,861	15·3

* "Other countries" mean countries other than those mentioned and the United Kingdom.

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Non-essential .. .. .. Tons.	47,609	40,658
Jute, raw .. .. ,,	20,531	59,809
Jute, Gunny bags .. .. .. No.	19,490,900	16,698,142
Jute, Gunny cloth .. .. .. Yds.	23,863,156	26,498,986
Tea .. .. Lbs.	48,603,025	60,779,633
Rice (not in the husk) .. .. Tons.	36,767	212,988
Cotton, raw .. .. .. ,,	10,909	22,867
Coffee .. .. Cwts.	43,960	44,868
Iron or Steel—		
Pig .. .. Tons.	36,778	28,586
Bars* .. .. ,,	..	3,933
Hides and Skins, raw .. .. ,,	2,116	2,326
Hides and Skins, Tanned or dressed .. ,,	6,419	5,716

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	Tons.	Tons.
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Arabia	693	51
Other countries*	645	623
Oil-Seeds (non-essential).		
Castor-seed.		
France	6,500	3,454
U. S. A.	14,739	7,557
Groundnuts.		
France	118,944	93,016
Netherlands	31,444	21,871
Germany	34,363	17,966
Italy	29,896	17,170
Linseed.		
France	8,637	9,637
Germany	2,284	3,150
Italy	4,300	4,468
Australia	4,611	3,234
A. Jute, raw.		
Germany	36,316	45,366
France	17,319	33,912
Spain	16,949	17,580
Italy	21,115	20,8[illegible]
U. S. A.	7,861	

* "Other countries" mean countries other than those m[illegible] Kingdom.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
A. Jute, raw—contd.	Tons.	Tons.
Belgium	9,322	15,062
Japan	6,219	5,906
Netherlands	3,243	8,382
Brazil	6,961	7,927
Australia	290	465
Other countries*	14,204	14,992
B. Jute (Gunny Bags).	Nos.	Nos.
Straits Settlements	5,605,600	7,102,606
China	8,951,400	5,167,000
Egypt	5,643,150	4,737,400
Union of South Africa	9,127,606	7,588,000
Canada	370,900	708,859
United States of America	10,428,500	5,863,000
Australia	17,149,714	15,910,722
Other countries*	71,351,954	71,348,505
C. Jute (Gunny Cloth).	Yds.	Yds.
Phillippines	4,279,000	7,439,400
Canada	20,495,965	25,946,531
United States of America	254,362,030	247,965,053
Argentine	25,743,500	61,434,000
[illegible]stralia	10,049,642	9,506,134
[illegible]ntries*	18,182,398	26,282,856

[illegible] mean countries other than those mentioned and the United

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
Tea Black.	Lbs. (millions).	Lbs. (millions).
United States of America	2·66	4·09
Canada	3·65	4·49
Ceylon	1·06	1·37
Egypt	1·22	0·43
Australia	0·94	0·58
Persia	0·71	0·77
Arabia	0·37	0·35
New Zealand	0·35	0·38
Other countries*	3·81	3·07
Rice.	Tons.	Tons.
Germany	150,433	109,633
Ceylon	165,575	166,050
Straits Settlements	79,788	65,787
China	368,234	129,915
Canada	4,760	5,117
Australia	2,272	1,502
New Zealand	642	1,237
Other countries*	428,349	306,611
Cotton, Raw.	Tons (000).	Tons (000).
Japan	68·7	153·3
China	14·7	18·5
Germany	9·0	17·1
Italy	6·8	15·3

* "Other countries" mean countries other than those mentioned and the United Kingdom.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
Cotton, Raw—contd.	Tons (000).	Tons (000).
France	4·7	13·7
Belgium	6·6	10·9
Other countries*	7·28	12·397
Coffee.	Cwts.	Cwts.
Norway	4,145	3,625
Netherlands	4,025	3,205
Germany	13,075	8,532
France	28,014	44,316
Other countries*	20,195	20,000
Iron or Steel.		
Pig.	Tons.	Tons.
Germany	3,233	1,892
China	4,020	9,895
Japan	77,714	61,388
United States of America	16,677	27,173
Other countries*	4,916	6,908
Hides and Skins (Raw).		
(*A*). *Goat Skins.*		
Netherlands	352	337
France	160	415
United States of America	4,310	3,872
Australia	169	128
(*B*). *Sheep Skins.*		
France	12	19
Italy	66	324

*"Other countries" mean countries other than those mentioned and the United Kingdom.

Commodities and Countries.	1932. Five months from January to May.	1933. Five months from January to May.
Hides and Skins (Raw)—contd.		
(*C*). *Buffalo Hides.*	Tons.	Tons.
Germany	165	149
Bulgaria	67	62
Greece	44	243
(*D*). *Cow Hides.*		
Germany	642	1,868
Netherlands	284	673
Spain	572	348
Italy	1,151	1,519
Greece	82	411
Hides and Skins (tanned or dressed).		
(*A*). *Cow Hides.*		
Hong Kong	9	3
(*B*). *Goat Skins.*		
United States of America	8	1
(*C*). *Sheep Skins.*		
Straits Settlements	31	24
Japan	275	172

BEGGARY IN INDIA.

70. *Mr. Lalchand Navalrai: (*a*) Are Government aware that beggary has very much increased in India and is generally causing a nuisance?

(*b*) Will Government be pleased to state if there has been or is any project with the Government of India to checkmate beggary? If so, will Government be pleased to make a full statement on the subject?

The Honourable Sir Harry Haig: (*a*) The statistics of the 1931 census suggest that the number of beggars in India has decreased since 1921.

(*b*) The answer to the first part is in the negative, the subject being one for legislation by Local Governments. The second part does not arise.

BEGGARS ON THE STATION PLATFORMS OF STATE RAILWAYS.

71. ***Mr. Lalchand Navalrai**: (*a*) Are Government aware that beggars are allowed on the station platforms almost on all State Railways to beg from the travelling public and that they become very importune and exhibit their disabled bodies and limbs to the annoyance of the public ? If so, is this allowed by any rule or regulation or is it done by the connivance of the station staff ?

(*b*) What steps do Government propose to take in order to eradicate this sort of evil ?

Mr. P. R. Rau: (*a*) On most railways there is, I understand, a definite order prohibiting beggars being given access to station platforms and railway premises.

(*b*) Government are not aware that there is any chronic breach of this order. If the Honourable Member will kindly let me know at which stations or on which railways this order is systematically disregarded, the attention of the Agent or Agents concerned will be drawn to the irregularity.

DEVICES ADOPTED BY CERTAIN PERSONS TO EVADE THE CHILD MARRIAGE RESTRAINT ACT.

72. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing): (*a*) Will Government be pleased to state whether their attention has been drawn to the peculiar devices adopted by certain persons to evade the Sarda Act by resorting to Chandernagar and Indian States simply for a day for the actual performance of the marriage after performing other ceremonies in British India ?

(*b*) Do Government contemplate to make suitable amendments in the Act to remove anomalies by preventing such evasions ?

The Honourable Sir Harry Haig: (*a*) No.

(*b*) The answer is in the negative.

RETENTION OF THE POST OF THE EDUCATIONAL COMMISSIONER IN THE FUTURE CONSTITUTION OF INDIA.

73. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing): (*a*) Will Government be pleased to state whether it has been finally decided to retain the post of the Educational Commissioner in the future constitution of India ?

(*b*) If so, will the post be filled by an Indian or otherwise ?

(*c*) Are Government aware that there is a strong feeling in the country that the next vacancy should be filled by an Indian ?

Mr. G. S. Bajpai: (*a*) and (*b*). Whether the post will be retained after the new constitution comes into force is a question which must be left to the Government set up by the new constitution. The present Government of India propose to retain the post and to appoint to it an officer possessing wide educational experience.

(*c*) No.

REPAYMENT OF 4 PER CENT. CONVERSION LOAN.

74. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing): (*a*) With reference to the recent communiqué notifying repayment of 4 per cent. Conversion Loan at par of 1916-17 with all interest due up to date, on 1st July, 1933, will Government please state why the loans carrying higher interest rates, *e.g.*, six per cent. 1930-33 Bonds, are not being paid up earlier ?

(*b*) What is the total amount of rupees which will be required for repayment of this loan ?

(*c*) Has the attention of Government been drawn to the recent resolution passed at the Behar Chamber of Commerce regarding their loan policy in this country as compared with that in England and criticisms in the Press with regard to it ?

(*d*) Do Government propose in future to take the advice of the Legislative Assembly before issuing any fresh loan or notifying the repayment of a previous loan ?

(*e*) Is there any proposal of issuing any fresh loan in the near future ?

The Honourable Sir George Schuster: (*a*) There are no 6 per cent. 1930-33 bonds and I presume that the Honourable Member refers to the 6 per cent. Bonds 1933-36. According to the terms of issue, these bonds could not be redeemed earlier than the 15th August, 1933. They have been notified for repayment on that date.

(*b*) The amount of 6 per cent. Bonds 1933-36 outstanding on the 31st May, 1933, was Rs. 8,96,48,000.

(*c*) No.

(*d*) and (*e*). I would invite the Honourable Member's attention to the reply given in this House on the 23rd September, 1931, to parts (*d*) and (*e*) of starred question No. 775, by Lala Rameshwar Prasad Bagla and on the 8th September, 1932, to part (*e*) of starred question No. 116 by Dr. Ziauddin Ahmad.

REPRESENTATIVES OF INDIA AT THE WORLD ECONOMIC CONFERENCE IN LONDON.

75. ***Mr. Gaya Prasad Singh**: Will Government kindly state the names of those who "represented" India at the World Economic Conference in London recently ? Why were Sir Purshotamdas Thakurdas and Mr. A. Rangaswamy Iyanger proposed to be added as mere "advisers" and not members ?

The Honourable Sir Joseph Bhore: The Honourable Member is referred to the Press Communiqués, dated the 9th and the 16th June, 1933, issued by the Private Secretary to His Excellency the Viceroy, copies of which are in the Library. I have nothing to add to the announcements already made.

Mr. B. Das : Is the Honourable Member aware that after the resignation of Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar, the officials of the India Office were hunting about in London to get substitute Indians to represent India at the World Economic Conference ?

The Honourable Sir Joseph Bhore : I am not aware of that.

Mr. B. Das : Is the Honourable gentleman aware that one or two names were put in just on the morning of the day on which the Conference met ?

The Honourable Sir Joseph Bhore : I cannot recall all the dates upon which the names of the various members of the Delegation were published. If the Honourable Member will give me notice of that question, I will give him the dates.

Mr. B. Das : What are the special qualifications of the various lawyer politicians that came in as advisers to the Indian Delegation to the World Economic Conference ?

The Honourable Sir Joseph Bhore : I am afraid that my Honourable friend cannot expect me to discuss on the floor of the House the respective merits of the public men of this country.

Mr. B. Das : Were they all public men that were chosen as advisers to the Delegation ?

The Honourable Sir Joseph Bhore : I think that all the non-officials may certainly be classed under that category.

Mr. B. Das : It is the view of the Government and not of this side of the House.

The Honourable Sir Joseph Bhore : My Honourable friend is entitled to his own views in the matter.

Mr. Gaya Prasad Singh : Is it a fact that, consequent on the refusal of Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar to act in the capacity of mere advisers to the World Economic Conference, the Government selected some other gentleman to act, not as an adviser, but as a member of the Delegation ?

The Honourable Sir Joseph Bhore : I think my Honourable friend's memory is quite correct.

Mr. Gaya Prasad Singh : May I know why this gentleman, whose name was subsequently added as a member, was not chosen at the very outset ?

The Honourable Sir Joseph Bhore : I would like to make the position perfectly clear to the House in regard to all matters in which it is assumed that the Government of India are concerned. Matters which are discussed in the Executive Council are confidential and I am not in a position to disclose to this House whether any reference was made to the Executive Council or not, if so, what their views were, and if so, whether their views were communicated to His Majesty's Government. I want to make that position perfectly clear to the House, so that they may not charge me with not giving them the information which I am in a position to give.

Mr. Gaya Prasad Singh : I did not ask that question. My question is a simple one, and I do not want to pry into the secrets of the Executive Council. My question was merely this, why was not this gentleman, whose name was added subsequently, chosen as a member of this World Economic Conference at the very outset ? That is all. I did not want to know your secrets.

The Honourable Sir Joseph Bhore : My Honourable friend cannot ask me questions which may be concerned with matters which are vitally concerned with the discussions in the Executive Council.

Mr. B. Das : Arising out of the reply of the Leader of the House, did not the World Economic Conference represent the Governments of the different countries of the world, or did it represent the Governor General alone ?

The Honourable Sir Joseph Bhore : I think my Honourable friend is right in suggesting that it represented the Governments of the countries.

Mr. B. Das : Then, how is it that the Executive Council is not responsible for the bad choice or good choice of the delegates going there ?

The Honourable Sir Joseph Bhore : I again repeat what I said, Sir. I am not in a position to say whether the Executive Council was or was not responsible for this choice.

Mr. N. M. Joshi : May I ask whether, in the opinion of the Government, this House is not entitled to discuss the merits of the appointments made by Government to these Conferences ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Discussion cannot take place on a question.

Mr. N. M. Joshi : May I ask whether this House is not entitled to ask for information as regards the merits of the appointments made by Government ?

The Honourable Sir Joseph Bhore : My Honourable friend is perfectly at liberty to hold his own opinion as to the merits of individuals. He is not entitled to ask me my opinion as to the merits of individuals.

Mr. S. C. Mitra : What was the objection of the Government to sending Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar as members and not as advisers especially when they accepted another gentleman as a member subsequently ?

The Honourable Sir Joseph Bhore : As I told you, Sir, I am not in a position to discuss the respective merits of these public men.

PRESIDENTIAL SPEECH OF MR. SUBHAS CHANDRA BOSE IN THE RECENT POLITICAL CONFERENCE IN LONDON.

76. ***Mr. Gaya Prasad Singh** : Has the attention of Government been drawn to the presidential speech of Mr. Subhas Chandra Bose in the recent political conference in London, in the course of which he has condemned the suspension of Civil Disobedience Movement " as a calamity of the first magnitude ", and has advocated the adoption of another fight for freedom " on a bigger and more extensive scale " ?

The Honourable Sir Harry Haig : I have seen a copy of the speech.

Mr. Gaya Prasad Singh : Has this speech been prohibited from being circulated in India ?

The Honourable Sir Harry Haig : Yes. I, therefore, probably have the advantage over the Honourable Member in that respect.

Mr. Gaya Prasad Singh : Will the Honourable Member be pleased to lay a copy of that speech on the table so that we may judge whether it is objectionable or not ?

The Honourable Sir Harry Haig : No, Sir. I am afraid I must ask to be allowed to retain my advantage.

Mr. S. G. Jog : Is it not a fact that a summary of the speech was allowed to be published in India ?

The Honourable Sir Harry Haig : It is possible that a certain telegraphic summary of the speech reached India before it was prohibited.

Mr. S. G. Jog : Was there any objection taken to the publication of that summary ?

The Honourable Sir Harry Haig : No, Sir.

Mr. S. G. Jog : Did it suit the purpose of the Government at that time to publish the summary ?

The Honourable Sir Harry Haig : It was only when the full text of the speech reached us that we found that considerable portions of it were, in our opinion, very objectionable.

Mr. Gaya Prasad Singh : What were those objectionable portions ?

The Honourable Sir Harry Haig : The Honourable Member is very persistent in trying to get information which I am unable to give.

BOYCOTT OF INDIAN COTTON BY JAPAN.

77. ***Mr. Gaya Prasad Singh :** Is it a fact that Japan has boycotted Indian cotton ? If so, how has this affected our cotton trade ?

The Honourable Sir Joseph Bhore : Government have received information that a resolution to boycott Indian cotton was adopted by the Cotton Spinners Association, Japan, on the 13th of June, 1933. It is not yet possible to estimate the extent, if any, to which the Indian cotton trade has been affected. The situation, however, is being carefully watched.

Mr. Gaya Prasad Singh : May I know if there is any information in the possession of Government to indicate whether the Resolution which was passed in Japan has been given effect to or not ?

The Honourable Sir Joseph Bhore : That, Sir, is a very difficult matter for me to answer. I have no information which will lead me to the view that the boycott is effective.

Mr. T. N. Ramakrishna Reddi : Has not the Honourable Member received representations from primary producers saying that the prices have been considerably affected on account of this boycott by the Japanese ?

The Honourable Sir Joseph Bhore : I cannot remember whether I have received any direct representation from cotton growers, but I have seen this statement made in the newspapers.

Mr. B. Das : Have the Government seen any indication on the part of the Indian millowners, as a result of this boycott by the Japanese people, to increase their purchase of Indian cotton, since the Anti-Dumping Act was passed ?

The Honourable Sir Joseph Bhore : If my Honourable friend studies the agenda for the next non-official Resolution day, he will see that the first Resolution deals with this question and this will give me an opportunity of placing what, I hope, will be very complete information before the House on the point which he has raised.

CEYLONESE DEPUTATION IN SIMLA.

78. ***Mr. Gaya Prasad Singh :** Will Government kindly state the purpose for which the Ceylonese deputation visited the Government in Simla some time back ; and is it intended to give preference to any article from Ceylon such as copra, etc. ? Will Government be pleased to lay on the table the result of any negotiations between Ceylon and India in this connection ?

The Honourable Sir Joseph Bhore : The Ceylon Deputation visited India to discuss with the Government of India the question of mutual tariff preferences between Ceylon and India. The negotiations between the two countries have not yet been concluded.

With regard to the second part of his question, the Honourable Member is referred to the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932, by the operation of which the preferences mentioned in Schedule 'H' to the Trade Agreement between India and the United Kingdom have already been accorded to British Colonies including Ceylon. These preferences include cocoanuts, cocoanut oil and copra.

Mr. Gaya Prasad Singh : Before any decision is arrived at between the two countries, will an opportunity be given to this House to discuss the subject ?

The Honourable Sir Joseph Bhore : My Honourable friend may rest assured that no change in the tariff can possibly take place without the full concurrence and approval of this House.

Mr. S. G. Jog : May I know whether the Ceylon Deputation came at the instance of the Ceylon Government or it was a voluntary affair ?

The Honourable Sir Joseph Bhore : It represented the Ceylon Government.

ADDITIONAL INCOME-TAX OFFICER AND ASSISTANT INCOME-TAX OFFICER, KARACHI.

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

(a) From what date the Additional Income-tax Officer and Assistant Income-tax Officer, Karachi, commenced their work ;

(*b*) How many notices under section 22 (2) were issued by each of these two officers during 1931-32 and 1932-33, respectively ;

(*c*) In how many cases were assessments made by each of these two officers in respect of the same party against whom the Income-tax Officer, A and B Divisions, had also instituted proceedings for assessment ;

(*d*) How many "letters of interview" were issued by each of these officers to parties who had been dealt with by the Income-tax Officers in charge of the A and B Divisions up to the end of March, 1933 ;

(*e*) In how many cases were double assessments made and how many such assessments still stand ?

The Honourable Sir George Schuster : (*a*) The Additional and Assistant Income-tax Officers, Karachi, entered upon their present duties, connected with the assessment of incomes below Rs. 2,000, from 19th January, 1932, and 4th July, 1932, respectively.

(*b*) The Additional Income-tax Officer issued 1,987 notices during 1931-32 and 1,350 during 1932-33 under section 22 (*2*). The Assistant Income-tax Officer did not issue any during 1932-33. In 1931-32, his appointment was not in existence.

(*c*) Additional Income-tax Officer	4
Assistant Income-tax Officer	21

In addition, 20 cases were transferred to the Income-tax Officers, A and B Divisions, Karachi, on its being ascertained that they had already been dealt with by those officers.

(*d*) The information is not readily available. Such letters were issued only in exceptional cases when the officers considered the personal attendance of an assessee essential.

(*e*) Double assessments were made in 18 cases, but none of them are still standing.

ASSESSMENT PROCEEDINGS UNDER THE INDIAN INCOME-TAX ACT IN SIND.

80. ***Mr. Lalchand Navalrai :** Will Government be pleased to state if it is a fact that, in a number of cases in Sind, assessment proceedings under sections 22 and 34 of the Income-tax Act were commenced and completed the *same day* ? If so, in how many cases and why ?

The Honourable Sir George Schuster : No. There were only two such cases in 1931-32 and none in 1932-33. The assessment proceedings in the two cases were commenced and completed the same day at the request of the assessees and in order to avoid inconvenience and trouble to them.

ASSESSMENT PROCEEDINGS UNDER THE INDIAN INCOME-TAX ACT IN SIND.

81. ***Mr. Lalchand Navalrai :** In how many cases were assessments reopened under section 34 of the Income-tax Act in charge of every Income-tax Officer in Sind separately in the years 1931-32 and 1932-33 and what reasons necessitated the same ?

The Honourable Sir George Schuster : The number of assessment cases reopened under section 34 of the Income-tax Act by the Income-tax Officers in Sind was as under :

Charge.	1931-32.	1932-33.
Income-tax Officer 'A' Division, Karachi	38	66
Income-tax Officer 'B' Division, Karachi	74	70
Income-tax Officer, Hyderabad ..	29	38
Income-tax Officer, Sukkur ..	31	43
Income-tax Officer, Shikarpur ..	4	13
Income-tax Officer, Larkana ..	46	87
Income-tax Officer, Thar Parkar ..	..	4

The reason for taking action under section 34 is always as stated in that section, namely, that income liable to tax has escaped assessment or has been assessed at too low a rate.

TRANSLATION OF THE FORM OF NOTICE OF DEMAND OF INCOME-TAX IN SINDHI.

82. ***Mr. Lalchand Navalrai :** Will Government be pleased to state whether any steps have been taken to translate into Sindhi the form of notice of demand under the Income-tax Act ?

The Honourable Sir George Schuster : The form of notice of demand (I. T. 15), under section 29 of the Indian Income-tax Act is already available in Sindhi.

ASSESSMENT OF INCOME-TAX FROM CONTRACTORS IN SIND.

83. ***Mr. Lalchand Navalrai :** Is it a fact that the Commissioners and Assistant Commissioners of Income-tax have issued instructions that when the contractor assessees do not produce books or produce unclosed books, a flat rate of 15 per cent. should be charged on the contract figures, and is it a fact that in other places a flat rate of 10 per cent. is charged ?

The Honourable Sir George Schuster : When an assessee, be he a contractor or any one else is unable to prove his actual profits, the deciding authority be he an Income-tax Officer, an Assistant Commissioner or a Commissioner, has to make an estimate of the income liable to tax. Government are not aware of any general instructions having been issued as to the rate of profit which is to be assumed for the purpose of making such an estimate.

AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.

84. ***Mr. Lalchand Navalrai :** (*a*) Are Government aware that a move was made to amend section 61 of the Income-tax Act in order to restrict representation on behalf of the income-tax assessee in the proceedings under the Income-tax Act ?

(*b*) Is it a fact that it was brought to the notice of Government that the present practice of allowing any man authorized by the assessee to appear on his behalf as a so-called expert was objectionable ?

(*c*) Is it a fact that Government while amending the Income-tax Act kept this matter in abeyance for further information and consideration ?

(*d*) Do Government propose to amend section 61 of the Income-tax Act in that connection ? If so, when ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) Objections were taken in certain quarters to the present practice.

(*c*) Yes.

(*d*) Government have no immediate intention of taking up the matter again.

COMMUNAL COMPOSITION OF INSPECTORS AND ASSISTANT EXAMINERS, ETC., IN THE INCOME-TAX DEPARTMENT, SIND.

85. ***Mr. Lalchand Navalrai :** (*a*) What is the percentage of incumbents belonging to different communities in the higher grades of Inspectors, Assistant Examiners and others such as bailiffs, notice servers, peons and chowkidars in Sind Income-tax Department and what is the ratio fixed for communal equilibrium by Government orders ?

(*b*) Is it a fact that amongst minorities, *viz.*, Muhammadans and other castes as a rule, the proportion is 30 per cent. ? If so, is this rule being observed in Sind ? If not, why not ?

(*c*) Is it a fact that there are five Muhammadans out of seven Assistant Inspectors Examiners in Sind ?

(*d*) Is it a fact that not a single Hindu has been confirmed as Inspector or Examiner during the last five years ? If so, what steps do Government propose to take to remove this inequality ?

(*e*) Is it a fact that two Hindus who had acted for a pretty long time as Assistant Inspectors—Examiners have been made to revert to make room for Mussalmans ?

(*f*) Is it a fact that the Hindu employees in the Sind Income-tax Department are not being allowed to appear for income-tax officer's examination and as a result thereof two Gujratis have been imported in Sind ?

(*g*) Is it a fact that all notice servers and peons in the Larkana Income-tax Circle are Muhammadans ?

(*h*) Do Government propose to consider the claims of Hindus for these posts ?

(*i*) Is it a fact that the Shikarpur Income-tax Officer appointed a Hindu peon but his order was turned down in favour of a Muhammadan ?

The Honourable Sir George Schuster : (*a*) and (*b*). A statement is laid on the table showing the percentage according to communities of members of the staffs in the Income-tax Department in Sind. The general orders of Government must be well known to the Honourable Member and are being observed. These orders do not prescribe any definite percentage for any particular community.

(*c*) There are five Muhammadans out of eight *temporary* Assistant Inspector-Examiners.

(*d*) No. On the contrary two Hindus have been confirmed as Examiners. The second part of the question does not arise.

(*e*) No.

(*f*) The Departmental Examination is meant for those who are appointed to officiate as Income-tax Officers and are to be confirmed as such. At a time when a large number of vacancies of Income-tax Officers were to be filled up, Inspectors and Examiners who appeared fit to be appointed as Income-tax Officers were allowed *as a special case only* to appear for this examination in order to simplify selection and have men who would not have to be reverted subsequently. As a result of this, a large number of officers passed the examination and until they are provided for, there would be no advantage in allowing others to take the examination. An exception has been made in favour of Muhammadans as there was only one member of that community who had passed the examination and was awaiting a vacancy.

(*g*) and (*h*). Yes. In the mofussil in Sind, Hindus are not easily available for such posts. If suitable Hindus were to apply, their claims would be duly considered.

(*i*) Yes.

Statement showing the percentage according to communities of Members of the staffs in the Income-tax Department in Sind.

	Hindus. Per cent.	Muhammadans. Per cent.	Others. Per cent.
Inspectors	50	33·5	16·5
Examiners	62·5	12·5	25
Assistant Inspectors (temporary)	37·5	62·5	*Nil.*
Clerks	55	33	12
Bailiffs	58·3	41·7	*Nil.*
Notice Servers	30	70	*Nil.*
Naiks and Peons	37·5	62·5	*Nil.*

DISABILITY PENSIONS DRAWN BY PREVENTIVE OFFICERS AND INSPECTORS IN THE KARACHI CUSTOMS HOUSE.

86. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to tate how many Preventive Officers there are in the Karachi Customs ?

(*b*) How many Inspectors are there ?

(*c*) How many of each are drawing a disability pension and for how ong ?

(*d*) Is it necessary for every Government servant especially those erving in the executive branches to be physically fit ?

(*e*) Did those drawing a disability pension produce a certificate of hysical fitness to continue in service after being found disabled ? If not, hy not ?

(*f*) How many Preventive Officers are entitled to passages under the ee Commission Rules ?

(*g*) Are any of the disabled pensioners entitled to passages and have they taken advantage of any yet ?

(*h*) What pay are those disabled pensioners getting from Government and what pension are they getting, and for what period are they drawing this pension ?

(*i*) What are the special circumstances which necessitated an Inspector of Preventive Service, Karachi Customs, being granted extensions after the age of 55 years ?

The Honourable Sir George Schuster : (*a*) Thirty-three.

(*b*) Four, including the Chief Inspector.

(*c*) One Inspector has drawn a disability pension since 1917.

(*d*) Yes.

(*e*) Yes.

(*f*) Two, and one Inspector.

(*g*) The disabled Inspector has had one free passage under the rules.

(*h*) The disabled Inspector draws pay at the rate of Rs. 400 a month. He has drawn from His Majesty's Government since 1917 twelve shillings a week for himself and three shillings for his wife.

(*i*) The temporary shortage of officers with experience as Inspectors.

MILITARY DAIRIES IN SIMLA AND LAHORE.

87. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state how many military dairies exist in Simla and Lahore ?

(*b*) Is it a fact that there are private dairies also in Simla and Lahore ?

(*c*) Is it a fact that these Government military dairies were intended for the dairy requirements of the military ranks and their families within regimental areas ?

(*d*) Is it also a fact that vast tracts of valuable lands were granted to military dairies, wherever they are situated, free or on nominal value for the sake of military necessity ?

(*e*) Will Government be pleased to state if there was an intention to run these dairies in competition with private dairy concerns in civil populated areas ? If there was or is any such intention, will Government be pleased to state reasonable justification for the same ?

(*f*) Is it a fact that these military dairies have lately started a campaign against the private dairy enterprises by sending out their produce for sale at the residences of civil population outside their regimental areas ?

(*g*) Is it a fact that some of the private dairy owners from Lahore brought this fact to the notice of the Quartermaster General in India, Army Headquarters ?

(*h*) Will Government be pleased to state what action has been taken to remove this grievance of the private dairy concerns ?

(*i*) Do Government propose to restrict the Government military dairies to supply the requirements of only military people within regimental areas as originally intended ? If not, why not ?

Mr. G. R. F. Tottenham : (*a*) There is one Military Dairy at Jutogh and one in Lahore Cantonment.

(*b*) There is a private dairy at Taradevi which sells dairy products in Simla ; and there are also several milk and butter shops in Simla and Lahore, but so far as is known, none of the latter owns a dairy herd.

(*c*) Military dairies are intended to supply pure dairy products to troops, army departments and establishments in peace and in war. They are required to meet the fluctuating demands of hospitals and troops and must also be capable of expansion in war : It is incumbent upon Government to see that they work as economically as possible.

(*d*) No. Interest is credited to Government on the assessed agricultural value of all lands held by the Military Dairy Farms.

(*e*) The military dairy farms have no desire whatever to compete with private firms, which can supply dairy products up to the standard required.

(*f*) There has been no change of policy. For many years military dairies have been allowed to sell surplus produce, when available, at remunerative rates to non-military Government officials and their families and also to the public, except in Simla.

(*g*) Representations have been received.

(*h*) and (*i*). The matter is at present under the consideration of the Government of India.

CONTRACTS OF STALLS AT RAILWAY STATIONS.

88. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state what is the rule or practice in vending contracts of stalls at Railway stations ? Are they given by auction or in any other manner ? If so, what ?

(*b*) Is it a fact that one Wadhumal has been given contracts of six (mostly junction stations) stations on the Sind and Baluchistan Section and one Muhammadan has been given for several stations on the Sind, Baluchistan and Punjab sections ?

(*c*) Will Government be pleased to state why these men have been favoured by being given contracts at several stations ?

(*d*) Is it a fact that the Railway rules and also practice provide that each station should be given to one individual contractor ?

(*e*) Which office is responsible for giving these contracts of stalls in Sind ?

(*f*) Do Government propose to direct a fair distribution of these vending contracts of stalls to different people particularly unemployed educated persons of the Districts in which the stalls exist ?

Mr. P. R. Rau : (*a*) On the North Western Railway to which I presume, my Honourable friend is referring, vending contractors are selected personally by the Divisional Commercial Officer of the Division from among applicants who have the necessary professional qualifications. In the case of important stations, this selection is subject to confirmation by the Divisional Superintendent concerned.

(*b*) to (*f*). These refer to detailed arrangements which are within the competence of the Railway Administration and I have sent a copy of this question to the Agent for consideration of the suggestions made. I might add that Government do not consider the grant of such contracts can be used to any extent as a solution of the difficult problem of unemployment. The question has to be looked at from the point of view

of selecting the persons most likely to render efficient service to the travelling public.

EXPORT OF SILVER FROM INDIA TO AMERICA.

89. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether they have delivered silver from India recently for export to America ?

(b) Is it a fact that it has fetched a price of 50 cents per ounce ?

(c) If the reply to part (b) above be in the negative, at what rate has the Government of India made over to the British Government this 20 millions ounces of silver ?

(d) What quantity of silver do the Government of India still possess for sale ?

(e) How do the Government of India propose to utilize the same ?

The Honourable Sir George Schuster : (a) Yes.

(b) It is understood that this is the rate at which the Government of the United States of America afforded credit to the Government of the United Kingdom in respect of this token payment.

(c) The silver was sold on the basis of 20 $\frac{7}{16}$ *d.* per standard ounce for delivery in London. As however the silver was shipped to the United States of America without going through London, charges for transport will be subject to a deduction equivalent to the amount that would have been paid by the Government of India if the silver had been shipped to London.

(d) and (e). Information regarding the amount of silver in the possession of Government is given in the weekly abstracts of the Accounts of the Currency Department published by the Controller of the Currency, but the silver is not necessarily for sale.

Mr. S. G. Jog : Is it a fact that the Finance Member at Bombay made a statement to the representatives of the Press that he himself knew nothing about these transactions ?

The Honourable Sir George Schuster : Is the Honourable Member referring to me as the Finance Member ?

Mr. S. G. Jog : Yes.

The Honourable Sir George Schuster : Then it is certainly not a fact.

Mr. F. E. James : May I ask the Honourable Member in connection with the recent silver agreement, on which, I am sure, the whole House would wish to congratulate the Finance Member, whether it is a fact that that agreement will require the ratification of the Legislature and, if so, will that ratification be sought during the present Session of the Legislature ?

The Honourable Sir George Schuster : It certainly is a fact that ratification of that agreement does require the approval of the Legislature, and that agreement will be put before the Legislature at the earliest convenient opportunity. I cannot state exactly what the date will be.

ALLEGATIONS AGAINST ONE MR. MANGHARAM, SUB-POST MASTER, KAMBAR.

90. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether their attention has been drawn to the leading article which appeared in the *New Era* of Sukkur, dated the 8th May, 1933 ?

(b) If so, are the allegations contained therein true ?

(c) Is it true that both Hindus and Mussalmans of the locality submitted petitions to the Superintendent of Posts and Telegraphs, Upper Sind Division, narrating their grievances against Mr. Mangharam, Sub-Post Master, Kambar, as referred to therein ?

(d) What steps have the authorities taken on those petitions ?

(e) Was an impartial inquiry made on those petitions against Mr. Mangharam or was a one-sided inquiry made as referred to therein ?

(f) What steps do Government now propose to take to meet the wishes of both Hindus and Mussalmans of the locality as urged in their petitions ?

The Honourable Sir Frank Noyce : (a) to (f) Government have not seen the article and have not been able to obtain a copy of the *New Era* in spite of application to the Manager and are therefore unaware of the nature of the allegations to which the Honourable Member refers. It is, however, a fact that certain complaints against the Sub-Post Master, Kambar, were made in a petition addressed to the Superintendent of Post Offices, Upper Sind Division, signed by both Muslims and Hindus. The complaints were investigated and were found to be groundless, but the Sub-Post Master in question has since been transferred from Kambar.

SIMLA EXODUS.

91. *Mr. Gaya Prasad Singh : (a) Is it a fact that projects for the expansion of seating arrangements in the Legislative Assembly and Council of State, New Delhi, are in hand ? If so, what exactly are the plans, and how much money is estimated to be spent in this connection ?

(b) Is it intended that in future the autumn session of the Central Legislature in Simla is to be cut out, and that the session will be held in Delhi only ? If so, what approximately will be the amount of saving thereby effected ? Is it a fact that the Council Chamber in New Delhi is being provided with cooling apparatus ? If so, to whom has the contract been given, and for how much ?

(c) Is it proposed to abandon the Simla exodus altogether and keep the Government of India located in New Delhi only throughout the year ?

(d) Is it proposed to build additional quarters for Members of the Federal Legislature and for the staff in New Delhi ? If so, how many such quarters are to be built and at what approximate cost ?

The Honourable Sir Frank Noyce : (a) and (b). No decision has been reached.

(c) Government have reached no decisions beyond that stated on page 23 of the Summary of the Results of Retrenchment operations in Civil Expenditure, copies of which are in the Library.

(d) It is proposed to construct 37 officers' bungalows, 627 clerks' married quarters and 33 legislators' quarters at an estimated cost of Rs. 49,50,000 made up as below :

	Rs.
Officers' bungalows	10,50,000
Clerks' quarters	28,50,000
Legislators' quarters	5,00,000
Preparation of site, levelling and grassing ..	1,00,000
Establishment	4,50,000
Total ..	49,50,000

PAYMENT OF WAR DEBT BY ENGLAND TO THE UNITED STATES OF AMERICA WITH SILVER ACQUIRED FROM INDIA.

92. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the War Debt has been paid by England to the United States of America with silver acquired from India ?

(*b*) If so, what is the amount involved ?

(*c*) In what way have England and India benefited by this transaction ? Did the Government of India approve of this transaction, and are Government prepared to place all correspondence in this connection on the table ?

The Honourable Sir George Schuster : With your permission, Sir, I shall answer (*a*), (*b*) and (*c*) together.

The attention of the Honourable Member is invited to the answer which I have just given to starred question No. 89 asked by Seth Haji Abdoola Haroon.

The Government of India approved of this transaction. They are not prepared to place the correspondence on the table.

Mr. Gaya Prasad Singh : What is the reply to this ? In what way have England and India benefited by this transaction ?

The Honourable Sir George Schuster : I regret that the answer does not seem to have dealt with that specific part of the question. So far as India is concerned, India was enabled to sell 20 million ounces of silver at a price which, on the date when the transaction was arranged, represented more than a penny an ounce above the prevailing price of the market, and a price which today represents very nearly 3*d* an ounce more than the prevailing price. That is a definite advantage to India.

Mr. B. V. Jadhav : Was it necessary for India to part with her silver at this time ?

The Honourable Sir George Schuster : I think that Honourable Members will agree with me that to have sold silver at that price was an advantageous transaction to India.

REPRESENTATION FOR THE POSTPONEMENT OF THE AUTUMN SESSION OF THE LEGISLATIVE ASSEMBLY TO NOVEMBER.

93. ***Mr. Gaya Prasad Singh** : Is it a fact that a representation was made by certain Members of the Legislative Assembly who proceeded to London, suggesting the postponement of the Autumn session of the Assembly to November ? If so, on what grounds ? Will Government kindly give their names, and lay a copy of their representation on the table, together with any note which might have been made on it ?

The Honourable Sir Joseph Bhore : Some Members of the Legislative Assembly who were then in England requested the Secretary of State to suggest to the Government of India the postponement of the present Session of the Assembly in view of the fact that it might not be possible for some of them to return to India before the beginning of the Session. No direct representation was received from any Member by the Government of India, and there are no papers which can be laid.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if it is considered by the Government of India or the Secretary of State that the House will be thin and that the Government will have the day ?

The Honourable Sir Joseph Bhore : I can assure my Honourable friend that these considerations did not weigh with the final decision in the least.

Mr. Gaya Prasad Singh : May I know, Sir, if a copy of the representation which was submitted by these gentlemen to the Secretary of State was forwarded to the Government of India ?

The Honourable Sir Joseph Bhore : I am not aware that any representation other than the oral or verbal representation referred to was made.

Mr. Gaya Prasad Singh : Will the Government be pleased to give the names of those gentlemen who sent in that representation or wrote that letter to the Secretary of State ?

The Honourable Sir Joseph Bhore : I am trying to explain to my Honourable friend that it was an oral or verbal representation. I am not in a position to know even what the exact terms of it were.

Mr. Gaya Prasad Singh : I am sorry I could not hear the reply.

Mr. B. Das : Is it not a fact that these very gentlemen were most active during the summer Session of the Assembly to secure, by the backdoor, nomination or election to go to England to participate in the Joint Committee or the subsidiary Committee ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

EXTENSION OF TRANS-CONTINENTAL AIR SERVICE FROM KARACHI TO SINGAPORE.

94. ***Mr. Gaya Prasad Singh** : Will Government kindly make a statement regarding the extension of Trans-Continental Air Service from Karachi to Singapore and its feeder lines, indicating the Indian interests as regards Directorate, Finance, the Indian personnel in its service, training of Indians, and whether the Company will be floated with rupee capital in India ?

The Honourable Sir Frank Noyce : The attention of the Honourable Member is invited to the Government of India, Department of Industries and Labour (Civil Aviation), Press Communiqué, No. V.-10, dated the 9th May, 1933, a copy of which is laid on the table.

The Trans-India Air Service was inaugurated on the 7th July, 1933, by the opening of the Karachi-Calcutta section, the first service being operated by an Indian aircraft, owned by Indian Trans-Continental Airways, Limited.

The number of Directors of Indian Trans-Continental Airways, Limited, is seven, of whom four are Indians. Of these, one has been appointed by the Government of India, one by Indian National Airways Limited and two by Imperial Airways, Limited.

The capital is held in the following proportions :

Government of India 24 per cent.

Indian National Airways 25 per cent.

Imperial Airways 51 per cent.

Proposals regarding the inauguration of feeder services in connection with the Trans-India Air Service are being examined. They are not yet at an advanced stage.

Statement.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR,

(CIVIL AVIATION).

No. V.-10, DATED SIMLA, THE 9TH MAY, 1933.

PRESS CAMMUNIQUE.

Trans-India Air Service.

Arrangements have been made for the inauguration of an air service between Karachi and Singapore as a joint enterprise to be worked by an Indian Company (Indian Trans-Continental Airways, Limited), to be formed as explained below, together with Imperial Airways, Limited, and simultaneously for the formation of a second Indian Company, Indian National Airways, Limited, for the operation of feeder and other services in Northern India.

2. The capital of Indian Trans-Continental Airways, Limited, will be rupee capital and will be subscribed jointly by the Government of India, Indian National Airways, Limited, and Imperial Airways, Limited, the Directors will be selected by the shareholders and the majority will be Indians.

3. Indian Trans-Continental Airways and Imperial Airways will each provide one-half of the fleet required for the service. Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available, and Imperial Airways will arrange for the training of a limited number of Indians in their commercial and engineering departments, while the fleet and equipment for Indian National Airways and Indian Trans-Continental Airways are being procured.

4. The arrangement for the joint working of the Karachi-Singapore Service will continue till 31st March, 1939, the date on which the existing agreement between His Majesty's Government and Imperial Airways for the England-India Air Service expires.

5. By means of this arrangement the participation of an Indian Company employing Indian personnel, is secured, not merely in a service operating within India, but on an important section outside India (*viz.*, from Rangoon to Singapore), of the Imperial route to Australia.

6. The fleet of the two operating companies will be homogeneous and of a modern type, carrying passengers and freight as well as mails. The details of the route across India and the time-table of operation have not yet been finally settled. It is hoped that the first section of the service as far as Calcutta will be inaugurated during the summer, to be followed by an extension to Rangoon and possibly Singapore immediately after the monsoon.

7. Indian National Airways, Limited, will be formed with rupee capital. Plans for operating certain branch services are already in preparation.

(Sd.) J. A. SHILLIDY,
Secretary to the Government of India.

Mr. Gaya Prasad Singh: Is it not a fact that the Imperial Airways is a foreign company, not with a rupee capital ?

The Honourable Sir Frank Noyce : That is so, if the Honourable Member, in the word " foreign ", includes a British Company. The capital of Imperial Airways is not rupee capital. As I have explained, there are two companies and, as the Honourable Member will find in the communiqué to which I have referred, the Karachi-Calcutta service is operated by Indian Trans-Continental Airways, Limited, which is an Indian Company with rupee capital.

Mr. Gaya Prasad Singh : Is it not a fact that the Standing Finance Committee laid down the rule, which, if I remember aright, was approved by this House, that the capital should be rupee capital with a majority of Indian directors ?

The Honourable Sir Frank Noyce : The capital of the Indian Trans-Continental Airways, Limited, is rupee capital and it has a majority of Indian directors. There are four Indian directors out of seven. If the Honourable Member wishes to know their names, I shall be happy to give them. They are :

Chaudhri Zafarulla Khan,

Rai Bahadur Badri Das Goenka,

Rai Bahadur Lala Ramsaran Das, and

Sir H. M. Mehta.

REFUSAL OF PASSPORT TO MR. B. J. DEORUKHKAR, NATIONALIST LEADER OF THE DEPRESSED CLASSES, TO PROCEED TO LONDON.

95. ***Mr. Gaya Prasad Singh :** Is it a fact that Mr. B. J. Deorukhkar, Nationalist leader of the Depressed classes, who wanted to proceed to England at his own expense to secure proper representation of their case before the Joint Select Committee, has been refused passport ? If so, why ?

The Honourable Sir Harry Haig : Mr. Deorukhkar applied for a passport to proceed to England to help his friends in giving evidence before the Joint Parliamentary Committee, and also to study the social conditions of sweepers and tanners in London. In view of the part he played in the labour disturbances at Bombay, and of his association with the Civil Disobedience Movement, the Government of Bombay considered it inexpedient to give him a passport, and rejected his application.

Mr. Gaya Prasad Singh : May I know, Sir, what part did he play in the labour movement in Bombay ?

The Honourable Sir Harry Haig : I think one might say, Sir, a part tinged with communism.

Mr. Lalchand Navalrai : What part did he take in the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : I am afraid I have not the details with me.

Mr. K. C. Neogy : May I know, Sir, if participation in the Civil Disobedience Movement is considered to be a disability in regard to the grant of a passport ?

The Honourable Sir Harry Haig : Not necessarily, Sir.

Mr. Lalchand Navalrai : Does not the Honourable Member think that, if he had gone to England, India would have been freed from his activity in the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : Possibly, Sir ; but I am not sure that the interests of his own community would have been much advanced thereby.

Mr. Gaya Prasad Singh : If participation in the Civil Disobedience Movement is not necessarily a disqualification for obtaining a passport, why was he refused a passport ?

The Honourable Sir Harry Haig: I think, Sir, the main reason was his communistic activities in the labour disturbances in Bombay a few years ago.

Mr. Gaya Prasad Singh : May I know that the refusal of the passport had nothing to do with his participation in the Civil Disobedience Movement, and that it was refused because of the part which he played in the labour disturbances ?

The Honourable Sir Harry Haig : I am giving, Sir, the reasons given to us by the Government of Bombay who refused the passport.

Mr. S. C. Mitra : Was this gentleman ever prosecuted in any Court of law for his participation in communistic activities ?

The Honourable Sir Harry Haig : I am afraid I must ask the Honourable Member to put down a question on that point.

Mr. Lalchand Navalrai : Is the Honourable Member going to accept what the Bombay Government has done without any further inquiry or investigation as a gospel truth ?

The Honourable Sir Harry Haig : Yes, Sir.

Mr. B. V. Jadhav : Was it the idea of the Bombay Government to save the English people from the bad teachings of Mr. Deorukhkar in communism there ?

The Honourable Sir Harry Haig : It is our general policy, Sir, to be very careful about the grant of passports to communists.

Mr. Gaya Prasad Singh : Would it not have been more convenient from the point of view of Government to get rid of him even for a time, because he is so undesirable from their point of view ?

The Honourable Sir Harry Haig : Unfortunately the grant of a passport is not equivalent to an order of externment from India. He will always return.

ARRESTS AND DETENTION IN CONNECTION WITH ALLEGED REVOLUTIONARY ACTIVITIES IN THE DELHI PROVINCE.

96. ***Mr. Gaya Prasad Singh** : Will Government please furnish :

(*a*) the figures of the total arrests and detention of young men effected in connection with alleged revolutionary activities in the Province of Delhi from July, 1932, to June, 1933 ;

(*b*) the average period during which such arrested persons had to remain in Police custody ;

(*c*) the number of such arrested persons sent up for trial and convicted ;

(*d*) the number of young men externed from Delhi Province during the above period ; and

(*e*) the number of young men interned in the different wards of the city or subjected to similar orders under the Emergency Powers Ordinance and the Punjab Criminal Law Amendment Act of 1932 ?

The Honourable Sir Harry Haig : (*a*) 55.

(*b*) 12.7 days.

(*c*) 43 were sent up for trial and 37 were convicted.

(*d*) 37 persons were externed from the Delhi Province during the period in question. All belonged to other provinces. They were by no means all young men.

(*e*) 21 restriction orders were passed during the period under the Emergency Powers Ordinance all of which lapsed at the end of 1932. Seven restriction orders were passed under the Punjab Criminal Law Amendment Act during the first six months of 1933.

Mr. M. Maswood Ahmad : Are Government prepared to allow those gentlemen who have been disallowed to enter Delhi and who are not members of such organisations which have any connection with the Civil Disobedience Movement now ?

The Honourable Sir Harry Haig : I am afraid I did not quite gather the purport of the Honourable Member's question.

Mr. M. Maswood Ahmed : I want to know if Government are prepared to allow those men who are not members of any organisations which have anything to do with the Civil Disobedience Movement now to enter into Delhi ?

The Honourable Sir Harry Haig : I think this question refers to revolutionary activities and not primarily to civil disobedience.

Mr. M. Maswood Ahmad : Very well. I will give a notice for this question.

REMAND TO POLICE CUSTODY OF PERSONS ARRESTED FOR DISTRIBUTING UNAUTHORISED LEAFLETS IN DELHI.

97. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that persons arrested in connection with the distribution of unauthorised leaflets in Delhi are invariably remanded to Police custody where they are detained for more than the maximum period allowed by the Criminal Procedure Code ?

(*b*) Has it come to the notice of Government that some of such arrested persons have been kept in Police lock-ups for a month without the sanction of the Local Government ? Are Government prepared to enquire into this ?

The Honourable Sir Harry Haig : (*a*) No.

(*b*) No person has been detained in police custody beyond the legal period or without proper orders.

Mr. Lalchand Navalrai : May I know from the Honourable Member if when the police time of 24 hours expires, these people are also taken before a magistrate for taking a remand under section 167 ?

The Honourable Sir Harry Haig : Yes, Sir. Certainly.

NON-RELEASE ON BAIL OF PERSONS ARRESTED FOR OFFENCES UNDER SECTION 18 OF THE EMERGENCY PRESS ACT, 1931, IN DELHI.

98. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that persons arrested for offences under section 18 of the Emergency Press Act, 1931, in Delhi are not released on bail and that to make the offence non-bailable they are given out as arrested and detained under sections 302|117 and 115, I. P. C. ? How many of such arrested persons have been challaned under sections

302|117 and 115, I. P. C. from July, 1932, to June, 1933, and with what results ?

The Honourable Sir Harry Haig : There have been four cases relating to the publication and distribution of red revolutionary leaflets. These cases were registered under sections 115|117, Indian Penal Code. So far, one person has been convicted in connection with the publication of these leaflets under section 18 of the Indian Press (Emergency Powers) Act, 1931.

INDIAN STUDENTS OUTSIDE INDIA.

99. ***Mr. M. Maswood Ahmad** : Will Government please state the number of Indian students in the United States of America, Canada, United Kingdom and in other countries outside India ?

Mr. G. S. Bajpai : I would refer the Honourable Member to section II and appendix IV of the Report on the work of the Education Department of the High Commissioner for India for the year 1931-32, which give all the available information. A copy of the Report is available in the Library of the House.

Mr. Lalchand Navalrai : Cannot the Honourable Member give the number of students ?

Mr. G. S. Bajpai : I can, but not in great detail. There are 1,753 in Great Britain and Ireland, 195 in the United States of America and 117 on the Continent of Europe.

CONSTRUCTION OF THE NEW NARBADA BRIDGE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

100. ***Mr. M. Maswood Ahmad** : (*a*) Will Government please state whether sanction of the Legislative Assembly was obtained for the purpose of providing funds to the Bombay, Baroda and Central India Railway for constructing the new Narbada Bridge ?

(*b*) Will Government be pleased to state from which firm the steel for the Narbada Bridge has been purchased and in what quantity ?

Mr. P. R. Rau : (*a*) Yes. (The work was first included in the budget for 1931-32).

(*b*) The contract for the fabrication, supply and erection of the necessary steel work, amounting to about 13,000 tons, has been placed with Messrs. Braithwaite and Company (India), Limited.

Mr. Gaya Prasad Singh : Is it an indigenous company or a foreign company ?

Mr. P. R. Rau : It is a firm registered in India.

Mr. K. C. Neogy : Do they manufacture steel ?

Mr. P. R. Rau : They fabricate the steel work required. The steel is, I believe, got from Tatas.

Mr. M. Maswood Ahmad : With a rupee capital ?

Mr. P. R. Rau : I want notice of the question.

PAY OF NEW ENTRANTS TO THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

101. ***Mr. M. Maswood Ahmad** : (*a*) Will Government please state whether they have placed before the Secretary of State in Council their views in regard to the pay of new entrants to the Indian Civil Service and the Indian Police Service ?

(*b*) Will Government be pleased to lay on the table the decision of the Secretary of State in Council on their proposal ?

The Honourable Sir Harry Haig : (*a*) and (*b*). Local Governments have been consulted and their views are at present under consideration by the Government of India.

Mr. M. Maswood Ahmad : By what time the Government of India will decide this question, as it is more than a year since which this question has been hanging ?

The Honourable Sir Harry Haig : I do not know if it is pending for more than a year. But the Honourable Member will realise that while the Assembly is in Session, it does not leave very much time to the Government of India to make progress with controversial questions outside.

Mr. Lalchand Navalrai : Will the Honourable Member tell me if any suggestions were sent on this question to the Joint Parliamentary Committee ?

The Honourable Sir Harry Haig : No, Sir ; no suggestions at all.

INTRODUCTION OF NEW SCALES OF PAY FOR NEW ENTRANTS TO SERVICES UNDER THE CONTROL OF THE GOVERNMENT OF INDIA.

102. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the result of their consideration of the proposal to introduce revised scales of pay for new entrants to services which are under their control ?

The Honourable Sir George Schuster : Revised scales of pay for new entrants to services under the control of the Government of India are in the course of publication.

CONSULTATION WITH THE LOCAL ADVISORY COMMITTEES ON DIFFERENT RAILWAYS IN FIXING RATES FOR EATABLES AND AERATED WATER.

103. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether local Railway Advisory Committees are consulted in fixing the rates for eatables and aerated water sold on Railways including the stations ?

(*b*) Are Government aware that rates for food and aerated water have gone down for the last two or three years ?

(*c*) Do Government propose to fix the rate for eatables and aerated water in consultation with the Local Advisory Committees on different Railways every year ?

Mr. P. R. Rau : (*a*) Not generally.

(*b*) Yes.

(c) I understand these rates which are fixed by Railway Administrations with reference to local conditions are open to discussion by the Advisory Committees whose views will, I have no doubt, be taken into careful consideration by the Administration.

Mr. M. Maswood Ahmad : Are not Government sure of their reply, because the words " I understand " have been used by my Honourable friend, Mr. Bajpai ?

Mr. P. R. Rau : I have not consulted each individual railway administration.

Mr. Lalchand Navalrai : What are the reasons for the Honourable Member not consulting the members of the Advisory Committee on this important question ?

Mr. P. R. Rau : If any member of the Advisory Committee wants to take up this question, I am sure, he will have full opportunity for raising this question in the Committee.

Mr. M. Maswood Ahmad : If certain questions are raised by members of the Advisory Committee, is it not in the hands of the chairman of the committee to allow them or not ?

Mr. P. R. Rau : Is the Honourable Member in a position to state that this question has been raised by a member of the Committee and has been disallowed ?

Mr. M. Maswood Ahmad : My question was, whether it was not in the hands of the Chairman to allow or to reject any question suggested by a member of a Committee ?

Mr. P. R. Rau : The Chairman of every Committee usually has that right.

Mr. Gaya Prasad Singh : Is it not a fact that no question could be brought forward in the local Advisory Committee without the previous sanction of the Chairman of the Committee who is invariably the Agent of the railway concerned ?

Mr. P. R. Rau : The preparation of the agenda for the Committee is usually subject to the approval of the Chairman.

Mr. Lalchand Navalrai : Is the Honourable Member aware that sometimes the Agents do hold such questions, sometimes relevant and other times irrelevant, when they are put before the Advisory Committee ?

Mr. P. R. Rau : Can the Honourable Member give me any instance where any Agent had held such questions irrelevant ?

Mr. Lalchand Navalrai : I am asking whether in his experience he has got information from Agents as to how they treat such questions.

Mr. P. R. Rau : I have no experience of such Advisory Committees.

Mr. Lalchand Navalrai : Will the Honourable Member enquire from the Agents ?

Mr. P. R. Rau : Not unless a *prima facie* case is made out for making an enquiry.

Mr. Lalchand Navalrai : Why should the Honourable Member shirk asking the Agents ? An Honourable Member has made the allegation.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Which Honourable Member makes the allegation ?

Mr. Lalchand Navalrai : Mr. Maswood Ahmad has made it.

Mr. President (The Honourable Sir Shanmukham Chetty) : That a question of this nature was turned down by the Chairman of any particular Advisory Committee ?

Mr. Lalchand Navalrai : Not of this particular question, but that it is in the hands of the Chairman whether to accept or not.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does any Honourable Member make a statement here that questions of this nature are turned down by the Chairman of Local Advisory Committees when they are sought to be raised by members ?

Mr. Lalchand Navalrai : In reply to the Chair, I would say that I had been a member of an Advisory Committee and questions like this—I cannot at present exactly remember with reference to all these articles—but questions such as these have been turned down by the Agents as not being relevant. I am asking my Honourable friend only to make enquiries from the Agents whether they allow such questions ?

Mr. P. R. Rau : I do not think that it is reasonable for me to ask all railway administrations whether they have, as a matter of fact, refused to allow discussions of questions vaguely described like these.

Mr. Lalchand Navalrai : You may ask the Agent of the North Western Railway.

Mr. P. R. Rau : On what particular point ?

Mr. Lalchand Navalrai : With regard to eatables and ærated water.

Mr. P. R. Rau : I have already promised the House that if any Honourable Member can give me any instance of this sort that a question relating to eatables and ærated waters or even the general question connected with vending on the station platforms has been disallowed by any Agent, I shall certainly be prepared to make enquiries.

Mr. Lalchand Navalrai : That will be a complaint against the Agent. I am asking for the laying down of certain procedure. Is the Honourable Member prepared to ask the Agents on that subject ?

Mr. P. R. Rau : I have already told the House that the inclusion of items in the agenda is subject to the permission of the Chairman who happens to be the Agent and, I am sure, the House will understand that considerations of time and giving full opportunity for discussion make such a rule necessary.

Mr. Gaya Prasad Singh : Is it not a rule for the guidance of the Local Advisory Committees that no business can be put on the agenda without the previous sanction of the Chairman of that Committee, and that the Chairman of the Committee has absolute discretion in allowing or not allowing a particular item to be put on the agenda ?

Mr. P. R. Rau : I dare say that there is such a rule, but I have already explained to the House that such a rule is necessary for the proper conduct of business.

Mr. M. Maswood Ahmad : Do Government propose to ask the Agents to place before the Local Advisory Committees all the rates for eatables and ærated waters for their information and discussion there ?

Mr. P. R. Rau : I believe this question is among the list of business for discussion in the Central Advisory Committee on Railways at the next meeting and I suggest that a discussion of this subject would be more appropriate there than in this House.

DISPROPORTION OF CERTAIN APPOINTMENTS ON THE NORTH WESTERN RAILWAY.

104. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the result of their investigation regarding the disproportionately small number of non-reserved appointments on the North Western Railway for which alone the Inspectors are eligible as compared with other Railways ?

Mr. P. R. Rau : The seeming disproportion is due to the fact that the North Western Railway was a State-managed Railway where the accounts and audit had been combined under the Auditor General and consequently, in order to safeguard the interests of the then existing staff, a larger number of posts had to be reserved for the Audit Department when separation was effected.

EDUCATIONAL REQUIREMENTS OF THE NEW INDIAN ARMY.

105. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether the question of providing for the educational requirements of the new Indian Army has yet been considered or not ?

Mr. G. R. F. Tottenham : The question has been considered and it has been decided that no immediate change can be made in the system by which British officers of the Army Educational Corps are supplied to meet the educational requirements of the Indian Army. As soon as qualified Indian commissioned officers become available through the normal channels, the question will be taken up of seconding them for educational duties with Indian troops.

Mr. Lalchand Navalrai : Is there any correspondence going on to increase the number of cadets in the Dehra Dun College ?

Mr. G. R. F. Tottenham : I do not quite see, Sir, how that question arises in this connection.

Mr. Lalchand Navalrai : With regard to this particular question, I want to know whether there is any scheme for enhancing the number of cadets in the Prince of Wales College and the Academy.

Mr. G. R. F. Tottenham : I think, if the Honourable Member wishes to have information on that point, he should put down a separate question. There is nothing at all in this question on that point.

Mr. Lalchand Navalrai : Will the Honourable Member take this as a notice ?

Mr. G. R. F. Tottenham : No, Sir. I understand that a Resolution has been tabled on this subject which will very likely come up for discussion in the course of the present Session.

AGE LIMIT FOR CERTAIN APPOINTMENTS IN THE ARMY.

106. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the age limit is waived in the case of British Warrant Officers selected for commissions

n the Army Educational Corps and Quartermaster's appointments in the Training Battalions of the Indian Army ?

(*b*) Will Government be pleased to state the reasons for not including n the scheme the waiving of the age limit for the Indian officers (with the Viceroy's commission), if they fulfil other required conditions for the rant of King's commission ?

Mr. G. R. F. Tottenham : (*a*) Yes, but the men so promoted cannot ope to hold other appointments or to attain high rank in the Army.

(*b*) The source from which the Indian Commissioned Officers will be btained for educational duties has not yet been finally settled ; but the eneral intention, in order to secure the necessary standard of educaonal qualifications and adequate opportunities for promotion to the high-t rank, is that all the commissioned officers required for the new Indian rmy should be obtained from the Indian Military Academy.

Mr. M. Maswood Ahmad : Is it a fact that this subject, which is menoned in part (*b*) of the question, was under discussion even in 1932 ?

Mr. G. R. F. Tottenham : I think the matter was started by a quesn which was asked in this House in 1932.

EPLACEMENT OF BRITISH CLERKS AT THE HEADQUARTERS OF COMMANDS OF THE INDIAN ARMY BY INDIAN CLERKS.

107. ***Mr. M. Maswood Ahmad** : Will Government be pleased to ate the reasons for not replacing the British clerks of the higher grades the Headquarters of Commands of the Indian Army by Indian clerks ?

Mr. G. R. F. Tottenham : The Corps of clerks consists of a British ing and an Indian Wing ; and the higher grades in each wing are filled by omotion from the lower. The strength of the Indian Wing has been creased more than once since 1924 ; and the possibility of increasing further and reducing the strength of the British Wing will be kept in nd. But an extension of Indianisation must be started from the bottom d cannot be applied direct to the higher grades.

CERTAIN SCHEMES IN OPERATION IN JAPAN.

108. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether or not the starred questions Nos. 49 to 53, regarding certain schemes in operation in Japan, asked on the 2nd February, 1933, and their answers were sent to Local Governments for information ?

Mr. G. S. Bajpai : No, Sir.

RE-PAYMENT OF WAR DEBTS BY ENGLAND OUT OF THE SILVER RESERVES TRANSHIPPED FROM INDIA.

109. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state whether their attention has been drawn to the statements of the Presidents of Indian Chambers of Commerce recently published in the Press, about the re-payment of War Debts by England on 15th June last out of the silver reserves transhipped from India or lying in London to India's credit ?

(*b*) What reply have the Government to offer with respect to the allegations made therein ?

(c) Were the Indian Government consulted beforehand ? If so, what reply did they give ?

(d) Is the story of the alleged loss to India of one crore of rupees from this transaction correct ?

(e) What was India's share of the contribution made to the payment of the War Debts by England ?

The Honourable Sir George Schuster : (a) Yes.

(b), (d) and (e). The attention of the Honourable Member is invited to the answer to starred question No. 89 asked today by Seth Haji Abdoola Haroon.

(c) Yes. They approved.

TRANSFER OF THE SUPAUL AND MADHIPURA SUB-DIVISIONS IN THE BHAGALPUR DISTRICT TO PURNEA DISTRICT FOR INCOME-TAX PURPOSES.

110. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the reasons why the Supaul and Madhipura Sub-Divisions in the Bhagalpur District have been transferred to Purnea District for Income-tax purposes ?

(b) Are Government aware of the considerable inconveniences caused to the assessees especially of Supaul Sub-Division by this transfer in having to go all the way to Purnea for the hearing of their cases ?

(c) Have any instructions been issued to the Income-tax Officers of Purnea to fix the cases of the assessees of these two sub-divisions at the headquarters of these sub-divisions without requiring their attendance at Purnea ? If not, why not ?

The Honourable Sir George Schuster : (a) Supaul and Madhipura sub-divisions of the Bhagalpur District have been transferred to Purnea in consequence of the re-distribution of Income-tax Circles in the Province as a measure of economy. The areas adjoin and some parts of Madhipura sub-division are more easily accessible from Purnea than from Bhagalpur.

(b) and (c). General instructions have been issued to all income-tax officers to fix cases and examine accounts as far as possible at centres near the place of business of these assessees and in consequence they will not have to go to Purnea.

PAYMENT OF REFUNDS TO INCOME-TAX ASSESSEES.

111. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state whether they are aware that it has become a practice amongst the Income-tax authorities not to pay refunds unless applications after applications and hard "*Pairbis*" are made by the assessees involving considerable inconveniences and unnecessary expenses to them ?

(b) Do Government intend issuing instructions to the Income-tax authorities to send all refunds whether arising from appeals or under sections 18 and 27 to the assessees by money order or by cheques to the assessees without waiting for applications from them and to prepare a monthly statement of all refunds due and paid ?

(c) Do Government propose to give refunds of income-tax promptly keeping in view that the accounts should remain clear and adjusted ?

The Honourable Sir George Schuster : (a) No.

(b) Instructions have already been issued by the Commissioner of Income-tax to the Income-tax Officers regarding the payment of refunds without application. Monthly statements of refunds due and paid are always prepared and duly verified.

(c) Yes.

DEATH OF PRISONERS FROM HUNGER-STRIKE IN THE ANDAMANS.

112. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the total number of prisoners at present confined in the Andamans ?

(b) How many of these are political prisoners ?

(c) What is the total number of deaths till to-day from the recent hunger-strike there ?

The Honourable Sir Harry Haig : (a) The total number of prisoners at present confined in the Andamans is 6,537.

(b) There are 112 terrorist prisoners.

(c) I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh's starred question No. 31 on the 23rd August.

OPINIONS ABOUT THE UNIFICATION OF STANDARDS OF THE MEDICAL LICENTIATES.

113. ***Mr. S. C. Mitra** : (a) Is it a fact that the Government of India have asked for the opinion of the Provincial Governments regarding the question of unification of standards of the medical licentiates ?

(b) Have they issued any instructions as to the medical and public bodies whose opinions are to be forwarded to the Government of India ?

(c) Are Government aware that in the Presidency of Bengal the only body that is asked to give opinion is the State Medical Faculty ?

(d) Are Government aware that the State Medical Faculty is a purely nominated body with the Surgeon-General as President and it is a purely examining board not entrusted with the control or fixing the standard of medical qualifications ?

(e) Are Government prepared to enquire why the Bengal Government did not consult the (a) Council of Medical Registration, (b) Indian Medical Association, or other similar public bodies ?

(f) Will Government be pleased to state whether the other Local Governments also followed the same procedure as in Bengal by consulting the State Medical Faculties or similar examination boards in those provinces ?

(g) What steps are the Government of India taking to secure the opinion of the non-official medical associations or other public bodies ?

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

(b) No.

(*c*) and (*d*). Yes.

(*e*), (*f*) and (*g*). The Government of India asked for the views of Local Governments and left it to them to decide whether they should formulate their views, in consultation with medical associations and other public bodies or independently. Some Local Governments appear to have resorted to consultation with other bodies. The Bengal Government consulted only the State Medical Faculty, which had recently been discussing the question of raising the standards for licentiates.

Mr. Lalchand Navalrai : Has the Honourable Member received the replies from Provincial Governments ?

Mr. G. S. Bajpai : Yes, Sir ; replies have all been received from the Local Governments and circulated to members of the Select Committee on the Bill.

BAN ON GOVERNMENT SERVANTS FROM JOINING THE INDIAN MEDICAL ASSOCIATION AS MEMBERS.

114. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the Government of India issued a circular drawing the attention of the medical men in Government services to the following clause of the Rules of the Indian Medical Association :

> *Rule No. 2* (*i*).—" Support the candidature of a member or members of the Association for any medical or legislative bodies or any public body in which questions affecting public health, the medical profession, medical education and medical relief are considered." ?

(*b*) Are the Government of India aware that the Indian Medical Association has since taken steps to do away with the said clause ? If so, are Government now prepared to withdraw the ban on Government servants for joining the Indian Medical Association as members ? If not, why not ?

Mr. G. S. Bajpai : (*a*) The Government of India have issued no such circular. They informed the Indian Medical Association in March, 1933, that as one of the objects of the Association, as defined in rule 2 (*i*) of its rules, was to support the candidature of members of the Association for legislative bodies, a Government servant could not become a member of the Association without bringing himself within the mischief of sub-rule (2) of rule 23 of the Government Servants' Conduct Rules. A copy of this letter was sent to Local Governments.

(*b*) Yes. The Association had already been informed that, if rule 2 (*i*) of its rules were deleted, the provisions of sub-rule (2) of rule 23 of the Government Servants' Conduct Rules would not act as a bar to Government servants joining the Association.

GRIEVANCES OF THE STATE PRISONERS CONFINED IN THE DAMOH SUB-JAIL.

115. ***Mr. S. C. Mitra :** (*a*) Will Government be pleased to state if Messrs. (1) Bhupati Mazumdar, (2) Suresh Chandra Das, (3) Purna Chandra Das, and (4) Jyotish Chandra Ghosh, all State prisoners under Regulation III of 1818, are at present confined in the Damoh Sub-Jail in the Central Provinces ?

(*b*) Is it a fact that they are confined in a small ward of the above-mentioned sub-jail for the last one year and a half and not allowed to have any exercise outside the yard ?

(*c*) Is it a fact that Messrs. Purna Chandra Das and Bhupati Mazumdar have long been suffering from eye troubles and their repeated requests to the Superintendent of the Jail for having their eyes examined by a specialist have not been acceded to ?

(*d*) Do Government propose to take immediate necessary steps in the matter ?

(*e*) Is it a fact that these State Prisoners applied to the Central Provinces Government for an increase in their diet allowance and both the official and non-official visitors of the Damoh Sub-Jail including Mr. Ekramulla, Assistant Deputy Commissioner, recommended the increase several times ?

(*f*) Is it not a fact that some of their staple food is brought from Calcutta and other distant places, paying freight charges, and in this a considerable portion of their present diet allowance, *viz.*, Rs. 1-8-0 each per diem is spent ?

(*g*) Do Government propose to sanction an increase in the diet allowance of these State Prisoners as recommended by the local jail visitors ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) The State Prisoners are allowed to move about freely in the yard.

(*c*) and (*d*). The eyes of the State Prisoners are being tested as they complain of occasional headache from eye-strain, which is due to excessive reading. There is nothing seriously wrong with them. Their eye-sight was tested last year but no special action was considered necessary.

(*e*) No representation has been received from the State Prisoners since the dietary allowance was last fixed, beyond a verbal request to the Sub-Divisional Magistrate, Damoh.

(*f*) I would refer the Honourable Member to the reply given by me to his question No. 826 on the 26th September last.

(*g*) It is not considered that there is any necessity to raise the rate of diet allowance.

Mr. K. C. Neogy : Is it a fact that prisoner No. 4, Jyotis Chandra Ghosh, has been suffering from paralysis and has been confined to bed for some time ?

The Honourable Sir Harry Haig : I am afraid I have no information with me at the moment on that point.

Mr. K. C. Neogy : Is it not a fact that Regulation III of 1818 requires periodical reports, bearing particularly on the health of the State Prisoners, to be supplied to the Government of India ?

The Honourable Sir Harry Haig : That is perfectly true, and these reports are supplied.

Mr. K. C. Neogy : Is there any responsible officer in the Home Department who makes it his duty to look into these reports regularly as soon as they come ?

The Honourable Sir Harry Haig : Yes, Sir.

Mr. K. C. Neogy : Does the Honourable Member himself have any opportunity or occasion to look into them ?

The Honourable Sir Harry Haig : They are frequently put up to me whenever any special matter requires my attention.

Mr. K. C. Neogy : When was any such report placed before the Honourable Member for the last time ?

The Honourable Sir Harry Haig : I think, Sir, I have probably examined certain reports in connection with the answer to this very question.

Mr. K. C. Neogy : So is it only when questions are asked in this House that these reports ever come to the knowledge of the Honourable Member ?

The Honourable Sir Harry Haig : No, Sir ; I do not think it would be fair to make that assumption.

Mr. K. C. Neogy : Will the Honourable Member inquire into the statement that I have made with reference to the condition of health of this particular prisoner ?

The Honourable Sir Harry Haig : Yes, Sir, I shall be pleased to do so.

Mr. S. C. Mitra : Are Government prepared to consider the question of transferring these prisoners from one jail to another when they are confined for a long time in a small yard in a particular jail ?

The Honourable Sir Harry Haig : I do not think there is any case at present for the transfer of these prisoners.

Mr. S. C. Mitra : I shall make my question clearer. When a person is confined in one jail in a small yard for months or years together, will Government consider the question of transferring him to other places for a change of climate or place ? I speak from personal experience ; it is a great strain to be confined in the same place for years in a small yard.

The Honourable Sir Harry Haig : All I can say is that I do not think, from the medical reports received, that there is sufficient reason for considering the transfer of these prisoners from Damoh.

Mr. S. C. Mitra : Arising from the reply to part (*f*), about their diet allowance of Rs. 1-8-0 a day, has the Honourable Member considered the particular point raised that the major portion of the daily allowance is spent on freight charges ?

The Honourable Sir Harry Haig : The diet allowance is fixed in consideration of the local prices, which would no doubt include the cost of freight.

Mr. S. C. Mitra : The Honourable Member has, I think, missed my point : it is not of the local price of these things that I asked, but of food-stuffs that must be obtained from distant places like Calcutta.

The Honourable Sir Harry Haig : By local prices I mean the prices at which the articles are available in the locality.

Mr. S. C. Mitra : And if they are not available in the locality but have to be brought down from distant places, will Government then consider the question of freight ?

The Honourable Sir Harry Haig : My point is that it is taken into account.

Mr. M. Maswood Ahmad : Is it a fact that the reason for the headache has been stated by the Honourable Member to be due to much reading ?

The Honourable Sir Harry Haig : Yes.

Mr. M. Maswood Ahmad : Are Government aware of what the other reasons are for this headache ?

The Honourable Sir Harry Haig : I think that is a medical question and should be addressed to some other Honourable Member.

CENSORSHIP OF THE CORRESPONDENCE OF POLITICAL PRISONERS.

116. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the correspondence of the political prisoners is censored ?

(*b*) If so, who is responsible for censoring the letters of the Bengali State Prisoners ?

(*c*) Is it a fact that the censoring authorities withhold the letters written by the State Prisoners to their relatives without assigning any reason ?

(*d*) If so, do Government propose to inform these State Prisoners as to the objectionable matters in those letters ?

(*e*) Is the censor of letters guided by any rule or principle approved of by the Government of India ?

(*f*) If so, will the Honourable the Home Member be pleased to place a copy of those rules on the table ?

(*g*) Is it a fact that the censor takes a long time, sometimes months, to inform the prisoners concerned about withholding of the letters ?

(*h*) Are Government prepared to issue necessary instructions to make better arrangement in the matter of censoring ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I would invite the attention of the Honourable Member to the reply given by me on the 27th February, 1933, to parts (*a*), (*b*) and (*c*) of his question No. 526.

(*c*) Yes.

(*d*) This is not considered necessary.

(*e*) No rules have been framed by the Government of India as none are considered necessary.

(*f*) Does not arise.

(*g*) and (*h*). I would refer the Honourable Member to the answer given by me on the 27th February last to parts (*d*) and (*e*) of his question No. 526.

Mr. S. C. Mitra : Arising out of the answer to part (*d*), if the political prisoners are not informed why objection is taken to particular

passages, how can they rectify in future when writing their letters and guard themselves against being censored ?

The Honourable Sir Harry Haig : I think they will be able to form their own opinions.

Mr. S. C. Mitra : In a big letter if a particular portion is considered objectionable and, on that account, the whole letter is withheld and the State Prisoner is not informed of the reason, how can he infer what portion is considered objectionable by the Government ?

The Honourable Sir Harry Haig : I do not think he would have much difficulty in forming his opinion.

NON-SUPPLY OF CERTAIN BOOKS TO STATE PRISONERS CONFINED IN THE DAMOH SUB-JAIL.

117. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the jail authorities in the Damoh Sub-Jail did not allow such books as " Pak Pronali " (art of cooking in Bengali) and the Prime Minister Mr. Ramsay MacDonald's book named " Socialism " to the State Prisoners confined there ?

(*b*) Is there any special staff meant for censoring of the books supplied to the political prisoners ?

(*c*) If so, what are their qualifications ? Why was the book, " Pak Pronali " forbidden ?

(*d*) Is it a fact that a well-known Bengali drama named " Nildarpan " was sanctioned for Mr. Jyotish Ghosh whereas disallowed in the case of Mr. Suresh Das, both of whom are State Prisoners in the same jail ?

(*e*) If so, will the Honourable the Home Member be pleased to state the reasons for this discriminating treatment ?

The Honourable Sir Harry Haig : (*a*) " Pak Pronali " was allowed but none of the books on " Socialism ", including Mr. Ramsay MacDonald's book were allowed. I am making further enquiries about this.

(*b*) Yes.

(*c*) The staff works under the control of a Superintendent of Police. The second part of the question does not arise in view of the reply to (*a*).

(*d*) Yes.

(*e*) The disallowance in the case of State Prisoner Suresh Das was due to an oversight which was subsequently set right.

Mr. K. C. Neogy : Is it not a fact that a book on cookery can be as dangerous as a book on communism ?

The Honourable Sir Harry Haig : You mean to the physical condition of the prisoner ?

Mr. K. C. Neogy : Yes.

SEARCH BY POLICE OF THE ROOM AND BELONGINGS OF STATE PRISONERS CONFINED IN THE DAMOH SUB-JAIL.

118. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the Deputy Superintendent of Police of Saugor (a district in the Central Provinces) went to the Damoh jail by the middle of last March to search the room and belongings of the State Prisoners confined there ?

(*b*) Is it true that the State Prisoners objected to the police search and wanted to see the search warrant but the above-mentioned police officer did not pay heed to their objection and no authority for the search was shown to them ?

(*c*) Is it a fact that the Police Officer searched the belongings of the State Prisoners for six hours from 12 A.M. to 6 P.M. and seized some note-books ?

(*d*) Will the Honourable the Home Member be pleased to state under what section of the Criminal Procedure Code and under what special circumstances the search was authorised and by whom ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*), (*c*) and (*d*). The search in question was made as information was received that one of the State Prisoners had prepared a scheme of communistic activities. During the course of the search a notebook was seized which contained a scheme for the organisation of Communist societies. A search warrant under Chapter VII of the Criminal Procedure Code is not necessary for the search of a prisoner or his cell in jail which is permissible under the Jail Rules.

FORCED FEEDING OF MAHABIR SINGH, A LATE POLITICAL PRISONER IN THE CELLULAR JAIL, ANDAMANS.

119. ***Mr. S. C. Mitra :** (*a*) What were the weights of Mahabir Singh, one of the deceased political prisoners in the Cellular Jail, Andamans :

(*i*) While in Indian Jail before a month of his transfer to the Andamans,

(*ii*) At the time of transfer to the Andamans,

(*iii*) Just after arrival in the Andamans,

(*iv*) On the day he began hunger-strike,

(*v*) On the 17th May when forced feeding was taken recourse to ?

(*b*) What was the special condition in his case after five days' hunger-strike which compelled the medical authorities to advise forced feeding ?

(*c*) Is it not a fact that for ordinary adult persons abstention from food for 10 or 12 days does not lead to the risk of life ?

(*d*) Did the Jail authorities in the Andamans consider Mahabir Singh to have been the ring-leader of the hunger-striking prisoners and consequently wanted to teach him a lesson ?

(*e*) Is there any truth in the rumour that the jailor with heavy boots sat upon the chest of Mahabir Singh so that his mouth may be opened when Mahabir resisted ?

(*f*) Is it not a fact that Mahabir vomitted blood just after the operation of such forced feeding ?

(*g*) Why of all prisoners was Mahabir Singh selected first for forced feeding ?

(*h*) How many persons pressed his chest to make his mouth open ? Were any blows given on his face ?

The Honourable Sir Harry Haig : (*a*) Mahabir Singh's weight was 127 lbs. on admission to the Cellular Jail, Port Blair, and 128 on April 24, 1933, that is 18 days before the hunger-strike began. No further information in regard to his weight is available.

(*b*) The prisoner had lost condition rapidly and in the opinion of the Senior Medical Officer it was necessary to begin to feed him, along with other prisoners, artificially on May 17.

(*c*) I am not aware of any general rule on the subject.

(*d*) Certainly not. The sole object of the authorities was to take the action which on medical grounds they thought most likely to avoid risk to life.

(*e*) There is no truth at all in the rumour.

(*f*) No.

(*g*) A number of prisoners on hunger-strike on May 17 were fed artificially. Mahabir Singh was not singled out for this treatment.

(*h*) No person pressed his chest and he was not struck on the face.

Mr. S. C. Mitra : Who is the special medical officer who suggested forcible feeding on the fifth day of the hunger-strike ?

The Honourable Sir Harry Haig : This was under the directions of the senior medical officer.

Mr. S. C. Mitra : I wanted to know what his qualification was ?

The Honourable Sir Harry Haig : He is an officer of the Indian Medical Service.

Mr. S. C. Mitra : Can the Honourable Member tell us from his wide experience throughout India whether, on the fifth or sixth day of a hunger-strike, forcible feeding was resorted to, say in the case of Mahatma Gandhi or any other person, ordinary or extraordinary ?

The Honourable Sir Harry Haig : I cannot say : I have not a record of the period that usually elapses before artificial feeding is resorted to ; but I have consulted medical opinion on what was done and, I am assured, that the circumstances may very well have justified the action.

Rao Bahadur B. L. Patil : Will the Honourable Member state what is the method of forcible feeding ?

The Honourable Sir Harry Haig : There is a later question on that subject.

DEATHS FROM PNEUMONIA IN JAILS IN THE ANDAMANS.

120. ***Mr. S. C. Mitra** : (*a*) How many deaths have occurred from pneumonia in the Andaman Jails during the last one year before the deaths of these hunger-striking prisoners ?

(*b*) If any, who are they and on what dates ?

(*c*) If not, why had these hunger-strikers a peculiar tendency to such attacks ?

(*d*) Is there anything peculiar in the atmosphere of the Andamans which easily gives rise to such a disease ?

(*e*) What process was adopted at the time of feeding these prisoners forcibly ?

(*f*) How many persons were requisitioned to set the feeding tube into the mouth or nostrils of each hunger-striker, when the latter resisted ?

(*g*) Is it a fact that it was considered necessary for some men to sit on the chest of each hunger-striker to frighten him and make his mouth open when he resisted ?

(*h*) If so, are those operations responsible for the present weakened state of the health of the hunger-strikers ?

(*i*) Do Government propose to see that recourse is not had to feeding by force in future and allowing the hunger-striking prisoners to die a peaceful death, if they so choose ?

The Honourable Sir Harry Haig : (*a*) Twenty three convicts in the Andamans died from pneumonia in 1932.

(*b*) The details are not available.

(*c*) Does not arise.

(*d*) Actually the incidence of pneumonia among prisoners in the Andaman jails is less than in the Indian jails taken as a whole and also less than in Bengal. The average incidence per thousand prisoners in the years 1922—1931 was 7.2 in the Andamans, 11.7 in the Indian jails as a whole, and 10.2 in Bengal.

(*e*) The prisoners were laid on a low bed with heads slightly raised on a pillow, attendants held the head and limbs steady, while the doctor inserted the tube.

(*f*) Few prisoners offered serious resistance and the tubes were ordinarily inserted without difficulty. In cases of resistance three or five men, according to the degree of resistance, were employed to keep the arms, legs and head steady while the doctor administered the food.

(*g*) No.

(*h*) Does not arise.

(*i*) It is not proposed to change the existing principle, in accordance with which it is considered to be the duty of the jail officials to do all they can to preserve the lives of prisoners.

STATEMENTS LAID ON THE TABLE.

12 NOON. **The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table :

(*i*) a statement, furnished by the High Commissioner for India, showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India, during the half year ending the 30th June, 1933 ;

(*ii*) the information promised in reply to starred question No. 576, asked by Mr. B. N. Misra on the 21st September, 1932 ; and

(*iii*) the information promised in reply to a supplementary question to starred question No. 454 asked by Mr. M. Maswood Ahmad on the 23rd February, 1933.

HIGH COMMISSIONER

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central Govern goods demanded, were accepted on the grounds of superior quality, inspection, quicker

HALF-YEAR ENDING

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
PART A.—*Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders.*					
Nil.					
PART B.—*Cases in which the discrimination is between British firms only.*					
			£ s. d.		
Cotton tape, 670 rolls of 72 yards each.	N. 1911/4179/21-1-33 ..	J. Bonas & Son ..	58 19 2 (British).	55 16 3 (British).	The order was placed at the higher price as immediate delivery was offered from stock. The demand was by telegram and requested early shipment. Two lower tenders were passed over, each of which quoted a relatively long delivery.
Wire steel, extra flexible 5 cwt. minimum breaking stress. 3,000 ft.	N. 1940/4134/27-1-33 ..	British Ropes, Ltd. ..	8 10 6 (British).	8 5 0 (British).	The accepted tender was the better offer having regard to the cost of inspection.
Transformers ..	N. 2118/4047/13-2-33 ..	Foster Engineering Co., Ltd.	40 15 0 (British).	40 0 0 (British).	The accepted tender was the more advantageous having regard to the cost of inspection.
PART C.—*Cases in which the discrimination is between Foreign firms only.*					
Tyres, steel for carriage & wagon wheels. No. 2,000.	P. 401/351/24-5-33 ..	H. J. Skelton & Co., Ltd., for 1,100 tyres.	1,870 0 0 (Hungarian).	..	1,250 of the tyres were urgently required and as the time for delivery offered by the lowest tenderer was long the order was divided between that firm and the next lowest tenderer who offered considerably quicker delivery.
	P. 402/351/24-5-33 ..	Vereinigte Stahlwerke A. G. Bochumer Verein. for 900 tyres.	1,575 0 0 (German).		
		Total ..	3,445 0 0	3,400 0 0 (Hungarian).	
PART D.—*Cases in which lower British tenders have been set aside in favour of foreign tenders.*					
Nil.					

FOR INDIA.

DEPARTMENT.

ment, other than the lowest complying with the technical description of the superior trustworthiness of the firm tendering, greater facility of delivery, etc.

30TH JUNE, 1933.

CONTRIBUTION BY THE GOVERNMENT OF INDIA TO CERTAIN PROVINCIAL GOVERNMENTS FOR CONSTRUCTION OF GOVERNMENT BUILDINGS.

*576. (*a*) 1,12,02,074.

(*b*) *Nil.*

RATIFICATION OF THE AIR CONVENTION OF 1914.

*454. There is no Air Convention of 1914.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table the information promised in reply to starred question No. 1181 asked by Mr. S. C. Mitra on the 10th April, 1933.

ADVISORY AND STANDING COMMITTEES OF THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

*1181. *Statement.*

Department concerned.	Name of Committee.	Strength of Committee.	Number of meetings held during 1932-33.
Department of Education, Health and Lands.	General Standing Advisory Committee.	6 members	*Nil.*
	Standing Committee on Pilgrimage to the Hejaz.	9 members	2
	Standing Emigration Committee	14 members	2
Army Department	Indian Territorial Force Central Advisory Committee.	8 members	*Nil.*
Railway Department.	Standing Finance Committee for Railways.	12 members	7
	Central Advisory Council for Railways.	*25 members	1
Department of Commerce.	Standing Advisory Committee ..	5 members	*Nil.*
	Advisory Pilot Committee, Bengal	7 members	2
	Central Advisory Committee for Lighthouses and Lightships.	9 members	1
	Indian Accountancy Board ..	17 members	1
Department of Industries and Labour.	Standing Advisory Committee ..	6 members	
	Standing Committee on Roads ..	12 members	
Finance Department.	Standing Finance Committee ..	15 members	7
Home Department	Advisory Publicity Committee ..	15 members	*Nil.*

* Twelve members of the Standing Finance Committee for Railways are *ex-officio* members of the Central Advisory Council for Railways.

Major W. K. Fraser-Tytler (Foreign Secretary) : Sir, I lay on the table the information promised in reply to unstarred question No. 148 asked by Mr. M. Maswood Ahmad on the 30th March, 1933.

SECRETARY TO THE BOARD OF HIGH SCHOOL AND INTERMEDIATE EDUCATION, RAJPUTANA AND CENTRAL INDIA.

148. (*a*) Yes. Following the practice of the United Provinces, the system was adopted for the Board when it was instituted in 1929.

(*b*) Yes. The proposal was not moved because the Chairman had already ordered that in future certificates should be signed by the Secretary.

(*c*) Yes. He is 58½ years old and retired in October, 1929.

(*d*), (*e*) and (*f*). Yes.

(*g*) Government regret they are not at present in a position to make any definite statement.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 1086 asked by Pandit Satyendra Nath Sen on the 1st April, 1933.

TRADE CARRIED ON IN NEW DELHI.

*1086. (*a*) and (*b*). As already stated in my previous reply, no such notification as is referred to in part (*a*) of the question has been issued by the Government of India. The Government of India have, however, sanctioned the imposition of a terminal tax and a tax on cows and buffaloes in New Delhi. The former has been imposed to enable the rate payers of New Delhi to participate in the proceeds of the longstanding terminal tax imposed by the Delhi Municipal Committee, of which the New Delhi Municipal Committee had previously received no share. The area under the jurisdiction of the two Municipal Committees will be regarded as one for the purpose of this tax. The object of the cows and buffaloes tax is not to remove cattle from the New Delhi area but to prevent overcrowding and improve sanitation. The installation of meters in clerks' quarters is directed to the control of wastage of water.

(*c*) (1) The answer has been given above.

(*c*) (2) The trade carried on in the Gole Market and the Connaught Place areas in New Delhi is of a general character, and no statistics as to the annual value of any special trade in these areas are available.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 635 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933 ;

(*ii*) the information promised in reply to starred questions Nos. 646 and 647 asked by Mr. B. N. Misra on the 6th March, 1933 ;

(*iii*) the information promised in reply to parts (*a*) to (*c*) of starred question No. 846 asked by Pandit Satyendra Nath Sen on the 21st March, 1933 ; and

(*iv*) the information promised in reply to starred question No. 999 asked by Mr. N. M. Joshi on the 28th March, 1933.

RE-APPOINTMENT OF RETRENCHED STAFF OF RAILWAYS IN THE INVERSE ORDER OF THEIR DISCHARGE.

*635. (*a*) Yes, subject to such adjustments as may be necessary to maintain the proportions of the various communities approximately at the levels at which they stood prior to retrenchment.

(*b*) and (*c*). Yes.

(*d*) Yes. It is understood that from length of service as a clerk Kanshi Ram is senior to Abdul Khaliq, but was incorrectly discharged first.

DEMOTION OF CERTAIN INSPECTORS OF CREWS ON THE EAST INDIAN RAILWAY.

*646. (*a*) Yes.

(*b*) (*i*) As a result of the abolition of the Crew System their posts were also abolished. But instead of being discharged from service, they were, as an alternative, offered posts in the new scheme on reduced pay and allowances.

(*ii*) The whole system was temporary and consequently none of them were confirmed.

(*c*) No.

(*d*) Yes.

(*e*) The answer to first part of the question is in the affirmative. As regards the latter part of the question, under the State Railway Provident Fund Rules only permanent staff can subscribe to the Fund.

(*f*) The answer to first part of the question is in the negative, the second part therefore, does not arise.

(*g*) The ticket checking staff have been permitted to retain the old scales of pay of the posts which they held substantively. The Inspectors of Crews referred to were only temporarily employed in the Crew System and on the abolition of that system were absorbed in the Moody-Ward Scheme on lower scales of pay and allowances to avoid discharge.

CONSOLIDATED ALLOWANCE OF INSPECTORS OF CREWS ON THE EAST INDIAN RAILWAY.

*647. The rates of consolidated allowance quoted are not quite correct. The correct rates are as follows :—

Staff drawing pay.	Consolidated allowance.
	Rs.
Less than Rs. 100	35
Rs. 100 to Rs. 199	50
Rs. 200 and over	65

(*b*) The Honourable Member's attention is invited to my reply to part (*g*) of his starred question No. 646.

RECRUITMENT OF QUALIFIED CLERKS AS ACCOUNTANTS IN THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

*846. (*a*) The number of vacancies from August is nine. I am informed that these (as well as five permanent vacancies which occurred previously) were filled by the promotion of clerks eligible for promotion under the rules.

(*b*) I understand this is not the case.

(*c*) The question does not arise.

PROMOTION OF INDIAN ASSISTANT STATION MASTERS AS GUARDS IN THE MORADABAD AND LUCKNOW DIVISIONS, EAST INDIAN RAILWAY.

*999. Government are informed that the normal channel of promotion for Assistant Station Masters (Lower grade) is to Station Masters (Lower grade) and not to Guards and the question of such promotion does not, therefore, arise.

One Assistant Station Master has, however, been transferred to the Guard's List at his own request on the Lucknow Division since the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Non-Official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know, Sir, from the Honourable the Commerce Member how many meetings of the Standing Committee were held last year ?

The Honourable Sir Joseph Bhore : I regret I cannot give the Honourable Member the information straightaway, because I only returned from leave last October, but I know that I have just now circulated a notice inviting Members to meet early next month.

Mr. M. Maswood Ahmad : Thank you, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Non-Official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

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

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

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

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know, Sir, how many meetings of this Standing Committee were held last year ?

The Honourable Sir Frank Noyce : I shall be very glad to tell the Honourable Member. There were two meetings last year, there has been one this year, and I am arranging for another in the course of this Session. It is the endeavour of my Department to have a meeting of the Committee every Session.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

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

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : I may inform Honourable Members that for the purpose of election of Members to the Standing Committees for the Departments of Commerce and Industries and Labour, the Assembly Office will be open to receive nominations upto 12 NOON on Friday, the 1st September, and the elections, if necessary, for both the Committees, will be held on Monday, the 4th September, 1933. It is proposed to adopt the same procedure for holding the elections for these Committees as was followed in the case of some Committees during the last Delhi Session and Honourable Members will be informed of that procedure by a circular to-day. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN STATES (PROTECTION) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move for leave to introduce a Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations.

The motion was adopted.

The Honourable Sir Harry Haig : Sir, I introduce the Bill.

THE COTTON TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That leave be granted to introduce a Bill further to amend the Cotton Textile Industry (Protection) Act, 1930."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, if I go out of my way and become unconstitutional for once in opposing a Bill at the introduction stage, it is because the Honourable the Leader of the House has gone behind the pledge which he gave last Session on the floor of the House that he would publish the Report of the Tariff Board and then bring out a Bill whether any further protection could be given to the textile industry. This House gave ample power under the anti-dumping Act to the Government to counteract the Japanese menace, and

now my friend wants that the millowners should receive further protection for another period of six months. If the Honourable Member would read the speech which his predecessor, Sir George Rainy, made in 1930, he would find that in this House at no time it was defined that the textile industry would receive perpetual protection.....

The Honourable Sir Joseph Bhore : May I know if the Honourable Member is opposing the introduction of the Bill ?

Mr. B. Das : Yes, Sir. I am opposing it, because the Government have gone behind their pledges and promises.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member must remember that the statement he chooses to make on this occasion should be a very brief one and not an elaborate speech.

Mr. B. Das : Thank you, Sir. On this side of the House we are doubtful whether the cotton textile industry needs any protection at all from the Legislature or from the Government, and the Government for that purpose made the Tariff Board produce a Report which they have not so far published. I do not know why my friend is sitting tight over it. The question of Japanese menace has no bearing on the issue whether the cotton textile industry should receive protection for a further period from this Legislature. My friend has got ample powers to protect the mill industry by the Anti-Dumping Act from the Japanese menace. He has to enter into negotiations with the Japanese representatives or with the Lancashire representatives who are coming to India after September, but he should not go behind his promise and postpone publication of the Tariff Board's Report which ought to have been made public property for these last six months. My friend, in introducing the Bill, gave no reason whatsoever for this rather out-of-the-way procedure he chooses to follow by coming to this House for a second time and asking it to extend the period of protection for another six months. So, Sir, I do hope that, by my opposition, the Honourable Member will withdraw the Bill and publish the Tariff Board Report and introduce a proper Tariff Bill before the House.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I do not oppose the Bill at this stage ; but.....

The Honourable Sir Joseph Bhore : Sir, knowing my friend, Mr. B. Das, as I do, I am not surprised at the opposition which he has raised at this stage, though it is certainly not in accordance with the accepted practice of this House. I was going, when I made another motion in respect of this Bill, to give the House a full statement of the reasons why it was necessary for me to come before it and ask for an extension of the existing measure. I still propose to leave to that occasion a full explanation of the reasons which have actuated the Government in taking this step. For the present I need only say that I am sure this House and everybody outside it will recognise that it was quite impossible for the Government to come forward with specific proposals in regard to the protection of the cotton industry when we were within sight of negotiations with Japan. I can only say that any specific proposals which might now have been put forward before this House might possibly have had a disturbing effect upon negotiations which, as I have said, we are upon the threshold of. I am sure that my Honourable friend will receive no support for his opposition.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill further to amend the Cotton Textile Industry (Protection) Act, 1930."

The motion was adopted.

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

AMENDMENT OF STANDING ORDERS.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I beg to move for leave to amend Standing Order No. 17 which runs as follows :

"Questions, which have not been disallowed, shall be entered in the list of questions for the day, and shall be called, if the time, made available for questions, permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

By my amendment I desire to add this proviso :

"Provided that not more than four questions standing in the name of a member shall be called for answer on the same day."

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

'That to Standing Order 17 the following proviso be added, namely :

'Provided that not more than four questions standing in the name of a member shall be called for answer on the same day'."

I have to ask whether Mr. Mitra has the leave of the House to make this motion for the amendment of the Standing Order.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : No, I oppose it.

Mr. President (The Honourable Sir Shanmukham Chetty) : Objection having been taken, I request those Honourable Members, who are in favour of leave being granted, to rise in their places.

As more than 25 Honourable Members have stood in their places, the Honourable Member, Mr. S. C. Mitra, has the leave of the House to make this motion.

Mr. S. C. Mitra : I move that the proposed amendment be referred to a Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the proposed amendment be referred to a Select Committee."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to announce that nominations for the Select Committee on the amendment of Standing Orders will be received up to 12 NOON on Friday, the 1st September, and the election, if necessary, will be held on Tuesday, the 5th September, 1933. It is proposed to adopt the same procedure

for conducting the election for this Committee as was followed in the case of some Committees during the last Delhi Session, and Honourable Members will be informed of that procedure by a circular today. Under Standing Order 56 (2), the Committee will be composed of the President, the Deputy President and seven Members elected by the Assembly by the single transferable vote.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bill to amend the Workmen's Compensation Act, 1923, as reported by the Select Committee. The question is that clause 1 stand part of the Bill.

Mr. A. G. Clow (Government of India : Nominated Official) : Sir, I move :

"That in sub-clause (*2*) of clause 1 of the Bill, for the word and figures 'July, 1933' the word and figures 'January, 1934' be substituted."

I regret that it should be necessary to propose this postponement for six months, but unfortunately the anticipations of the Select Committee have not been fulfilled. Honourable Member will realise that when they suggested the 1st July, 1933, a date which is already past, they hoped that the Bill would be passed in the Delhi Session. Unfortunately, for reasons well-known to the House, that proved to be impossible.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*2*) of clause 1 of the Bill, for the word and figures 'July, 1933' the word and figures 'January, 1934' be substituted."

The motion was adopted.

Mr. A. G. Clow : Sir, I move :

"That in sub-clause (*2*) of clause 1 of the Bill, for the word and figures 'January, 1934' wherever they occur, the word and figures 'July, 1934' be substituted."

This is a corollary of the previous amendment. The sections to which this date refers are those which very greatly enlarge the Act—the number of workmen coming under the Act and the scales of compensation—and it is important that employers should have reasonable time to make the necessary preparations in these matters.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*2*) of clause 1 of the Bill, for the word and figures 'January, 1934' wherever they occur, the word and figures 'July, 1934' be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move that the Bill, as amended, be passed.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill, as amended, be passed."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Now that the heat and dust of the controversy is practically over and we have reached the final stage, I desire to express my appreciation of the serious and earnest efforts that Government are making to implement the recommendations of the Royal Commission on Labour. Though this Bill in several respects does not go so far as some of us would like it to go, the provisions of the Bill are undoubtedly an improvement on those that they amend. In this Bill fresh categories of a large number of workers have been included ; the list of dependants has been increased ; the waiting period has been reduced ; and the scale of compensation has been increased though it would have been more satisfactory if the recommendation of the Royal Commission with regard to maximum and minimum scale for permanent disablement and death had been given effect to. Then, again, the right of compensation has also been acceded in the case of fatal accidents though it may be due to wilfulness or negligence of the workers. I wish the same right had been conceded in the case of permanent disablement also. Still I consider that what has been achieved has been a considerable achievement. Particularly in this Assembly, where the capitalists have such a powerful influence, I think the voice of my Honourable friend, Mr. Joshi, would have been a mere cry in the wilderness if we were not backed by the active support of Sir Frank Noyce. Sir Frank Noyce claims that he has tried to hold the balance evenly. My impression has been, if he will permit me to say so, that in more cases the scales have been weighed in favour of labour than in the case of the capitalist, and I congratulate the Government on the passing of this useful measure.

The Honourable Sir Frank Noyce : I need say no more than that I deeply appreciate what has fallen from the Deputy President.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (Road Motor Services), as reported by the Select Committee, be taken into consideration."

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (Road Motor Services), as reported by the Select Committee, be taken into consideration."

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I beg leave to oppose the motion for consideration. In this connection I have an amendment. May, I move it ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair thought the Honourable Member wanted to speak on the original motion. If it is his intention to move his amendment, the Chair would first call upon Dr. DeSouza to move his amendment.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I rise to move :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report."

The Select Committee have returned the Bill in a greatly amended form, but all the same it seems to me to have overlooked certain very material points which have emerged in the course of the Mitchell-Kirkness report as well as in the course of the discussions at the recent Rail-Road Conference, which points, in my opinion, require further careful examination in the light of public opinion. The Bill is an attempt to find a solution for the competition between railways and road transport which is becoming more and more acute all over the world and is growing in intensity daily even in this country. From the Mitchell-Kirkness report, it appears that the loss sustained by the Railways during the year 1931-32 in consequence of competition with motor bus services amounted to as much as two crores of rupees, nearly 50 per cent. of their normal yearly earnings. The loss threatens to grow more and more every year and it concerns the finances of the Railways as well as those of the Central Government. Now, the solution proposed in this Bill to meet the alleged unfair competition of the motor buses is by stimulating counter competition on the part of the railways by empowering them to own and operate motor services on their own account.

The first criticism I would like to offer to this Bill is that it provides no machinery of any kind to see that this counter competition will be run on fair and equitable lines. When the railways complained that the competition by the motor buses was unfair, they appealed to the Commerce Member, and the Commerce Member has brought this Bill in order to set matters right ; but if the competition of the railways will be unfair, as I fear it will be, to whom are the bus services to appeal ? Has there been any referee provided by the Bill in order to see that the competition will be on fair and equitable lines ? None. That this objection of mine is not a mere academic one, but that it is a real live objection, will be seen from what has happened in England. Whenever the railways come on the road, they become super competitors. The Report of the Royal Commission on Transport in England in the year 1931 states as follows :

"Railways got on to the road in 1928. They entered into rate cutting wars with companies so as to force the public to return to the railway by first killing competition and then closing down the motor services."

These were the tactics adopted and successfully adopted in England by railways and those tactics were not to continue the running of motor buses on improved lines, but to close them down once the motor bus companies were driven out of the field, so as to compel the public to return to the railways. When great inconvenience was caused to the public by the closing of the motor service, Parliament had to intervene and to enact the English Road Traffic Act of 1931 by which Traffic Commissioners were appointed to see that the public were not deprived of the amenities to which they were accustomed.

[Dr. F. X. DeSouza.]

If that was the case in England where the motor services are so powerful and so highly organised, what will be the case in this country where motor buses are owned by single private owners or owner driven. Already, in anticipation of this Bill becoming law, several railways in this country have begun rate cutting wars with bus services. I shall refer to only one railway, the Darjeeling Himalayan Railway. In that railway, before the advent of the motor lorry, the charges for the transport of tea used to be thirteen annas six pies per maund. After the advent of the motor bus, the charges have been lowered to nine annas per maund. I understand that nine annas per maund hardly pays the operating charges of the motor lorries. The Government are asked to intervene, because it was said, the competition of motor buses with railways was uneconomic. Here, I venture to say, the boot is on the other leg. It is the railways which are responsible for the uneconomic competition, and not the motor buses. Similarly, by the same railway the passenger fares have been reduced as follows since the advent of the motor bus :

	Former rate. As. Ps.	New rate. As. Ps.	Bus fare. As. Ps.
From Siliguri to Nuxalbari (22 miles) ..	7 0	2 6	6 0
From Siliguri to Bagdogra (8 miles) ..	4 0	2 0	3 0
From Siliguri to Matigari (3 miles) ..	1 3	0 6	1 0

It may be urged that the Bill provides for sanction by the Governor General before any scheme empowering railways to run motor services on the roads is sanctioned and that the Governor General will make inquiries from the Local Governments who consult such further interests as may be involved before sanctioning such a scheme. But I venture to say that when the sanction of the Governor General is sought for this purpose, he will be guided by the advice of the Railway Member and the Railway Member naturally will be guided by the advice of the Railway Board. Is it at all likely that the interests of the motor bus service will be in a position to make themselves felt in this departmental inquiry that will be held ? I think not. It will be necessary that an opportunity should be given to motor bus services to make their case heard directly by means of especially organised authorities as have been organised in England for the purpose, *viz.*, the Traffic Commissioner about which I shall speak presently.

It is conceded by Mitchell-Kirkness report that if the railways are empowered to run the motor services on roads running parallel to lines, something in the nature of monopoly will have to be granted to them as otherwise they will find it impossible to work. If that is so, what will happen to a large number of private motor buses that are plying now on those roads ? They will be driven away. Who is there to suggest alternative routes for them ? Provision should be made for some kind of machinery by which motor buses will be provided for in such a case.

Mr. N. M. Joshi (Nominated : Non-Official) : What will the Legislature do ? The Legislature can see that the monopoly is not abused.

Dr. F. X. DeSouza : The monopoly will have to be granted and it will have to be regulated by a body of men like the Board of Communications about which I shall speak presently.

My objection to this Bill is : why is it rushed in this way ? As long ago as 1912, the Acworth Committee recommended that a Ministry of Transport should be established with a Board of Communications which will consider and co-ordinate all questions of transport, and yet, curiously enough, this Bill is being rushed in this House for reasons which seem to me to be inexplicable. The Bill was introduced before the Mitchell-Kirkness Committee had made its report. It was rushed through the Select Committee before the Committee's report was in the hands of the Select Committee and it is now proposed to be enacted into law long before there is any possibility of the safeguards contemplated by the Acworth Committee, namely, the appointment of a Ministry of Transport and of a Board of Communications, can be inaugurated.

My second criticism of this Bill is that it is an instance of piecemeal legislation in favour of one mode of transport without any reference to its reaction on other modes of transport. The dangers of piecemeal legislation of this kind are illustrated by the Madras Vehicles Taxation Act of 1931. Ostensibly, it was an Act for the abolition of tolls, but in reality it has succeeded in practically taxing the motor bus industry in Madras out of existence, in ruining the roads of the Madras Presidency and in disorganising the finances of the provincial as well as of the Central Government. The taxation imposed by this Act in lieu of the toll which is to be abolished is a provincial tax on motor buses ranging from Rs. 500 to Rs. 960 per bus per year. In addition to that, a further taxation of Rs. 400 is to be levied for district board licence fees. What was the result of this exorbitant taxation amounting to nearly Rs. 1,500 a year on the buses plying for hire ? The law of diminishing returns has asserted itself. The number of motor buses plying in the Presidency diminished from 4,171 in 1931-32 to 1,935 in 1932-33, a reduction of 2,236 buses in the Presidency in one year. What was the consequence ? The consequence was that the provincial revenues suffered a loss of 11.18 lakhs.

Mr. President (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member tell me how this is relevant to the motion before the House ?

Dr. F. X. DeSouza : I want to show disabilities from which the motor buses are already suffering in the Presidency of Madras and how adversely will the motor industry, which has already been crippled, be affected by an Act of this kind. That is what I want to show.

The Honourable Sir Joseph Bhore : May I explain the position ? So far, at any rate, as the two Company railways which traverse the Madras Presidency are concerned, namely, the South Indian Railway and the Madras Southern Mahratta Railway, this Bill will not apply to either of them.

Dr. F. X. DeSouza : I may say in answer to that that although this Bill will not apply to these Railways, yet what those Railways will require for the purpose of running motor buses will be merely to get an order from the Governor General in Council.

The Honourable Sir Joseph Bhore: No, Sir. That is entirely incorrect. They will need an Act of Parliament.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I rise on a point of information, Sir. Is it not contemplated that as soon as this Bill is passed, steps will be taken in England for necessary amendment of the corresponding British Statute ?

The Honourable Sir Joseph Bhore : I have no such course under contemplation and I can remove my Honourable friend's apprehensions at once.

Mr. K. C. Neogy : I dare say my Honourable friend has read the observation in the Mitchell-Kirkness Report on this point.

The Honourable Sir Joseph Bhore : I can only tell him what is in my mind and I give him the definite assurance on this point that so far as I am concerned, I have, certainly at present, no such procedure in contemplation.

Dr. F. X. DeSouza : I was going to illustrate the dangers of a piecemeal legislation of this kind on one form of motor transport without considering its reaction on other modes of motor regulations. I was illustrating this position from what has actually happened under the Madras Motor Vehicles Taxation Act, 1931. I was also trying to point out under what difficulties the motor buses already plying in the Madras Presidency suffer from and how this industry has already been crippled by taxation in order to insure the sympathy of this House so as not to expose it to further competition from railways by this Act.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can refer to the Madras case, but not go into detailed discussion on that point.

Dr. F. X. DeSouza : Without going into further details, I think I have made my position clear that this taxation has not only crippled the industry, but has ruined the roads on which motor buses are running. In view of your ruling, Sir, I do not propose to enter into details showing the extremely exasperating and harassing manner in which this Act has been worked in the Madras Presidency, causing annoyance and resentment in the minds of the users of motors as well as owners of the motor lorries.

My third criticism is this. It is true that this Bill takes no account whatever of the point of view of the travelling public. True, there have been complaints and proper complaints against the motor services and against their over-crowding and against their not observing the scheduled time and many other points, but the proper remedy for this is by appointing a Traffic Commissioner as has been done in England. To the travelling public at large in this country the motor bus at present presents a far better proposition than railways for short distances, because the motor bus picks the passenger up at his house and leaves him at his destination. If that is so, to give a monopoly to the railways and to deprive the public of the amenities given by the motor service seems to me to be unfair. It seems to me that the railways are for the public and not the public for the railways.

It is said that a large amount of capital is sunk in the railways amounting to over 800 crores and that the interest of the tax-payer, so far as this capital is concerned, will be safeguarded. But what about the capital sunk in the 45,000 private buses which are plying in the country, buses purchased at a cost of Rs. 4,000 or Rs. 5,000, amounting in all to 22½ crores. What about the value of buildings, garages, service stations, petrol stations and part and accessory shops ? Should no attention be paid to this capital ? What about the unemployment ? It is reckoned that nearly seven lakhs of people earn their living from this motor bus industry or other industries depending on it. If they are going to be thrown out of work, how are they to be provided for ?

It is said that competition by motor buses with railways is unfair. But, as I have already said, in the Central Provinces, the taxation amounts from 21 per cent. to 23 per cent. of the working expenses and, in Madras, it amounts to as much as 35 per cent. to 40 per cent. of the cost of operating. If that is so, how can competition be said to be unfair ? Taxation nearly killed the motor industry in Madras and to bring further competition by this Bill would be ruinous.

If I were disposed to attribute motives of Machiavellian strategy to my Honourable friend, the Commerce Member, I should have said that it was his intention to cripple the motor industry in the provinces by inspiring Local Governments to pass legislation of the kind already described and then to completely destroy them by a frontal attack by passing this Bill into law. But, as I said, nobody who knows the Honourable Member would ever attribute to him Machiavellian motives or strategy.

The Honourable Sir Joseph Bhore : Nobody will, who knows the present constitutional position.

Dr. F. X. DeSouza : I was going to add that the same cannot be said of the members of the Railway Board.

In conclusion all I wish to say is this. I agree that the present position cannot be allowed to stand. It is necessary to give up the policy of *laissez-faire* and take some action, but the present Bill is merely tinkering with the problem. What should be done is not to introduce one-sided legislation in favour of only the railways. You should take a proper and general view of all the means of transport, and as the Minister of Transport in the Federal Government that-is-to-be—a position which I have no doubt the Honourable the Commerce Member will adorn with great distinction—I ask him, Sir, to consider the vast net-work of communications by roads, by rail, by air and by water, and think out an elaborate scheme co-ordinating all these so as to provide the best service throughout the country on the most economic lines. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

> "That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report."

The Honourable Sir Joseph Bhore : On a point of personal explanation. It has just been brought to my notice, with reference to what my Honourable friend, Mr. Neogy, said, and in justice to him, I should take the earliest opportunity of referring to it, that the Honourable Sir

[Sir Joseph Bhore.]

C. P. Ramaswami Aiyar, when he introduced this Bill, made the following remarks :

" I may, with reference to another remark which fell from the Honourable Member, say that this Bill, if it receives legislative sanction and is passed into law, will be then a kind of jumping-off ground so that we may approach Parliament in order that they may proceed with reference to those lines in regard to which Parliamentary sanction or Parliamentary legislation is necessary."

I can only say, Sir, that I have no such intention and most certainly until the effect of this Act has been gauged and we are in a position to know what consequences it has for the motor bus industry, I personally would be no party to taking action on those lines.

Mr. K. C. Neogy : Perhaps in the interest of economy of time I might request the Honourable Member to make another statement with reference to Resolution No. 3 which was adopted by the Road Rail Conference held in April last ? Resolution No. 3 says :

" This Conference considers that the statutory provisions which at present limit the operation of motor services by certain Railways should be repealed."

The Resolution is in such general terms that it would comprise the case of Parliamentary enactment as also enactment by this Legislature. Do I understand that this Resolution has no reference to the British Statute in so far as it may need to be amended on this particular point ? And I should also like to know from the Honourable Member whether this particular Resolution is under the consideration of the Government of India and whether the Government of India think that this Resolution should be interpreted to mean only legislation by this House.

The Honourable Sir Joseph Bhore : Sir, I find some difficulty in replying to the Honourable Member since I was not primarily concerned with the conduct of the Conference. I can only speak of the impression left upon my mind by the discussions of that Conference, and the impression left was that the Conference was considering at the moment only this Bill and the implications of this Bill. I can only give the Honourable Member my personal impressions.

Mr. K. C. Neogy : I am very sorry to prolong these interruptions, but may I point out that while speaking on that Resolution itself the Chief Commissioner of Railways, Sir Guthrie Russell, said :

" The Legislature has recently been considering a suitable amendment of section 51 (*c*), (*meaning the present Bill*), which governs certain domiciled companies in this matter and the clause of the British Statute, by which guaranteed lines are restricted, will require similar amendment by an Act of Parliament." ?

The Honourable Sir Joseph Bhore : I think that is perfectly right. That merely states the legal position. It does not necessarily bind the Government of India to taking at once any course or line of action.

Mr. F. E. James (Madras : European) : May I ask one further question of the Honourable Member ? If this Bill goes through, what is the justification for leaving certain railways under a disability in regard to this matter of running their own motor vehicles ? I see no justification for the position taken up by the Commerce Member if this Bill goes through.

The Honourable Sir Joseph Bhore : I think the position really is that the light railways have been far more affected by this competition than the other railways and it was the light railways who made application for action to be taken along these lines. The other railways have not done so.

Mr. T. N. Ramakrishna Reddi : Sir, I beg to move :

" That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, by 30th June, 1934."

Mr. President (The Honourable Sir Shanmukham Chetty) : It is not necessary for the Honourable Member to move this amendment. The amendment moved by Dr. DeSouza covers that point also.

Mr. T. N. Ramakrishna Reddi : I have fixed a date and it is for that reason that I move my amendment. The previous amendment does not give any date by which time opinions have to be called for.

Mr. President (The Honourable Sir Shanmukham Chetty) : Then the best course for the Honourable Member will be to move that the words " by the 30th June, 1934 " fixing a time limit should be added to Dr. DeSouza's amendment.

Mr. T. N. Ramakrishna Reddi : I have no objection to the course suggested by the Chair.

It may be said, Sir, that this Bill has already gone to the country for eliciting public opinion and there are a number of public opinions that are placed in our hands. But, Sir, if you peruse those opinions, you will find that only a certain number of persons and a certain number of associations were consulted, and the general public and the associations which are directly affected by the passing of this Bill have not been consulted. That is one of the reasons why I want its re-circulation. There is another ground also why I want this to be re-circulated. The Bill went to the Select Committee and the Select Committee have completely changed the Bill, the very principle of the Bill, beyond recognition ; and what we find in the Bill, as it emerges from the Select Committee, is its title and preamble. I need not labour that point at great length, because the Select Committee themselves have clearly stated that they had to amend the Bill on three different principles. I will briefly state what the scope of the original Bill was and how it emerged from the Select Committee. The original scope of that small Bill, as was introduced in the beginning, was to give a *carte blanche* power to the railways to open up bus services, air services and waterways unconditionally and without any obstruction at all ; whereas, in the Select Committee, it has undergone very many modifications. In the first instance, Sir, they have restricted the operation of this Bill to only two ways, that is to say, motor buses and airways, and they have not given the power to open waterways. Secondly, the original Bill was aimed at giving unconditional powers to the Governor General, but in the Bill, as amended by the Select Committee, they have clearly stated that whatever decisions the Governor General in Council will take must get the approval of the Local Governments also, because they are the Governments which are very much affected by this Bill. Thus, while the original Bill wanted autocratic powers, the amended Bill has restricted those powers.

Then, Sir, there is another principle which the Select Committee have applied. In the original Bill they wanted to give the railways the power to open bus services and have the monopoly of such bus services. But, in the Select Committee, they have specifically stated that there should be no

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such monopolies or privileges at all and a railway company, if at all, is allowed to run a bus service, it must do so on equality of terms with the private bus services. And, in the notes appended to the Select Committee Report, they have clearly stated thus :

"In accordance with these decisions, clause 2 of the Bill has been entirely recast by us. Instead of amending clause (e) of section 51, we propose to insert a new section 51A consisting of five sub-sections."

Thus the whole Bill has undergone a complete metamorphosis, and that is the justification for the Bill to go to the country once again for eliciting public opinion. Sir, the Mitchell-Kirkness report states that on account of this bus competition the railway companies, including State-managed, Company-managed, as well as light railways must have sustained, according to their estimate, a loss of one crore and 83 lakhs of rupees. And if we eliminate the bigger railway services and take into consideration only the light railway services, the loss will be very much less, and, in order to recoup that loss, what is the proposal of the Government ? The proposal of the Government is to enter into a direct competition with the private bus services that are existing in this country. Now, they want to empower the railway companies to run motor bus services. According to the Mitchell-Kirkness report, which I will quote subsequently, the railway companies cannot run a bus service with profit without having a monopoly or preference. That monopoly or preference has been knocked on the head in the Bill as it has emerged from the Select Committee. Now, if the railways get this power to run bus service, then one of two things will happen : either it will succeed in ousting the existing bus services in the country, or it may go under because it cannot stand the competition. If it succeeds in eliminating all the other bus services that are running in the country, the effect of it will be that the Local Governments, who are deriving a large amount of income from these bus services, and also the local boards, will suffer a heavy loss by the elimination of private bus services. It is estimated by the Mitchell-Kirkness report itself that these bus services and motor trade in general are getting to the Government, both Central and Provincial, an income in the neighbourhood of Rs. 840 lakhs ; and that, taking the bus services alone, the income to the Government, mostly to the Provincial Governments, is 243 lakhs of rupees. The effect, therefore, if the railway companies succeed in running their own buses, will be that the Local Governments and the local boards stand to lose a great portion of their revenues, which they are not going to surrender. On the other hand....

1 P.M.

The Honourable Sir Joseph Bhore : Excuse me : they do not stand to lose anything, because, under the Bill as at present recast, a railway motor bus service will be subject to the same taxation and the same conditions as ordinary buses.

Mr. T. N. Ramakrishna Reddi : In answer to that, the Kirkness report has clearly stated that if the railway service runs its own bus service on equal terms, then it is not going to have any profit at all : it is sure to sustain loss. In that case, why introduce this Bill ? That is my contention. I am putting both sides. I have stated what the effect will be if it succeeds. As I have said, it will mean a loss of revenue to the Central and Provincial Governments. On the other hand, if it does not succeed, which is likely, it will mean additional loss to the railways and to the Government which means ultimately to the tax-payer. So, considered either way, it is not advisable to empower these railway companies to start railway bus services.

What are these private bus services doing ? These private bus services are bringing more traffic to the railways : it is estimated that the railways are getting 53 lakhs of rupees of additional income by transporting petrol from one place to another, for consumption by these buses ; and the Mitchell-Kirkness report has not clearly shown by statistics what amount of additional traffic these private buses are providing from the interior to the railways. If it is estimated, I think it will be a considerable amount ; and all this the tax-payer stands to lose if this power is given to the railways.

It has been pointed out that at least fifty per cent. of these railway lines have been laid along the trunk roads already existing, because they wanted to capture the traffic and they expected very good traffic from the cities and towns served by the trunk roads. Now, the Central and Provincial Governments have been spending a lot of money over the maintenance of these trunk roads for their own purposes, to the neglect of the other country roads ; and hence when this bus traffic came, naturally they ran the buses also along the trunk roads, because there would be less wear and tear and there was chance of greater traffic along the main roads. I submit, therefore, that this competition is of the Government's own making. If the Government had developed the rural parts and if they had linked important villages to the railways, this bus traffic would have been diverted to those roads and the railway companies would have got more revenue and these private bus services would have served as feeders to railways. Hence I consider this Bill premature. In the first instance, the Government should tackle the problem how best to develop village communications. It is after developing village communications and showing other ways for this bus traffic to employ itself that they can bring in this Bill empowering the railways to open bus traffic. Instead of doing that, they are putting the cart before the horse by introducing this Bill and thus cutting the throat of private bus enterprise. I may here state that the Imperial Government is getting income from the petrol tax which they have been distributing over the various provinces and they have earmarked that money to be spent only on trunk roads. I can give a very recent instance of my own district : a bridge was constructed on the trunk road with the grant from petrol tax, costing Rs. 83,000. The Government have all this time been earmarking this petrol tax for developing only trunk roads and not rural tracts ; and now I find in this Rail-Road Conference a resolution to revise their rules and empower the Local Governments to spend this money on the development of rural roads. Both the Railway Department as well as the Government have charged these motor buses with running the buses at uneconomical rates and with lowering the rates considerably below the rates prevailing in the railway companies. This cannot stand examination for a minute. If the motor buses, after paying heavy taxation, are going to run their buses at the most uneconomical rates, then there would have been no bus service at all. On the other hand, we find from the Mitchell-Kirkness report that there are nearly 45,000 buses plying on the roads ; and I can also quote from this very same report that that is not the case. Of course there are cases of cut-throat competition, and in those cases it is only the buses among themselves that enter into this cut-throat competition : for instance, if on a particular line one man is running

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a bus with profit, then four or five other services run and there is competition, and after some time the weaker buses go under and then they enter into some sort of agreement among themselves in the way of revising their rates or keeping their rates above certain levels or to fix certain hours for each service or running them alternately ; and thus they again come back to the original rates. This cut-throat competition can exist only for a few months and it cannot go on indefinitely. On the other hand, the Mitchell-Kirkness Report has quoted numerous instances pointing out that private bus services have charged higher rates and yet they continue to be popular among the people. This is what they say at page 38 of their Report :

"But it was quickly found that this was an uneconomic fare and the rate has been raised to four or five pies per mile ; and on one service run by this company in direct competition with the railway a charge of 6 pies a mile is made, and the service is still largely patronised by the public owing to its convenience.

In our reports on Madras, Bengal and the Central Provinces, cases have been quoted where the fares on buses running in competition with the railway are in excess of the railway charge, but where the buses still apparently command the patronage of the public."

Thus, Sir, there are numerous instances which show that buses are charging higher rates than the railway company, and yet they are being largely patronised by the public, and so the charge that is levelled against the bus services that they are running the services at a very uneconomic rate does not hold water for a moment. On the other hand, light railways have been running on a monopolistic basis before the bus service entered the field, and they had their own timings, their own method of running trains, and at some stations these trains used to be stopped for half an hour sometimes without moving on ; in some cases they used to put on old rickety carriages. Hence, as soon as the bus service was started in competition with these railways, the public eagerly took to it, as it provided a greater convenience to them ; and we cannot deny this convenience to the public simply because the railways want to run their own bus service. On the other hand, instead of bringing forward a measure of this character, what the railways should do is to improve their timings, they should make the railways more attractive to the public by running their trains in proper time and by putting better carriages and by affording all sorts of convenience to the travelling public. The Report also gives instances to show that where a company had improved its service they regained their trade which they had lost at one time, and on such lines, the number of bus services has diminished. Therefore, Sir, the remedy lies in improving train service to afford general convenience and giving better facilities to the travelling public and not in introducing this Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till half-past Two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. T. N. Ramakrishna Reddi : Sir, regarding the investment made by the private bus owners, the expert Report estimates that there are about

45,000 motor buses running in the country, and, if we estimate that each bus costs about Rs. 4,000 to Rs. 5,000 then the outlay on the buses alone would come up to about Rs. 20 crores. Not only that, these private bus owners must have invested equal amounts by way of garages, repair shops and accessories, and so many other things. Their interests also have to be looked after. Again, as I have already pointed out, the Provincial Governments and the Imperial Government are getting nearly Rs. 2½ crores of income from them, and we should not, as representatives of the people, do anything which would reduce this income and put these private bus owners in any worse position.

Now, Sir, with regard to the working of bus services by railways, according to the expert Report, both official and non-official view is against it. At page 34 we find :

"Generally official and unofficial opinion appears to be opposed to railways operating road transport, chiefly lest a monopoly should result which would lead to the public being badly served, and also because of objection in principle to public invasion of fields of enterprise."

Again, these larger railway companies do not want to open this bus system. We find at page 38 of the Mitchell-Kirkness report :

"The larger railway administrations have generally been averse from engaging in road motor transport because they anticipated certain other difficulties, apart from the impossibility of competing on equal terms with the owner-driven bus now common."

The Honourable the Commerce Member has just now said that according to the Select Committee the railway bus service would have to compete with private bus service on equal terms and hence there would be no loss to private bus owners. But here is the expert Report which says that even on equal terms, if railway companies start this service, they do not stand to gain, and various difficulties are enumerated in the report as to why larger railway companies do not propose to run bus services. They are :

"(*i*) considerable capital outlay would be necessary on vehicles, workshops and garages ;

(*ii*) the organisation of an extra department would be necessary ;

(*iii*) it would be difficult to secure to the railway the revenues earned from motor buses ; and

(*iv*) it would be difficult to ensure control over expenditure of consumable stores."

These are the difficulties which the larger railway companies feel in regard to starting their bus services, and if these are the difficulties felt by larger railway companies, how much more difficult will it be for the smaller and light railways to run bus services ? Because, when a railway company starts a bus service, it must maintain a very good bus service, its servants must be paid on the same scale as other railway employees, and all these difficulties which the larger railway companies feel must also apply to the smaller and light railways. So, when the larger railway companies do not want these bus services, when the public opinion, official and non-official, do not want it, I wonder why the Government should go on with the present Bill.

Then, Sir, I think it is highly doubtful how far the present legislation would be in order. What I mean is that, if this Bill is passed, you will be empowering the railways to run motor buses on trunk roads and other

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roads. But roads are a provincial subject, and the Imperial Government have absolutely no control over roads. This has been emphasised by the Honourable Member in charge of Industries and Labour when he presided over the Rail-Road Conference which was held last April. He said :

"We recognise fully, just as the provincial representatives do, that roads are a provincial transferred subject and that the Government of India, therefore, cannot interfere in it. It is for that reason that we have asked you to come here today (*that is to say, referring to the representatives of Local Governments*) and we wish to secure your co-operation in helping us to deal with one of the biggest problems that face India now. We can no more interfere with your roads than you can interfere with our railways."

This has been supported by another Member of the Government of India, namely, the Finance Member. He said :

"We, on the Government of India side, fully recognise that we can only proceed by voluntary co-operation. We recognise fully the authority of the Provincial Governments in this matter (*referring to the roads*). Some of the provincial representatives have felt it necessary to speak rather in a defensive manner on this point, but I do want to make it clear that we fully recognise that the Provincial Governments have full responsibility and authority in their own field and that it is only by voluntary co-operation that we can arrive at the desired result."

This is the opinion of two Government Members.

The Honourable Sir Joseph Bhore : That is my opinion too.

Mr. T. N. Ramakrishna Reddi : I am glad there is another weighty opinion in favour of that contention. So, whatever legislation we may pass here will not be binding upon the Local Governments. Of course you can pass any legislation you like under section 65 of the Government of India Act affecting all persons, all Courts and places, and so on. What will be the effect in actual practice ? Suppose a railway company goes to the Local Government for a licence to run a bus service. According to the Select Committee's Report, they must work on the same terms as the private bus. They cannot claim any special privilege at all. Supposing the Local Government feels that on account of the railway company working this bus service private service would be eliminated entailing loss of revenue and refuse licences to the railway company. The railway company finds itself helpless inspite of this Bill. The Select Committee says :

"In particular, our intention is that they (*the railway buses*) should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms."

Now, what is the opinion of this expert committee which the Government of India themselves appointed ? The Mitchell-Kirkness report says :

"It must be admitted that if railways are allowed to operate road motor service, they would require to be protected under present conditions. It would be impossible for railways to compete with any of the buses now running on parallel roads. Railways would be expected to provide a good standard of vehicle subject to strict periodical inspection. The staff working the vehicles would be railway staff working under railway conditions and the service would be regulated as regards time, speed and the freight charged. Adequate protection of the railway bus service would, therefore, involve a monopoly", and so on.

So it is clear that unless the railway company obtains a monopoly or special protection, it is not going to be a profitable concern and, as I have pointed out, the Select Committee clearly says, no special privileges are to

be given to the railway company. Then the Honourable Sir Frank Noyce, as Chairman of the Rail-Road Conference, said :

"For the present, therefore, where it may be decided that a railway should be allowed to operate the road motor transport, we believe that it should do so in all respects on terms of equality with the existing concerns."

This is a definite statement and the representatives of the Local Governments have also clearly laid stress on this point. They said that, if any monopoly were given to the railway companies, they would be no party at all to that arrangement. The Honourable Sir Muhammad Yusuf, the Minister, speaking on behalf of his Government, said :

"The only thing that we must very carefully bear in mind is that we cannot contemplate to give monopolies to the railways."

The Honourable Sir Jogendra Singh, another Minister, says :

"It has been made quite clear that it is not the aim to give the railways any monopolies or to put them in any preferential position in relation to motor traffic and that the Local Governments will continue to enjoy full authority in this matter as now."

It is only on that condition that the Local Governments gave their consent. My point is that, if the railways are not given any special privileges, they will run bus service at a loss. That is also the opinion of this expert committee. We have got the examples of the corporations of Calcutta and Bombay where the buses started by the corporations sustained heavy losses and even in Madras, where the tramway company opened motor bus service, they sustained heavy losses. We have also the examples of other corporations starting buses and coming to grief. So, if the railways start their buses, it will be suicidal to them. That is also the opinion of the representatives of Local Governments, namely, that they will not make any profits at all. Here is the opinion of Mr. Conran Smith, the representative from Madras :

"As to whether it would pay the railways to run a fleet of buses, that of course is another point."

The Honourable Mr. Bijay Prasad Singh Roy agrees with the opinion of members from Madras. He says :

"I am also very doubtful whether it will pay the railways to run buses, because bus service must not only be self-supporting, but also earning a sufficient income."

Mr. Samnad is another representative who says that he is very doubtful whether rail road service will be able to do more than perhaps pay their way. He says :

"To my mind, the solution lies more in the tightening up of the standard efficiency of road services."

That is a solution which he suggests and not the passing of this Bill. Of course, we have also to see that the railways do not sustain heavy losses, because this is also a national concern. At the same time, you must also see that private enterprise also exists which has brought so much revenue to the Government and it has also helped in many ways the railways by bringing the traffic from the interior to the railway companies, and so we must also see to their existence. So the remedy lies not in this legislation, not in this competition, but in a co-operative effort by both the Central and the Local Governments. This point has also been accepted by the Rail-Road Conference. They have passed a resolution wherein they have clearly stated that both the Central and Provincial Governments must collaborate and find out means how best to see that the economic

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waste is prevented. What I would suggest is that, instead of proceeding with this Bill, let them form a board of communication having representatives from the Central and the Local Governments and local Boards which are primarily affected and also representatives of the bus services, and then devise ways and means for preventing this uneconomic competition which exists at present here and there. That can be done only by allowing each service to keep to its own line of operation and, at the same time, tightening up the rules that govern bus services, limiting the number of buses on any particular line where they consider that it is competing uneconomically with the railway line and also by opening out interior villages by means of roads so that they might serve as feeder lines. In that case these private buses which are now running parallel to the railways and competing with them will divert their attention to these interior roads and thus you will provide other routes for these motor buses to run their services. The solution lies only in that way by collaborative effort between the Central and Local Governments and not by passing this legislation. I anticipate, the leader of the House might quote this very same Report of the Rail-Road Conference and say that Local Governments have given their approval to the passing of this Bill. I may point out that they have given their approval on one condition that there should be no monopoly and on the principle that " the more the merrier ". They would welcome this Bill, because there would be more applications for running bus services and they would stand to gain by getting more taxes. It is only on that principle, they have given their consent. But every one of them have clearly stated that these bus services are not going to gain any profit. That is the most important thing. It is for us, representatives of the tax-payers, to see whether we would allow Government to pass this Bill and enable the railway companies to run bus services which have been proved to be running at a loss and thus spend more good money over bad money. It is for us to see whether we would allow them to run bus services which have been proved to end in loss. We are on the eve of some constitutional changes and we have also seen the report of the Railway Committee on the constitution of statutory railway authority to be established. Hereafter, the Assembly will have absolutely no control over that body. Hitherto the Public Accounts Committee was scrutinising over the expenditure and this has led to some restrictions with regard to spending and with regard to the opening of new services. We had at least so much control. Hereafter, there will be no such control. Even the Member in charge of Railways will have no control over the internal working of the railways. Supposing we give this power and the railways, not only light railways, but, bigger ones, run these bus services. They may be sustaining heavy losses over which the Assembly will have no control. We will be leaving it to the sweet will and pleasure of the railway authorities. I submit, it will be imprudent to give our approval to the passing of this Bill. Public opinion has not been sufficiently brought to bear upon this, and it must go again to the country for eliciting public opinion. In this connection, as suggested by you, Sir, I would amend the original amendment by inserting the date, " 30th June, 1934 ". I also suggest the inclusion of the words " including District Boards and Automobile Associations ". The District Boards are mostly affected by this Bill, because the District Boards mainly rely upon taxes which they get from bus services and it is they that are responsible for maintaining the District Board Roads apart

from the provincial roads for which they get a grant from Provincial Governments ; and the public also must express their opinion, because it is the public that will be affected by passing of this Bill. Supposing a railway company starts a bus and then, after eliminating all the other buses, establishes a monopoly and then, afterwards, thinks of withdrawing the bus service, the public will be put to a lot of inconvenience, and so the public opinion also has to be taken in considering this Bill. So, Sir, I should like to include these words also and amend the original amendment in this way :

3 P.M.

" That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934."

I commend this amendment for the consideration of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : If the House agrees to substitute for the amendment of Dr. DeSouza the one suggested by Mr. Reddi, it will simplify discussion. I take it that the House has no objection and the amendment would therefore run as follows :

" That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934."

The discussion will take place on this amended amendment.

Mr. F. E. James : Sir, we do not support the amendment for re-circulation, but support the passage of the Bill as it stands into law partly because of the history of this measure and partly because of its intention. But, in saying that, I desire to offer two observations of which one will be directed to the Honourable Member for Railways and the other will be directed more specially to the Honourable Member for Industries and Labour. It is unfortunate that on the matter of transport and communications generally we have to address ourselves to two Honourable Members. It would have been far more convenient if we had to address our remarks to one Honourable Member in charge of the communications portfolio. That, I hope, will come in a short time.

Now, Sir, the first observation I wish to make is this, and it arises out of some information which we elicited from the Hononurable the Commerce Member this morning. As I understand the position, there are three classes of railways, that is, State railways, light railways and Company-owned railways. I am not now speaking of the District Board railways. A State railway, I understand, has already the power to run a bus service. This Bill is designed to give the light railways more particularly that same power, but it cannot touch the powers of those railways which derive their constitution and authority from an Act of the British Parliament. I understood from the Honourable Member this morning that he did not propose to take any steps in that direction unless he was specifically asked by one or other of those railway companies to secure an amendment of their Acts so as to enable them to enjoy the same facilities which he proposes to give to the light railways. The point I wish to make now is that if such companies do make an application, will the Honourable Member consider favourably taking steps to put them in exactly the same

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position as the other railways ? For, apart from that, I see no justification whatsoever, as I said this morning, for any differentiation in this matter. The whole difficulty in this question of transport is that we have dealt with it in a piecemeal manner This Bill obviously rectifies the position in regard to one class of railways acting under authority in this country. I should have thought that, if the position of railways generally were to be regularised, steps should have been taken to place all railways on the same basis. That, therefore, is my first observation. In passing, I would like to point out in reply to some of the remarks that have been made on the other side of the House that both this Bill and the further steps that I propose should be taken by the Hononurable Member for Commerce are entirely consistent with the conclusions which were reached by the Mitchell-Kirkness Committee. You will find those conclusions particularly in paragraphs 36-39, 34-35, 42, 43 and 52. I will summarise the more important recommendations of that Committee which go to show that railways must be given the same facility in regard to road transport, if they are to fulfil their functions, competing adequately with ordinary motor transport. This is a brief summary of paragraph 53 :

"There are of course objections to railways coming on the roads, but, in view of the amount of public capital invested in railways, it is arguable that where the railways and particularly the light railways, having developed a route, cannot offer on the railway the facilities which motor transport offers, they should at least have the option of doing so on the roads."

And also there is another paragraph which, summarised, reads as follows :

"The solution in many cases may lie with the Railways themselves operating motor transport on parallel roads."

The railways would of course have to be protected from uneconomic competition from other concerns ; and I will add as a corollary to that, that the other concerns would likewise have to be protected against uneconomic competition from railways. Therefore, I think that the Honourable Member for Commerce is absolutely on safe grounds as far as the general principle which underlies this Bill is concerned. My only concern is that it is another example of piecemeal action in regard to a question which is crying out to be dealt with on a more comprehensive scale, and I do beg the Honourable Member for Commerce to give this House some assurance that the same facilities will, if they are asked for, be provided in the case of railways operating under Acts of Parliament.

Now, Sir, the second observation I wish to make would be addressed to Sir Joseph Noyce. (Laughter.)

The Honourable Sir Frank Noyce : I am glad to find, Sir, that the Honourable Member recognises that in this matter Sir Joseph Bhore's heart and mine beat as one. (Laughter.)

Mr. F. E. James ; I am very glad to have the assurance of Sir Frank Bhore (Laughter), and, if I may, to address my remarks now to the Siamese twins of Government. (Laughter.) I want once more to take the opportunity which I believe is afforded to me under the discussion of this Bill to call attention to the need for a really constructive plan in regard to the whole question of communications, both road and rail, and to inquire what stage has now been reached in carrying out investigations

in regard to some of the proposals which were made at the recent Rail-Road Conference. I would refer particularly to three Resolutions which bear on this question of rail-road competition. I would remind the House that this Conference consisted of representatives of Local Governments as well as representatives of the Government of India, of representatives of the railways and of representatives of public bodies and interests general. The first Resolution stated that the Conference was of the opinion that the time had come for increased co-operation and more intelligent co-ordination of effort between the various authorities and interests concerned in the matter of (*i*) future railway development, and (*ii*) the future development of road communications whether used for motor transport or other purposes. And the Resolution goes on to state that in areas where uneconomic competition between railway and road transport has been proved to exist, such increased co-operation and co-ordination may necessitate the adoption by mutual agreement of measures designed to reduce such uneconomic competition to the minimum compatible with the maintenance of healthy competition. Nobody can possibly deny that in different parts of the country there is the most hopelessly uneconomic competition between the railway and the road. I can quote at least five important routes in the Madras Presidency itself where on parallel lines road and rail are indulging in the most foolish and ridiculous competition over passenger traffic. Similarly, there is equally stupid and unnecessary uneconomic competition in regard to the transportation of goods. Those of us who have followed the proceedings in the British Houses of Parliament in regard to the Road-Rail Bill—I think it is called the Traffic Bill—which has recently passed the House of Commons, will know that one of the most important proposals there is the establishment of advisory councils which will go into the question of this very important point of uneconomic competition in regard to passenger traffic and in regard to the carriage freight as between road and rail. I wonder whether, if this Bill goes through and railway companies assume the facilities which are being given by it, there is any machinery contemplated whereby hopeless cut-throat competition can be avoided, with the result that both the bus services and the railway companies are injured.

A further point which was made by this Conference was that any comprehensive or uniform plan of general development must sooner or later involve the gradual extension of facilities for rural motor transport complementary to the railways and to other arterial forms of transport ; but as internal district communications are largely controlled by local bodies, there must be some inter-provincial co-ordination of effort in the first place. Now, as far as development of rural communications is concerned, every one who takes an interest in provincial matters particularly knows that this has become a matter of urgent importance, in view of the great increase in population. Therefore if the provinces are to develop both by means of opening up of roads and by the development of motor transport, independent of and ancillary to the rail service, there must be as soon as possible some co-ordinated effort in the provinces as well as at the centre ; and I should like to know from the Honourable Member who deals particularly with the subject as to what steps are being taken to make the necessary inquiries which will lead to the implementing of these proposals made at this Road-Rail Conference.

We feel that it is a very urgent matter and a very important matter. It is true of communications as of everything else that, where there is no

[Mr. F. E. James.]

vision, the people perish : in other words, the people suffer where there is no largeness of constructive plan. Unless now the matter is taken in hand in the largest possible way with the combined vision of the two Members who are in charge of these two great portfolios, then I fear that ultimately the District Boards, of which my friend Mr. Reddi spoke just now, will suffer : the people will suffer ; the railways will suffer ; and those who are interested in motor transport itself will suffer. Therefore, while giving our support to the passage of this Bill, we make these two observations, and we appeal to the Members concerned not to rest upon the passage of this Bill. If I may put my attitude to this Bill in a parodied form of an old verse, I would say :

"It is not enough,
This piece-meal stuff ;
We ask for more,
Sir Joseph Bhore : "

and we shall go on asking for more until we get it.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Sir, I beg to move the following amendment which stands in my name :

"That the Bill, as reported by the Select Committee, be re-committed to the Select Committee."

Sir, I am opposed to the Bill as it has emerged from the Select Committee. If the Honourable Members were to read carefully the opinions, they will find that, with very few exceptions, all the Indian representative bodies have opposed this Bill. Amongst them I would mention the names of the Indian Chamber of Commerce, the Indian Merchants' Chamber, Bengal Trades Association, Bengal National Chamber of Commerce, the Southern Indian Chamber of Commerce, and, besides these, it is quite natural for the motor transport companies and workers to oppose this Bill. It may be said that this Bill has been altered by the Select Committee and their opinions have changed. But I have got the admission of the members of the Select Committee who say that the main principles of this Bill have not been changed and there have been changes only in detail. One great principle they have established they say is this : that there will be no differential treatment between railway companies who run motor buses and the other motor bus companies, and, for this, I propose, the country should raise statues to them. I would say plainly that the Assembly will be playing into the hands of the railway companies if they allow this unfair competition to take place. It is an admitted fact that the railway companies have got great financial resources : they have got brains behind them ; they have got all sorts of help and facilities from the Government. There is not the least doubt that in their own business they have got a monopoly, because no one can run parallel lines to theirs. Now these people want to compete against whom ? If they were to compete against big motor companies, I would have conceded that it would be a fair competition. But unfortunately the competition is very unfair. Whereas on the one hand they have got such big resources, on the other hand who are the people with whom they are competing ? Poor people who have bought buses mortgaging their houses, selling their wives' ornaments, and, in certain cases, possibly borrowing money from money-lenders—these are the people against whom the railway companies are going to fight. What

is going to be the result ? The result will be what everyone knows. These people are going to be wiped out with the result that all the money invested by these poor people will be lost ; and I consider that the Government will be mainly responsible for their ruination. I would say that it is very easy for these railway companies to defeat these poor individuals. These railway companies have got big resources and so they can easily cut down freights and fares as my friend, Dr. DeSouza, has shown, reading from a report. I may tell the House that the same thing happened in the case of Turner Morrison, with the result that they wiped out two Indian companies, Schustery and others ; and the proprietors of those companies are at the door of begging, and the same will happen in the case of bus owners. The danger, I have said, is not only the loss of money of these poor individuals, the bus owners, but also the avenues for business in this line will be shut and closed to many young men and *ex*-soldiers. At the present moment students, *ex*-soldiers and many other people, who want to earn their livelihood as chauffeurs, work on these motor buses, gain experience and begin to earn their livelihood independently after a time by running their own motor buses and lorries. When the railway companies will start to compete with these bus owners, it will not be possible for these poor people to earn their livelihood, with the result that this avenue of business will be closed to them.

An Honourable Member : Will not the railway companies employ *ex*-soldiers ?

Shaikh Sadiq Hasan : *Ex*-soldiers will have no chance of becoming bus owners and plying their own trade.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : How many *ex*-soldiers have Messrs. Martin and Company engaged in their service ?

Shaikh Sadiq Hasan : I do not know how many people they have engaged. Now, Sir, it is not only these people who would suffer, but, as the House is aware, many people have opened motor workshops and accessories shops ; they have invested thousands of rupees, and there are hundreds of these shops all over the country. If this motor and lorry business is closed, the result will be that these workshops also will have to be closed, because the railway companies will have their own workshops. I consider, Sir, that the duty of the State is to help the poor people, to create new businesses, and not to close down existing businesses. Our benign Government have done nothing to help the poor in starting new business ventures for the last so many years ; on the other hand, by this measure they are going to ruin the poor people who have been in this line for so many years. Let us consider for a moment why these railway companies are anxious to ply bus and lorry services. They say, they are losing heavily in these days. Whose fault is it ? Why should they have such top-heavy administration ? I do not know much about the light railway companies, but I know something about the administration of the North Western Railway, and I suppose it will be the same in these light railway companies. The North Western Railway has a very highly paid staff. I do not mind if they are well paid, but they do not do much work, because there is not much work to do ; but still these *cushy* jobs are kept on to pay big salaries to the officials. If these companies want to earn a profit, they should work like other companies on a commercial basis. They should consider that

[Shaikh Sadiq Hasan.]

they are not Government Departments. The function of the Government Departments is to rule, while these railway companies are commercial concerns and they should work in an economic manner. They should have better management, they should be more courteous to the travelling public.

I would also point out that when the prices of all the commodities have gone down, there is no earthly reason why the railway companies should not reduce their tariff rates. If the railway companies were to adopt all these things and improve their service, I am sure, these railway lines could be worked more profitably and they will be able to compete very successfully with people owning buses and lorries.

Sir, I wanted to propose the rejection of this Bill, but unfortunately I find there is an overwhelming Government majority backed as it is by a large number of non-official Members, and so I cannot make any such proposal at present ; but there is one thing which is satisfactory. We have got the Honourable Sir Joseph Bhore in the Select Committee. He has always been very sympathetic, and I think, if the Bill goes back to the Select Committee, he may again ponder over the whole problem and find out some way to see that the interests of the poor people are not in any way injured. I have two suggestions to make. First of all, these railway companies should not be permitted to operate any motor services on roads or in areas where there is already some other private service in existence. Certainly, I would welcome their opening new services in undeveloped areas, because such services will be of great use to the country and also beneficial to the railway companies themselves as they will be able to make more income ; but where the buses are already plying, if the railway companies also start cut-throat competition, it will be disastrous to every one. My second suggestion is, if the Government cannot agree to my first proposal, at least they should prevent uneconomic competition, and that could be done just as Signor Mussolini has done in several cases by compulsory arbitration, and by fixing the rate of hire and freight.

Mr. President (The Honourable Sir Shanmukham Chetty) : Further amendment moved :

"That the Bill, as reported by the Select Committee, be re-committed to the Select Committee."

The discussion will now take place on the original motion and the two amendments moved.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment moved by my friend, the last speaker. In my opinion, there is one principal objection to the Bill passing into law as it now stands emerging from the Select Committee. If we look at the newly added proposed section, we find that it is extraordinarily indefinite. It simply means that the Governor General wants to take full powers in his own hands. It is not possible for this House to know or for the country to know under what circumstances or under what conditions such schemes will be sanctioned by the Government. Therefore, my simple suggestion to this Assembly will be to provide in this Bill a clause which would give power to Government to make rules, and further, I should like that those rules should

be placed on the table of this House. This is my simple suggestion, and I support the amendment for the re-committal of this Bill to the Select Committee.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I have listened very carefully to all the speeches that have been made here on this subject. In the beginning, I thought I would be able to get some new proposals or ideas from Honourable Members to enable us to change our mind, but I am sorry to say that nothing new has been said by any of the speakers who have preceded me. Many questions have been raised in the course of the discussion, and considerable stress was laid on the fact that a severe competition will take place between the big railway systems and the poor bus owners, but I say that this will not be the case at all. We want to give power to poor railways, *i.e.*, the smaller railways. The big railway systems, the State-managed railways, have already all these powers which are not given now to light railways and other poor railway companies, and so we want to give these powers to them.

Then, Sir, something was said about Local Boards and Local Governments. In this connection I may say that we carefully examined all these questions. There is no new question before us, and we have stated that sanction will be accorded only after consulting the Local Governments. This question was also discussed with Local Governments, and Local Governments generally give their opinion only after consulting the District Boards and others.

If my Honourable friend, Shaikh Sadiq Hasan, or Mr. Reddi, or others, who have spoken opposed the Bill *in toto*, then it would be something, but when they want to circulate it or to re-commit the Bill to the Select Committee what useful purpose will be served ? The Mitchell-Kirkness report, the opinion of all the Local Governments, and every other information were before the Committee.

I am aware of the fact that in my own province the Local Government sent this Bill and connected papers to District Boards as well and that matter was considered in the Patna District Board of which I was a member. I also believe that that matter was discussed by other District Boards as well in my province. I believe the same thing has happened in other provinces. So, by sending this Bill again for circulation, no useful purpose would be served. There will be no use referring this Bill again to the Select Committee, because all the points that have been raised were discussed there already.

The other point raised is that roads are a provincial subject. In this connection, I want to say this The matter will certainly go before the Local Governments as recommended by the Select Committee and, before giving their opinion, they will consult Local Boards, District Boards and interested local authorities, and satisfy themselves that the thing is necessary in the interests of the public. I want in this connection to quote the case of a light railway in Bihar which runs between Bukhtiarpore and Rajgir. That company is seriously affected by this motor bus competition, rather by motor taxi competition. The share of the income of the Patna District Board was Rs. 55,000 a year, but owing to motor competition—though the motors were very bad buses and people sometimes suffered very much while travelling in those buses—the share of the Patna District Board was reduced to Rs. 7,000. In the

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end, the Patna District Board moved a resolution and sent it on to the Government asking them to take away the whole of the light railway line from that road and to put it on at some other place. You may imagine how much money will have to be spent in taking the line from that road and putting it on on some other road. These things are happening every day. I warn Government that if we pass this Bill, it does not mean that we approve that the State-managed railways also should run these bus services. If that question is under consideration, I will suggest that this be placed before the Assembly separately. With these words, I support this Bill.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, my Honourable friend, Mr. James, in lending his support to the Bill referred to the history of the legislation. I wish he had been more explicit. Does he refer to the resolution which was passed by the Associated Chambers of Commerce of India and Ceylon in December, 1930, with which Association I presume my Honourable friend must be associated in some way or other, and on the lines of which this legislation proceeds ? I should like to know in this connection from the Government whether they received representations from Indian associations or Indian public bodies suggesting the lines of this legislation ? However that may be, the object of the Bill is to authorise certain classes of railways to run motor buses in competition with private motor buses. Indian public opinion is decidedly opposed to giving any sort of authority to the railways concerned. Let me refer to the Mitchell-Kirkness report. In the first place, this enquiry was conducted by two gentlemen,—Mr. Mitchell who, at that time, was the Road Engineer to the Government of India, and Mr. Kirkness, who was an officer on special duty with the Railway Board. No Indian, no non-official was connected with this enquiry, and, last of all, no representative of automobile associations, the trade which is most directly affected, was included in this enquiry. I am not going to cast any sort of reflection upon the impartiality of these two gentlemen, but I must point out that consciously or unconsciously, I shall be charitable enough to assume that unconsciously, they were imbued with a sort of bias in favour of the proposal of the Government and of the railways rather than against it. What does this report say ? In the first page it says :

"..... nearly one-half of the total mileage of railways in British India has a metalled road parallel and within ten miles of it, and probably most of the roads were there first."

That means that in old times roads existed before railways, and, when the traffic on the roads became lucrative, the railway companies started building their own railway lines in order to take off the traffic from the roads. In those days, most of the traffic on the roads was confined to *ekkas* and bullock carts. Now the railways, having opened their railway lines parallel to these roads, took off the traffic that was then going on the roads. The owners of these *ekkas* and bullock carts being poor people, illiterate and unorganised, had no voice in the matter. So, the railway companies had in everything their own way. Why did people leave off road traffic at that time, and take to railway traffic ? For the obvious reason that the railways at that time afforded a cheap and convenient mode of conveyance, exactly for the same reason that many years after

wards, motor cars and buses which have now started are cheap and convenient, and, therefore, are taking off the bulk of the traffic from the railways in their vicinity. It has been stated that railways are losing about Rs. two crores every year on account of this motor competition. The railways have virtually enjoyed a monopoly in this country for a long time, and now they want to encroach upon private trade as well when they find that certain portions of their railways are not economically self-supporting. Motor buses provide a rapid and frequent service for short distances, and the railway can hardly hope to compete with them on equal terms.

With regard to this legislation, I began by saying that the volume of public opinion is decidedly against it. And this has been admitted by the Report to which I have referred. At page 30, for instance, this is what it says :

"We have found a volume of opinion in favour of allowing unrestricted motor competition to develop unchecked. Generally these opinions were based on the alleged unsatisfactory service often provided by railways. It was argued that healthy competition would stimulate railways to meet the needs of the public better than, it is stated, they are doing ; that railways have hitherto been disposed to take advantage of their monopoly and ignore public needs ; and that already such motor competition, as there is, has to some extent made railway administrations more reasonable."

Then, again, the same point has been expressed on page 34, paragraph 43 of the report to which I need not refer more specifically. Now, the question which will arise in this connection is whether the railways will be in a position to compete on level terms with private motor transport service. Well, it is the opinion of the Report that they will not be able to do so unless they are given some sort of protection or monopoly as it were. This is what they say on page 37, paragraph 48 :

"It must be admitted that if railways are allowed to operate road motor services, they would require to be protected. Under present conditions, it would be impossible for railways to compete with many of the buses now running on parallel roads. Railways would be expected to provide a good standard of vehicle, subject to strict periodical inspection ; the staff working the vehicles would be railway staff working under railway conditions ; and the services would be regulated as regards time, speed, and the fares charged ; adequate protection of the railway bus services would, therefore, involve a monopoly ; otherwise if a railway operated buses on a route and developed traffic on it, a number of owner bus drivers might obtain permits on the same road and indulge in a rate cutting war which, while it might temporarily benefit the public, would not ultimately be to their interests."

It is abundantly clear from the quotation which I have read out that the scheme contemplated in this Report is that the railways concerned should be given some sort of monopoly over particular routes, and the local licensing authorities should not give licences to private motor buses to run their buses on those routes on which the railways would be entitled to run their service. This, I submit, is a most unwarranted interference with the rights of private enterprise in this matter, and I would strongly deprecate any such action being taken. Now, the majority of those who run motor buses or motor cars are their own owners. It is easy for them to run their motors on very economic terms, while it would be difficult for the railways to do so if they are left to compete on equal terms. As I have stated, there is a volume of opinion against the proposal embodied in the Bill. I need not refer to all of them, but I must say in passing that the Bangalore Trades Association, the District and Sessions Judge of Raipur in the Central Provinces, the Indian Chamber of Commerce of the Punjab, the Bihar and Orissa

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Government, the Indian Merchants Chamber of Bombay and all motor associations are opposed to this course being adopted. Now, I will just refer to the opinion of the Indian Chamber of Commerce, Punjab. This Chamber says as to the reasons why railways have been unable to compete successfully with private buses, that railways are at present working on uneconomic lines and no attempt has been made to commercialise them, that their administrative expenditure is top-heavy, and that the railway buses shall not be able to compete with private bus owners as their supervision and working expense will be very heavy.

The Committee has given further reasons why the railways have failed to compete with the motor buses and also their shortcomings in many ways. The first thing is extravagance and the unbusiness like manner in which the finances were handled during the prosperity days of the railways. Secondly, the failure to organise the accounts of the system in accordance with the report of Sir Charles Dickson, thirdly, increase of railway fares and the consequent fall in the passenger traffic in the present days of depression, incivility and discourtesy on the part of the railway staff to the Indian passengers generally, even the black Anglo-Indian women ticket collectors insult respectable Indian lady passengers. Now, this is a notorious thing that third class passengers specially are subjected to incivil treatment, and racial discrimination is rampant on some of the railways. A question has been asked in this House with regard to a certain incident which happened on the 8th August, on the Kalka-Simla Railway. It is said that on the 8th August, some Indian ladies were travelling from Summerhill to Simla with a dog, and they were asked to purchase a dog ticket by the Summerhill station staff, and they were asked by the Simla staff to present their dog ticket on their arrival in Simla, but it is stated that a European lady had two dogs in a first class compartment travelling by the same train, and no dog ticket was asked for from her at the Simla station. This question will, I understand, come up for answer in this House in a few days' time, so I shall not say anything about this incident ; but it is the experience of many of the Indians travelling that racial discrimination still prevails on some of the railways, and that is one of the reasons why the railways are deserted in favour of road motors, wherever possible, on short distances.

Now, I will refer to one little point in my own province of Bihar. There is a ferry service between Paleza Ghat on the B. N. W. Railway, and Digha Ghat on the East Indian Railway, crossing the Ganges. From Digha Ghat to Patna Railway junction there used to be a regular railway service, but for some years they have entirely discontinued that service, with the result that passengers were put to a lot of inconvenience in travelling between these two points, a distance of four or five miles. They naturally took to roads, and motors and *ekkas* and other private conveyances came into existence, with the result that the former inconvenience of passengers has disappeared. The East Indian railway, so long as it was remunerative for them, kept up the railway service between these two points, but as soon as it was inconvenient for them by frequent shifting in the course of the Ganges,

and as it was not paying, they abandoned the whole line altogether leaving the passengers to their fate, with the result that motor buses, motor cars and other means of transport came into requisition, and passengers are now being transported without much trouble and inconvenience. There is another point to which, I should like to make a reference, and it is this. From Patna Junction to Delhi there used to be a through carriage attached, but on the ground that it was not remunerative for them, they have discontinued it for some time with the result that passengers travelling from North Bihar to Delhi or Simla have to put up with a lot of inconvenience at Patna, and we have now to travel by Bengal and North Western Railway up to Benares, and then take the East Indian Railway. If this through carriage had been continued, the traffic which is now taken away by the Bengal and North Western Railway would have gone to the East Indian Railway. I myself raised this question, but was referred to the Agent, East Indian Railway, and that being a State railway, public opinion was not much heard and nothing has been done up till now.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Does the Honourable Member know that we sail in the same boat ?

Mr. Gaya Prasad Singh : I am glad to hear that, Sorrow shared is sorrow soothed. The Punjab Mail, a very important train, connecting Kalka with Calcutta has been running for a long number of years, since its very inception, on the main line. Their project is to divert the Punjab Mail, *via* the Grand Chord with the result that it will be very inconvenient for passengers in north Bihar and Patna to travel comfortably.

Mr. M. Maswood Ahmad : Is the Honourable Member in order in referring to all these ?

Mr. Gaya Prasad Singh : I was going to suggest that the bulk of traffic has been taken away by the road motor due to the neglect and negligence of the railways concerned in ministering to the comfort and convenience of the travelling public. That is the opinion of the Indian Chamber of Commerce, Punjab, to which I have made a reference. The other reasons are slackness to afford proper facilities to passengers in hot and cold weather, bribery and corruption and wastage in goods and parcels and consequent diversion to the traffic of motor buses. So, it is the railways concerned which have to thank themselves if their lines are being deserted in favour of motor buses wherever possible. There are 45,000 motor lorries and buses in India which bring about eight crores and 30 lakhs to the Government yearly in the supply of passengers as feeders to railways, and by way of transport of petrol and other accessories. We have just read the report of the railway committee in London which proposes to set up an independent railway authority. Whatever little control we have over the policy of railway administration will be taken away from our hands if that authority is constituted. If the proposal is carried out, that authority will be constituted as a result of legislation not of this House but by an Act of Parliament. Under these circumstances, we shall be depriving ourselves of whatever little control we have over railway administration by giving liberty to the railways concerned in plying their own motor service in competition with private enterprise. The question of Indian hands and indigenous materials is also to be considered. The private

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motor buses are owned mostly by Indians and they engage indigenous materials. They have got no monopoly, no rate competition, and so on. But if the railways concerned are allowed to run their own motor services, it will mean that foreign agencies will be employed, foreign materials will be purchased, and that, by indulging in rate cutting competition, private motor buses will be wiped out of existence, and then virtually a monopoly will be secured to these railway companies. What was the opinion of the Railway Board itself on this point when the Indian Road Development Committee submitted its report. At page 19 of the Report, the Railway Board say :

"Generally speaking, any scheme by which the development of the road system of India will receive an impetus, will be welcomed by the railway administration. The benefits that may be expected from it probably far outweigh the losses that may be suffered in some areas from the competition that will arise from road motor traffic. It is natural that in the replies received by the Committee from railways the latter should have expressed themselves as opposed to the construction of roads parallel to and running alongside the railway lines, but it must be recognised that a road system will have to be connected up and cannot be limited to roads more or less at right angles to railways."

At page 52 of the same Report, the Road Development Committee state as follows :

"In our opinion, monopoly services are undesirable, because they restrict competition and may lead to many obvious abuses."

The proposal which the Government have in view in this Bill will lead virtually to a monopoly for the railways concerned, and, therefore, it is undesirable both from the public point of view and the point of view of private motor enterprise. I am opposed to allowing this motion to be passed. As regards the proposal of my Honourable friend that it be recommitted to the same Select Committee, I have absolutely no sympathy with it. I do not know what advantage will be gained by referring the matter to the same Select Committee which has already expressed its opinion according to their lights. Therefore, the best thing under the circumstances would be for Government to abandon this legislation now, but considering the facilities which Government have in this House, as it is constituted at present, I am afraid that my suggestion will not be acceptable to them, and they will force the motion on the House and pass the legislation which they have in view.

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces : Muhammadan Urban) : Sir, this Bill empowers the railway companies to operate motor vehicles in conjunction with the existing system of railways, which has not only created a great consternation amongst those thousands of people in this country who are at present making a living out of the business of motor transport, but it has also caused a serious misgiving among the whole motor trade itself owing to the various implications that this Bill would entail.

Sir, it is common knowledge that the business of motor transport is already overburdened with taxes and restriction, and this will be a further step in the direction of curtailing a valuable industry and depriving poor Indians of the advantage they are enjoying today.

In a country so vast as this continent of India, the advent of motor transport has been a great boon to millions of people by providing for

them easy and inexpensive means of transport from one place to another, particularly for short distances. In this poor country where people generally have not money enough to invest in big industrial concerns, the motor transport opened up a very easy and simple business to many a one who could afford to invest a small initial capital of a few hundred rupees in buying a lorry or taxi on hire purchase system which gave them not only a wide range of service anywhere they liked, but also gave them a modest return on their small investment. Sir, it may be noted that as soon as this business began to flourish and people in large numbers began to flock into this line of business, new rules and regulations, combined with high rates of licence fees, in many places, were imposed on them which no doubt have already restricted this mode of transport to a certain extent. Sir, I quite realise that the railway earnings have dwindled to a great extent, but I assure the House that it is not only on account of the competition by private enterprise of lorries and bus-owners, but it is largely due to the unsympathetic treatment of the educated railway staff with ignorant third class passengers who now prefer to patronise private enterprise. I, therefore, ask, Sir, is it fair that with a view to saving the railway companies from all healthy and fair competition with private taxis, this Bill has been brought before us which, I think, you will agree with me, restricts the activities of thousands of private owners who are catering for public convenience and thereby making an honest living for themselves after paying the Government a fair share of their incomes ? Sir, a perusal of the Select Committee's report shows that the railway companies should not receive any differential treatment whatsoever, but should compete with private enterprise on "level terms". I appreciate such a pious wish on their part, but, Sir, it is quite apparent that there can be no "level terms" on a basis of unequal financial resources and, sooner or later, the vast financial superiority of the railways will surely drive the private buses altogether out of the Indian roads. If, however, Sir, the railway bus services are to be considered for all practical purposes as quite apart from the actual railway systems and just as good as any other private concern, I think there should be a clear clause in the Bill to the effect that the accounts and finances of the two should be kept entirely separate and that, under no circumstances, should any funds from the general revenues of the railways be spent in aid of the railway bus service in case it happens that the service cannot pay itself or is bound to run at a loss owing to open competition from private combines. The object of this Bill should be fair competition with other concerns and not sole monopoly for railways. The aim should be better service for the public and not highest dividends for railway companies alone. In conclusion, let me say frankly that the rights and privileges of all those concerned, namely, the private owners and the poor passengers as well as motor traders should be adequately safeguarded in the Bill. With these observations, I will resume my seat.

4 P.M.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, I am a man who has always got at least the courage of his convictions, and it is rather a painful duty on my part to differ from my friend, Mr. Reddi, nd my friend, Mr. Sadiq Hasan, and I am giving my reasons for that.

[Mr. D. K. Lahiri Chaudhury.]

Here we have got the Report of the Select Committee. I have got experience in this Assembly for eight years and I have not seen any other Report of a Select Committee without a minute of dissent. Here we find that all the signatories of the Report have agreed with it. Are we to take it that those members who sat in this Committee did not consider all the aspects of this question or that, simply because they were members of the Select Committee, they blindly followed the Chairman of the Committee? And what I find from the Report of the Select Committee is that an effort has been made to amend the Bill in a form which will be and ought to be acceptable to the House and to the country. I am taking some of the aspects of the Report of the Select Committee. Here, the Select Committee have very rightly considered some of the most important points. It cannot be said that they have ignored totally the interests of the private bus-owners. It has been rightly pointed out by different speakers on the floor of this House, and even an assurance has been given by the Member in charge of the Bill, in reply to a question by Mr. Neogy, that the bigger railways are not raising this point and are not going to compete with the private motor bus-owners. So the object is only confined to the small railways. From the different speeches which have been made on the floor of this House, it can be easily detected that the speakers practically failed to follow their argument that the private bus-owners will be losers in this concern. If I may take the point of my friend, Mr. Reddi, he quoted from the opinion of the Madras Government where it is generally stated :

"The Government of Madras understand that the Corporations of Calcutta and Bombay and the Madras Electric Tramways Company have tried the experiment of running their own buses and have lost heavily."

Here he made a little mistake and I think the Honourable Member did not go through it quite as properly as he ought to have done. It is not the Calcutta Corporation, but the Calcutta Electric Tramway Company that were running buses at a loss. Now we can decide from that that practically speaking even if the railway company starts competition, that will not injure the interests of the private bus-owners. That is the real point which ought to be looked at. Then, again, there is another point that Mr. Reddi made that the Local Government will not have power to control these motor buses. I think he is under some misapprehension, because it is clearly stated in the Report of the Select Committee that the Local Government will be consulted and that they will consult the private bus-owners of the locality and, after considering their views, they will recommend to the Central Government who will direct the local railways to administer it.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Where do you find that the Local Government will consult the private bus-owners ?

Mr. D. K. Lahiri Chaudhury : It is in the Select Committee's Report.

"We decided that, for the present, it will be best to leave the decision to the Governor General in Council, acting in consultation with the Local Government, to determine the extent of each service, on a full consideration of all the local circumstances."

So it may be assumed that the Local Government will certainly consult the private bus-owners. If the Honourable Member will take the pains to read further on, he will find that the Local Government in consultation with the private bus-owners will recommend to the Central Government and, on that, the Central Government will empower the small railways to start motor buses. One point is this that the Local Government will make the report in consultation with the private bus-owners. That is a fundamental point which should not be missed by Honourable Members here. Then one point I want to emphasise is this. What are the small companies gaining ? If they do not gain, they will not start the motor buses. I congratulate Mr. Reddi on the soft corner that he has in his heart for the small companies when he says that they may be losers, and so this Bill is not necessary at all at this moment. Mr. Reddi has made it quite clear that the railway companies which will run the buses will be losers and so the Bill at present is not at all necessary. I think the people in the railways have got sufficient intelligence not to start such a scheme, if it will be a losing concern. If they lose, they will not start it : they will stop it from a mere commercial point of view. But if it is not, why should not the small railway companies be allowed to run their buses if they do not stand in the way of the private bus-owners ? It is evident in many places where there is regular competition that the private bus-owners are not losers. In Calcutta, where there is such keen competition among motor buses, the private bus-owners are still not losers. It is not, therefore, right to say that the passing of this legislation will hamper the private bus-owners. It will not. Rather it will create good competition and give good facilities for transport. The first and foremost duty of Honourable Members here is to support anything which will give increased facilities for transport and nobody can deny that this measure is such and should not, therefore, be objected to. To enlighten my friend, Mr. Sen, I will read out a portion of the Select Committee Report :

"The third important decision we reached was that railway companies should not receive any differential treatment whatsoever in respect of these new services. In particular our intention is that they should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms."

That is a safeguard for these private owners. There cannot be any more safeguards than that.

In this connection I will draw the attention of Honourable Members to what has been said that District Boards will be losers if this Bill is passed. I think that the District Boards will be gainers, because if there is keen competition and motor buses run on the roads of District Boards, they will derive additional income. And, as I have pointed out, there will be no preferential treatment given to any one. That is a point which ought to be taken into consideration.

Then, as a landlord, I am one who believes that our interests and prosperity and happiness depends on that of the agriculturist ; and, if there is any improvement in the price of agricultural produce, automatically the condition of the landlords is improved. It is really a fundamental theory of economics that, by exchange of imports and exports, the agricultural condition of the country can be improved ; and if, by this or any other scheme, we can bring some machinery or capital from foreign countries, naturally it enables our produce to be exported. We know

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how our agriculturists are suffering in the present financial crisis and if any measure is passed, however insignificant it may be—and I do not believe that only by passing this Bill the agriculturist will improve greatly—even if it be a drop in the ocean, I do not see why we should not take it by all legitimate means. As one of those, therefore, who have dealt with this Bill on its merits and who has an independent view, I stand shoulder to shoulder with every observation that has been made in support of this Bill ; and I think when the Select Committee has unanimously supported the Bill and amended it in a form which is really reasonable and justified, giving every facility to transport in this country, I cannot stand in opposition to this particular Bill. I would request Honourable Members who are present here to realise that particular point : that any Member sitting on this side of the House should agree with me on this particular issue of ameliorating the condition of the agriculturist : their condition can be improved only by improvement of exchange of imports and exports ; and if we bring out capital from foreign countries in one way or other, it is only then and then alone that we can ensure the improvement of our own indigenous products. For these reasons and for the other reasons that I have stated already, I conscientiously support the Bill and oppose the motions, both for circulation and for recommittal to Select Committee.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, although I have not had the pleasure or the honour of sitting on the Select Committee, I rise to support this Bill as it has emerged from the Select Committee, and recommend that it may be passed into law. When I heard Mr. Gaya Prasad Singh, I thought it was the day of the budget, because he began to ventilate domestic grievances which he always does in connection with the annual debate on the budget.

I believe the debate in this respect has drifted into channels which have nothing to do with the matter in hand. The points which have been made by certain Honourable Members are three, first, " why create a monopoly " ? ; second, which is really a point of greater importance, " that a large number of people will be thrown out of employment and will have no work to do " ; and the third, that probably the traveller will not get the same facilities and the same courtesy which he now gets from the ordinary bus-owner. I submit that the point of monopoly is really a double edged argument. If we do not permit the small feeder railways to run motor services, it can be said that the other party gets the monopoly. Mr. Gaya Prasad Singh might say that feeder railways are fortified in their work by the fact that they have a licence. But I would tell Mr. Gaya Prasad Singh that if he can form a Company to run a feeder railway parallel to any old feeder railway and he asks for a licence, I shall heartily support that proposal in this House. Probably he will not be able to have that much of organisation, that much of capital and that much of technical knowledge which is necessary to start a feeder railway.

Then, with regard to the question of the people being thrown out of employment, I hope the Honourable Members who have taken up the cause of the private bus-owner will forgive me, when I say, that these

buses are really not run by organised concerns and that they are mostly a one-man show. There is lack of capital, lack of organisation, lack of technical knowledge, and, in fact, lack of everything. The efficiency of the drivers also is of an extremely low quality. On behalf of people who are in the habit of travelling, as I am, by these buses,—whenever I go out into the mufassil,—I can assure the House that it is extremely unpleasant to travel in them ; and you can attribute all the inconvenience to the extreme want of organisation. The trouble is that the whole thing is managed by one man—generally a retired postmaster, or an Assistant Inspector of Schools who gets some provident fund and begins to ply a bus or two to make a sort of living.

Mr. S. G. Jog (Berar Representative) : You might put restrictions on them.

Mr. A. Hoon : But the experience teaches us that too much of restrictions will again bring about other troubles. Now, if, under those circumstances, the small railway companies are allowed to start their motor bus services side by side with private motor service, it will be really conducive to the comfort of the public, and, as far as the question of courtesy goes, I think we are getting more courtesy now from the railway employees than we used to get before, and I do not think that, taking everything into consideration, there is any longer much danger regarding the question of courtesy.

Then comes the question of employment to which reference was made by one or two speakers. If the railway companies start a bus service in a certain locality, they would certainly be in need of a large number of trained hands, and, I am sure, if these companies can get competent drivers and competent mechanics, now working for private owners, they will be ever ready to employ such people, and I may also say that the jobs of these people will be much more safe in the hands of the railway companies than in the hands of private individuals or private companies.

Further, it has been said that this competition will entirely cut out the private bus-owners. I do not think so. When the railways run their motor services, they will run their buses at regular hours, at regular rates, and there will be uniformity and regularity. We all know that regularity has a charm and irregularity has also got a charm. There will be many a man amongst us who would like to travel at odd hours, who would like to bargain for the fare, who would like to go from door to door instead of getting into the bus from one terminus and getting out of it at the other terminus and then carrying his packages to his house. I think there is a good deal to be said on that point, because if the railways run their service regularly from one terminus to the other, still there will be room for men to collect packages and passengers from door to door and stop their buses wherever they like, and even in between two stations if there be a fair going on, and if the majority of the passengers want them to stop to see the fair. I submit that under those circumstances, the right kind of bus-owner will survive, and it will be a case of the survival of the fittest. The man who can go round and canvass for passengers and goods, the man who can show courtesy, and the man who can manipulate his fares according to demand and supply is bound to survive, and I do not think we need entertain any serious fear that

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the owners of decent private buses will suffer heavily. We shall have competent drivers and competent mechanics. My friend, Mr. Gaya Prasad Singh, also said that many a man has invested huge sums of money in starting motor workshops, but I can assure my friend that no useful work has been done by any of these workshops. How many times the tyres puncture on the road, how many times the engine goes out of order on the road with these private buses ? Besides that, as these buses are run at irregular hours, the owners not only try to cut each other's throat so far as fares are concerned, but they run risks which I am afraid result in very serious accidents to passengers. I submit that under those circumstances we need not entertain any serious fears on that point.

Then, there is the question of public sympathy. Mr. Gaya Prasad Singh and all the other Members have said that there is a very large amount of public sympathy on this question. I quite agree. The public sympathy is mere sympathy with individuals, because I know when people who possess motor buses say that they are likely to suffer by this Bill. I also sympathise with them. My own opinion is that Honourable Members who sympathise with such people do so merely for the sake of showing sympathy, but this sympathy does not take into consideration all the wider questions involved as well as the general welfare of the public and the country at large. For these reasons, I commend that the Bill, as it has emerged from the Select Committee, be passed into law.

Mr. Jagan Nath Aggarwal : Sir, this measure was supported by my friend, Mr. James, with some reservations, but from this side of the House the last two speakers have supported it without any reservations, very heartily indeed. It is just as well to look into the reasons which led them to support it. One is free to admit that this Bill in the Select Committee has undergone some improvement. The Governor General in Council, after consultation with Local Governments, will certainly lay down conditions and schemes for transport which will not be the blank cheque which was sought to be given by the Honourable Member in charge of the Railways to the railway magnates. But, Sir, there are certain reasons which still make this Bill objectionable, and whether we succeed in removing those objections or not, it is just as well to draw attention to those points, because, otherwise, they are likely to be missed. The first thing that I would like to point out is that even though the Bill has a restricted scope, and applies to private railway companies only, leaving out the State-managed railways and guaranteed railways, the principle underlying it is objectionable. We know that the King's highway is open to all and sundry. You can bring your *ekka*, you can bring your *tum tum* or your car, and travel on it without let or hindrance, provided you satisfy certain local regulations. Then came the railway with huge State support and huge subsidies. What did the railways do ? They had a track to themselves, they monopolised the track, not like the original roadway on which everybody could bring his vehicle ; they had a monopoly of the track, and, with the assistance of the State, they had a huge staff, they imported locomotives and other mechanical contrivances. What has been the net upshot of all this railway adventure in this country ? The Honourable the Railway Member will pardon me if I remind him that, with these guarantees, the railway working has been a huge drain on the Indian Exchequer. Money, to the extent of about seven hundred crores, has been spent on capital undertakings. We have been seeing in the railway budget during the last two years that they are drawing on their reserves and from their depreciation fund, and the Indian Exchequer is getting nothing out of the money spent on the railway undertakings ; they are barely able to pay interest. And, in the past, during the last fifty years, from 1850 right up to 1900, barring one year, the famine year, they never paid anything to the Exchequer. It is only during the last 20 years that they have become a paying proposition.

Now, Sir, what is the principle underlying this Bill ? The railways had a monopoly of their track, and now they want to be on the road as well. It is a strange proposition. Let me put it the other way. Suppose some road company or a bus company were to ask the railway magnates to allow them to work their track for running road motors, would that be tolerated for a minute ? It is only to be mentioned to be dismissed as preposterous.

The Honourable Sir Joseph Bhore : May I ask who paid for the railway track ?

Mr. Jagan Nath Aggarwal : The public, the long suffering public, of this country.

Now, Sir, I need not go into the chapter of extravagance of these railway companies, particularly of the East Indian Railway Company. The guarantee was given by the Government of India and the Secretary of State in such a manner that the Company was only concerned with the amount which was certified as having been spent. Whether the money was thrown into the Hooghly or whether it was spent on railways, was nobody's concern. Well, Sir, the principle is, the railways have a monopoly of their track. The road is open to all and sundry. Now the railways want to get their track and want to be on the road. Why is it ? That shows that, during the last ten years, there has been a great development of road transport. It is lucky that it is so. At a time of emergency, it is very lucky indeed—those of us, who can recall to their minds the great trouble that we had in the year 1919 at the time of the Third Afghan War and of troubles in the Punjab, will remember that railway travelling was a matter of considerable difficulty, you had to get passes and it was only with very great difficulty that you could get your goods booked. In those days, this road motor transport did not exist. If a situation like that arose, it would be lucky if you had road transport which would be useful for the military as well. In the Great War we know that all the private motor cars were requisitioned at a time of difficulty by the French Government. It is lucky that we have an alternative means of transport. But what is the position, and why do we object ? I say, this Bill is an argument of despair, it is a position of helplessness. By sheer competition the railways have failed to maintain their ground, and now they are coming to the State for help, to give them a right to compete, if I may say, on unequal terms with the private bus-owner. It may be said, it is over-stating the case to say that the railways are coming to the State for aid to compete on unequal terms. I quite admit, no monopoly is being granted in favour of the railway ; that is clear from the Bill itself. But then, as has been pointed out in this Report, which has been quoted by so many speakers, the railway,

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whether Company-owned or State-owned, is a huge capitalistic concern and its competition with a private bus-owner is certainly unfair. There can be no question of what the result of that competition would be. The private owner would go to the wall. My Honourable friend, Mr. Hoon, goes into raptures over that period when the private bus-owner, with his rickety bus or his engine failing at times, or punctures in the tyre, will go to the wall and disappear, and he is thinking of the London coaches which will be put on the road by the railway companies. I congratulate him for his foresight, but the point is that this idea of displacing the private bus-owner opens up an alarming possibility. I look at it from two points of view. If it is a case of a huge capitalist company killing out a private individual or an individual owner—the driver is generally the owner also,—then I stand up in opposition to that proposition, because you should not allow a huge capitalistic concern to kill out private owners and small traders doing business in their own way. And, Sir, what is more ? They have shown during these ten years of working in a fair field with the railways with their huge capital and staff that they can win and retain the favour of the public. There is a great point underlying it. They have made use of the roads and contributed to the Exchequer, as has been said, to the extent of Rs. 830 lakhs as their contribution to the Provincial and Central Governments, 45,000 buses are plying and they employ about 90,000 people annually in working them, and still many more in other auxiliary services. And there is further the fact that they have brought any amount of traffic to the railways the extent of which was calculated even in the Mitchell-Kirkness report to be something in the neighbourhood of Rs. 53 lakhs (*An Honourable Member* : "Only for petrol.") only for petrol. I ask, is it right to kill this bird which lays these golden eggs without even an expression of sorrow, because the result of this competition can very well be foreseen ? The question is, why is it that this bus-owner has been able to survive and been able to keep his footing ? The railways are not able to retain their long monopoly and they are coming to the State to help them to be put on the road. Why is it that the bus-owner has been able to get on ? One of the things is that their fares are cheaper, but I will put it, it is something more, it is the great convenience. You start from your place and you get to the other place without having to travel to the railway station, without being hustled about by persons who won't tell you where to get your ticket, without getting into a wrong train, and finding it out after you have travelled some distance. And particularly the goods traffic part of it, the carriage of goods is a luxury by these road motors. You hand your consignment, and within a few hours it gets on to the next place to the man to whom you wanted to send it. There is no pilfering on the way, and there are no risk notes with their troublesomeness and litigation. There is no question of delay. It is expedition itself. If that is so, then the point before us is, why is it that it is considered necessary to arm the railway service with power to be on the road ? I say the roads have taken care of themselves, the public whose ultimate interest should be our guide have taken to the road buses. If they want the road bus, then certainly the railways should manipulate their own policy in such a way that they win the favour of the public. This is unfair. If the public are the ultimate judge of these matters, then I must say that this is an attempt to divert the choice of the public. Mr. Lahiri Chaudhury came forward with a suggestion—he said that he was bringing an independent mind to bear on the subject and he wanted to look at the thing on its merits. He said that agriculture will prosper. I do not see how it can do that. If the agriculturist is to prosper, he must prosper by his *ekka* and bullock cart, and not by these buses which the railways will put on the road, because, if the railways have thought of putting on these bus services in undeveloped areas, in rural areas where there was no bus service before, then, of course, the Bill would be the best of all measures. But that is not the point. The railways are pinched, they are suffering loss of earnings due to competition on the road parallel to their lines or reaching their lines. That is not the agricultural place where Mr. Lahiri Chaudhury wants the buses to be. It is wholly beside the point to think that the railways are going to open up by their bus service those areas which will lead to any prosperity for agriculturists or will develop agricultural resources. The railways have opened up areas, but these bus services of theirs are not intended to do anything of the kind which my Honourable friend spoke of. They are simply to keep up the earnings of the railways.

The question is, how is the situation to be met ? If the public wants to patronise the bus service, is it fair to give to the railways, who are a competing agency, an unfair advantage in this connection ? They have a monopoly of one track and they want to exercise the right of running on this track with all the resources of capital and organisation that they have. Now, Sir, it may be said, "Oh, yes. With private buses there are alarming accidents. There is no schedule of rates, and so on". The answer to that is, do not kill them. They have served a useful purpose. The best thing to do is to have a board of traffic control. You have some kind of traffic control at the present time, and if you want more facilities, if you want to have this thing organised, insist on the Honourable Member for Industries and Labour whose Department it is,—and he is unfortunately too close to the Railway Member (Laughter)—to constitute these bodies. An Honourable Member put it, this alliance between the two Departments is an alarming proposition. If the Honourable Member had been looking after roads, he should have developed motor transport, and framed rules which should prescribe for safety and punctuality of the service. Private enterprise has developed road motor to such an extent that the railway magnates have got frightened, but this is not the time for the road buses to receive a kick. This motion for circulating the Bill again for eliciting public opinion has something behind it for this reason. Those people who are affected by it are unorganised ; they had not perhaps had sufficient opportunity to digest this mass of material which an official agency has brought into existence after consultation with various interests, official and non-official, and the results of these various Conferences. Besides, Sir, we are having another railway administration coming into existence, the Statutory Railway Board will come into existence under the new Constitution, and if the danger to the railways is of such a great magnitude that they are on the point of starving, certainly some more remedy is needed than an attempt to kill this private bus-owner on the road. Now, my learned friend said : "Oh, well, this private bus-owner has been able to survive, even though there has been great competition in Calcutta", and so on. If my friend will pardon my saying so, he is used to get into the bus, but he seems to know precious little about the bus driver or the bus-owner and that for a very good reason. All that I am referring to is that in his place in

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Calcutta the bus-owner comes from another place than Calcutta. My province supplies the bus-owners in Calcutta, and, therefore, it is just as well that Mr. Lahiri Chaudhury, with his tongue in his cheek, should try to inflict a blow on these Punjabis whom he perhaps wants to clear out of Calcutta. Therefore, I hope that Mr. Hoon will think twice before falling into the trap of Mr. Mitra and Mr. Lahiri Chaudhury. They want to deal a lefthander to the Punjabi and they do not seem to have much love for these bus-owners and bus drivers on the roads of Calcutta. Some of the opinions on this subject have been read by my friend. One of them is very interesting and I venture to place it before you. It says :

"The Government of Madras understand that the Corporations of Calcutta and Bombay and the Madras Electric Tramways Company have tried the experiment of running their own buses and have lost heavily. If so, these examples do not encourage the hope that the Railways will be able to make this bus enterprise a paying proposition."

I make a present of it to the railway magnates. It is just as well that they run their service, but what is the point of coming and competing with another man who is also pursuing his vocation unostentatiously on the King's highway, on which every man has a right to travel. The railway people have a monopoly on their track and let them stick to it.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th August, 1933.

LEGISLATIVE ASSEMBLY.

Tuesday, 29th August, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

121. *Mr. S. C. Mitra : (*a*) Is it a fact that the political prisoners now detained in the Cellular Jail, Andamans, first resorted to hunger-strike some time between December, 1932 and February, 1933 ? If so, what was the actual date of commencing the strike, and what were the demands of the prisoners then ?

(*b*) Were the grievances of the prisoners at that time brought to the notice of the Government of India ?

(*c*) Is it a fact that the hunger-strike was given up after a week on an assurance from the Superintendent of the Cellular Jail, to remedy the prisoners' grievances ?

(*d*) Is it also a fact that the Jail authorities did not act according to their promise and that was the cause of the second hunger-strike, started on 12th May, 1933 ?

(*e*) Has Government's attention been drawn to the statement made by Swami Jnanananda, a prominent public worker in Bengal, on the 19th April and again on the 15th May last that appeared in almost all the leading nationalist papers of India ?

(*f*) What action was taken by Government on the statement referred to above which made some revelations of Jail negligence in the Andamans and disclosed the news of the first hunger-strike in the Cellular Jail ?

(*g*) Is it a fact that no action was taken at that time and that gave occasion for the second hunger-strike ?

The Honourable Sir Harry Haig : (*a*) Seven B class prisoners were on hunger-strike for a few days in January, 1933. Their demands were numerous and comprehensive, and were put forward under threat of hunger-strike.

(*b*) The answer is 'in' the negative.

(*c*) and (*d*). The Superintendent made no report to the Chief Commissioner that he had given any such assurance and it is obvious that he had no authority to make any promise which involved an alteration of the rules.

(*e*) Government have seen these statements.

(*f*) and (*g*). Government took no action owing to the manner in which the demands were put forward.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether the terrorist prisoners are still being sent to the Andamans ?

The Honourable Sir Harry Haig : Yes, Sir. There is no change in the policy.

CELLULAR JAIL IN THE ANDAMANS.

122. ***Mr. S. C. Mitra** : (*a*) Has the attention of the Government of India been drawn to the following remarks on page seven of the Census Report on the Andaman and Nicobar Islands for the year 1931 ?

" During Colonel Beadon's (Chief Commissioner) tenure from 1920 to 1923 orders were received to close the Penal Settlement with the exception of 1,400 Moplah rebellion prisoners and some Punjabis and no more convicts were received ''..... ..... During Chief Commissioner, Colonel Ferrar's tenure from 1923 to 1931 " All troublesome habituals or violent convicts were repatriated. The recruitment of convicts was placed on a voluntary instead of a compulsory basis and volunteers, to be accepted, had to be youngish men free from pronounced criminal taint ''.

(*b*) Will Government please explain how this statement is consistent with the remarks of the Honourable the Home Member, Sir Harry Haig, made in the concluding portion of the communiqué of the 13th June last which runs as follows :

" In concluding Sir Harry Haig pointed out that Mr. Jadhav was wrong in thinking that the Cellular Jail had ever been closed. It was, in fact, kept open in accordance with the recommendation of the Jail Committee '' ?

The Honourable Sir Harry Haig : (*a*) The Government have seen the remarks in the Census Report. The Honourable Member, however, has not correctly quoted the first passage and he has thereby changed the meaning of what was actually written. The Report did not say that no more convicts were received, but that with the exception of 1,400 Moplah rebellion prisoners and some Punjabis, no more convicts were received. It is correct that at that time deportation was confined to prisoners from Madras and the Punjab, and that later it was placed on a voluntary basis.

(*b*) My statement was correct. The Penal Settlement was never closed. A certain number of prisoners continued to be sent from India and all these prisoners were sent to the Cellular Jail for a period after arrival in the Andamans. This was in accordance with the recommendation contained in paragraph 566 of the Indian Jails Committee's Report.

DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.

123. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the East Indian Railway authorities intend to divert the Up and Down Punjab Mails from the main line to the Grand Chord, *via* Gaya, as a precaution against train-wreckers ? If so, are Government aware of the hardship this will entail upon the travelling public of Patna, and of North Bihar generally, who constitute the largest number of passengers ?

(*b*) Are Government aware that with the diversion of the Punjab Mail, *via* Gaya, the Grand Chord will have two mails, and three Express trains,

while the main line will be deprived of the only mail train it has at present ?

(*c*) Do Government propose to take steps to prevent the diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord ?

Mr. P. R. Rau : (*a*) On and from the 1st of October, 1933, the Up and Down Punjab Mails will run *via* the Grand Chord (*via* Gaya) instead of *via* the main line (*via* Patna) to the following timings :

1 Up.	*2 Down.*
Dep. Howrah 21-36.	Dep. Delhi 8-25.
Arr. Delhi 20-30	Arr. Howrah 8-0.

These timings are more convenient than the present ones and the time taken on the journey each way will be reduced by over 2 hours.

Nos. 5 Up and 6 Down which at present run only between Moghalsarai and Lahore will be extended to Howrah and will run *via* the main line (*via* Patna) practically to the same timings as the Punjab Mails now run. To meet the convenience of through passengers a first and second class composite will be attached to 5 Up at Patna and transferred to 1 Up at Moghalsarai for Kalka in the summer and Lahore in the winter. A similar arrangement for through carriage will be made in connection with 2 Down and 6 Down.

These changes are not being made as a precaution against train wreckers but in order to improve the train services generally.

Government consider that, so far as can be seen, and particularly in view of the fact that through carriages will run between Patna and Delhi *via* Allahabad, the proposed changes in the East Indian Railway time-tables will not result in inconvenience.

(*b*) I understand that with other re-arrangements that are being made the number of mail and express trains over the Grand Chord and the main line will be the same as at present.

(*c*) Government do not consider that there is any necessity for their interference in the matter.

Mr. Gaya Prasad Singh : What would be the arrival time of the 5 Up and 2 Down and 6 Down at Patna ?

Mr. P. R. Rau : The 5 Up will run to the present timing of 1 Up.

Mr. Lalchand Navalrai: Were the members of the Advisory Committee consulted over these changes ?

Mr. P. R. Rau : I do not know.

Mr. Gaya Prasad Singh : Is it a fact that this matter was actually put in the Advisory Committee and some members took strong exception to it ?

Mr. P. R. Rau : I should like to have notice of that question. I am not aware of what happened in the last meeting of the Advisory Committee.

Mr. M. Maswood Ahmad : Have Government received any representation from the Bihar Chamber of Commerce and other public men of Patna about this ?

Mr. P. R. Rau : I am informed that the Honourable Member himself wrote a private letter to a Member of the Railway Board.

Mr. K. C. Neogy : May I ask, Sir, whether the timing of the trains is not more a concern of the Local Advisory Committee than of this Legislature ?

Mr. P. R. Rau : I entirely agree, Sir, and shall welcome the adoption of such an attitude by this House.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say that these questions are properly discussed by the Local Advisory Committee ?

Mr. P. R. Rau : I am sure that if any member wishes to raise such questions, he will have an opportunity of doing so.

Mr. Gaya Prasad Singh : May I know, Sir, if the Bihar and Orissa Chamber of Commerce lodged a protest with the railway authorities against the proposed change ?

Mr. P. R. Rau : I have seen no such resolution.

Mr. B. V. Jadhav : Will Government see to the convenience of the third class passengers by having a whole through carriage from Patna ?

Mr. P. R. Rau : I will forward that suggestion to the Railway Administration.

PROMOTION OF SUBORDINATES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

124. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that there are 16 posts in the Engineering Department of the Great Indian Peninsula Railway, for the promotion of subordinates ?

(*b*) Is it a fact that since the creation of this service in 1930, one subordinate only has been promoted who was officiating in the " Junior Scale " at the time ?

Mr. P. R. Rau : (*a*) The sanctioned number of working posts in the Lower Gazetted Service of the Engineering Department of Great Indian Peninsula Railway is 16.

(*b*) Since the introduction of Lower Gazetted Service in 1931 only one subordinate has been permanently promoted to that Service.

SURPLUS POSTS IN SUPERIOR CADRES ON THE GREAT INDIAN PENINSULA RAILWAY.

125. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that owing to the reduced number of posts in superior cadres (senior and junior scales) on the Great Indian Peninsula Railway there was on the 1st April, 1933, a surplus of 17 officers :

(*i*) six in the senior scale, and

(*ii*) eleven in the junior scale ?

(*b*) Will Government be pleased to lay on the table the printed " Statements of gazetted establishment, as on 1st April, 1933 " of the Great Indian Peninsula Railway, *vide* the Agent's office reference No. 21619-R. of 1st April, 1933, in which

(*i*) the six posts referred to in part (*a*) (*i*) above, are styled as " Supernumerary Executive Engineers ", and

(*ii*) the eleven posts referred to in part (*a*) (*ii*) above, are styled as " Supernumerary Assistant Executive Engineers " ?

(*c*) Is it a fact that in the face of the 17 surplus officers four temporary Engineers are still retained in the service ? Is not this retention to the detriment of the promotion of subordinates ?

Mr. P. R. Rau : (*a*) There is no excess on the Great Indian Peninsula Railway as a whole, but in the Engineering Department there are six senior scale officers and eleven junior scale officers in excess of the sanctioned cadre.

(*b*) There is only one copy available in the office of the Railway Board and I shall be glad to show it to my Honourable friend if he calls for it at the office.

(*c*) It is a fact that four temporary Engineers have been retained. It was decided by Government in 1931 that certain selected temporary Engineers among those who were to be retrenched may be retained against vacancies in the Lower Gazetted Service.

PERMANENT VACANCIES IN CERTAIN DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY.

126. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that according to the printed " Statements of Gazetted Establishment as on 1st April, 1933 of the Great Indian Peninsula Railway " there are six permanent vacancies in the under-noted departments of the Great Indian Peninsula Railway ?

(1) Agency :—Four.

(*i*) Superintendent of Statistics—one post :

(*ii*) Assistant Deputy Agents—three posts :

(2) Engineering—Bridge Branch :—One post of Assistant Bridge Engineer, consequent on promotions due to the retirement of Mr. A. E. Mould :

(3) Stores :—One post of District Controller of Stores ?

(*b*) Is it a fact that in four out of these six posts Engineers are officiating only, *viz.* :

(1) (*i*) Mr. C. N. B. Smart.

(*ii*) Mr. J. E. Jack.

(2) Mr. K. C. Bakhate.

(3) Mr. J. E. Barton ?

(*c*) Will Government please state (*i*) why six (including the four mentioned in para. 7) of the total surplus of 17 Engineers have not been transferred permanently to these vacancies, in accordance with the Railway Board's instructions, *vide* their letter No. 847-E.G. of 13th June, 1932 to

the Agent, Great Indian Peninsula Railway, and (*ii*) why the four temporary Engineers are still retained in the service in view of the 17 surplus hands ?

Mr. P. R. Rau : (*a*) and (*b*). Yes.

(*c*) (*i*) One post has been held in abeyance and another is actually held by an Engineering Officer.

(*c*) (*ii*) I would invite the Honourable Member's attention to the reply I have just given to part (*a*) of his question No. 125.

REMOVAL OF SURPLUS POSTS IN THE ENGINEERING CADRE OF THE GREAT INDIAN PENINSULA RAILWAY.

127. ***Mr. M. Maswood Ahmad** : (*a*) Are Government aware that the Agent's statement in paragraph 2 of his letter No. 21619-2 of 3rd April, 1933 to the Railway Board does not explain that six of this surplus could be, but are not yet, removed from the Engineering Cadre by transfers to vacancies in the departments ?

(*b*) Will Government be pleased to lay on the table a copy of the letter No. 21619-2 of 3rd April, 1933 from the Agent, Great Indian Peninsula Railway to the Railway Board ?

Mr. P. R. Rau : (*a*) and (*b*). The letter referred to is a purely departmental document and Government are unable to place it on the table of the House or to discuss its contents on the floor of this House.

PROMOTION OF SUBORDINATES TO LOCAL GOVERNMENT SERVICE IN AN OFFICIATING CAPACITY ON ALL STATE RAILWAYS EXCEPT ON THE GREAT INDIAN PENINSULA RAILWAY.

128. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the Engineering subordinates on all the State-managed Railways except on the Great Indian Peninsula Railway are promoted to local gazetted service in an officiating capacity ?

(*b*) Will Government be pleased to explain the reason for this differential treatment ?

Mr. P. R. Rau : (*a*) and (*b*). The rule is the same on all State-managed Railways. Qualified subordinates are eligible for promotion to the Lower Gazetted Service ; but actual promotion depends on the vacancies available.

SEPARATION OF THE DIFFERENT CADRES OF EACH RAILWAY.

129. ***Mr. M. Maswood Ahmad** : Is it a fact that the Railway Board are considering the separation of the cadres to make the cadre for Engineering subordinate and local gazetted service of each railway independent of others and before doing so contemplate making certain transfers to balance the cadres and make the prospects of promotion of officers in each railway comparable ?

Mr. P. R. Rau : The cadres for Engineering Subordinates and Lower Gazetted Services have, to the best of my knowledge, always, been separate for each State-managed Railway and there is no question of separating them now.

The Railway Board have under consideration a scheme for transferring certain officers between State-managed Railways roughly with the object mentioned by the Honourable Member as far as they may prove to be practicable.

NON-APPOINTMENT OF A MUSLIM ON COMMITTEES FORMED IN CONNECTION WITH THE SEPARATION OF ORISSA PROVINCE.

130. ***Mr. M. Maswood Ahmad** : Is it a fact that in all the committees formed in connection with the separation of Orissa Province such as Orissa Boundary Committee and Committee for enquiry into problems of administration under the Chairmanship of Mr. J. A. Hubback, I.C.S., no Muslim member was appointed ?

The Honourable Sir Joseph Bhore : In regard to both Committees mentioned in the Honourable Member's question, the fact is as stated.

Mr. M. Maswood Ahmad : Will Government be pleased to say if there was any Committee in which not a single non-Muslim was taken ?

The Honourable Sir Joseph Bhore : I am afraid I do not quite follow the implications of my Honourable friend's question.

Mr. M. Maswood Ahmad : My implication is that this is the Committee in which not a single Muslim was taken, and what I want to know is, if there was any Committee formed by the Government or by the Secretary of State in which not a single non-Muslim was taken ?

The Honourable Sir Joseph Bhore : Obviously, Sir, I shall require notice of that question.

Mr. M. Maswood Ahmad : Will Government be pleased to state the reasons for not taking any Mussalmans for the Committee in connection with Orissa ?

The Honourable Sir Joseph Bhore : No, Sir, I cannot give my Honourable friend any reasons for the fact. I take it that the selection of members for these Committees was based upon considerations of suitability.

Mr. M. Maswood Ahmad : Do Government propose that in future Muslims will be taken in connection with committees regarding Orissa ?

The Honourable Sir Joseph Bhore : I can give the Honourable Member no assurance on that point.

Mr. M. Maswood Ahmad : Will Government be pleased to say how they propose to safeguard the interest of Muslims in Orissa if their attitude is such step-motherly towards them ?

The Honourable Sir Joseph Bhore : I suggest to my Honourable friend that he should read the White Paper.

Mr. S. C. Mitra : Are there not Depressed Classes and Sikhs in Orissa, and how many of them were appointed to serve on these committees ?

The Honourable Sir Joseph Bhore : I want notice of the question.

Mr. B. Das : Is it not a fact that although Muslims are only 1.5 per cent. in Orissa, there has never been any difference between Muslims

and non-Muslims in Orissa and that was why the Government of Bihar and Orissa never suggested the name of a Muslim on this Committee ?

The Honourable Sir Joseph Bhore : I am quite prepared to take my Honourable friend's suggestion on that point.

AMOUNT PAID TO WITNESSES FOR GOING TO LONDON FOR GIVING EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

131. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that funds were provided to some of the witnesses for going to London for giving evidence before the Joint Parliamentary Committee ?

(*b*) If the reply to part (*a*) be in affirmative, will Government state what amount has been paid to different witnesses (each witness separately) ?

(*c*) If the reply to part (*a*) be in affirmative, will Government be pleased to state whether the previous sanction of the Legislative Assembly was taken or not ?

The Honourable Sir Joseph Bhore : (*a*) His Majesty's Government have offered financial assistance to a specified number of witnesses from each association or organization invited by the Joint Select Committee to give evidence before it.

(*b*) I have no information.

(*c*) No. The expenditure is a charge on the British Exchequer, not on Indian revenues.

Mr. B. Das : Is it not a fact that the Government of India, through the Reforms Office, arranged the passages of these witnesses who went to London to give evidence ?

The Honourable Sir Joseph Bhore : That may be so, but in that case the Reforms Office were only acting as agents of His Majesty's Government.

Mr. B. Das : Is the Honourable Member aware that the Reforms Office not only arranged the passage for one of these witnesses, but also arranged the passage for his cook, because he alleged that, as the representative of 250 million orthodox Hindus, in England he must have his food cooked by his own orthodox cook on the boat ?

The Honourable Sir Joseph Bhore : I have no information on that point.

Mr. Gaya Prasad Singh : May I take it that the Reforms Office is in possession of the names of witnesses whose passages were arranged by them ?

The Honourable Sir Joseph Bhore : I think so.

Mr. Gaya Prasad Singh : Will the Reforms Office give the names of these witnesses to the House ?

The Honourable Sir Joseph Bhore : I will have no objection to give my Honourable friend that information if he puts down a question on the notice paper.

Mr. Gaya Prasad Singh : Those witnesses whose passage money was paid by Gofernment ?

The Honourable Sir Joseph Bhore : I made it quite clear that the Government of India paid no passage money for these witnesses. It was His Majesty's Government who bore all the expenses.

Mr. B. Das : Will the Honourable Member please enquire whether the passage for a cook was paid for Mr. M. K. Acharya, and the P. & O. made special arrangements for his cooking ?

The Honourable Sir Joseph Bhore : If my Honourable friend will put down a question on the notice paper, I shall give a reply.

Mr. Gaya Prasad Singh : How many went there on this pleasure trip ?

The Honourable Sir Joseph Bhore : If my Honourable friend means to ask how many witnesses gave evidence before the Joint Parliamentary Committee, I shall be happy to provide him with the information if he gives me notice.

Mr. M. Maswood Ahmad : Is it a fact that these witnesses were invited to the Joint Parliamentary Committee on the recommendation of the Government of India ?

The Honourable Sir Joseph Bhore : Yesterday I made my position in regard to this matter perfectly clear and I have nothing to add to or subtract from what I said.

Mr. M. Maswood Ahmad : Will the Honourable Member please say whether the Government received any letter from any person in the name of the Secretary, Jamiat-ul-Ulema-i-Hind to give evidence before the Joint Parliamentary Committee ?

The Honourable Sir Joseph Bhore : Does my Honourable friend refer to Mr. Abdul Aziz ?

Mr. M. Maswood Ahmad : No, Sir.

The Honourable Sir Joseph Bhore : I have no information on that point, and will need notice.

Mr. Lalchand Navalrai : Were the delegates, who were sent to the Joint Parliamentary Committee, also paid by His Majesty's Government ?

The Honourable Sir Joseph Bhore : I want notice.

Mr. M. Maswood Ahmad : Is it a fact that some one in the name of the Secretary, Jamiat-ul-Ulema-i-Hind, applied to the Government to allow him to go as a witness and to pay his expenses from the Indian Exchequer ?

The Honourable Sir Joseph Bhore : My Honourable friend must really give me notice of such questions as I cannot carry in my head all details.

REPRESENTATIVE OF THE ALL-INDIA MUSLIM LEAGUE FOR GIVING EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

132. ***Mr. M. Maswood Ahmad** : (*a*) Have Government received any letter from Mian Abdul Aziz, Bar.-at-Law, President, the All-India Muslim League informing the Government that no representative has been elected by the All-India Muslim League for giving evidence before the Joint Select Committee ?

(*b*) Have Government paid any amount to any witness for being the representative of the All-India Muslim League ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) The Government of India have no concern with payments to witnesses appearing before the Joint Select Committee.

CONSTRUCTION OF QUARTERS IN NEW DELHI.

133. *Mr. **S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that tenders for building 600 additional quarters for Government of India clerks, assistants, superintendents and other gazetted officers have been invited by the Central Public Works Department, New Delhi ?

(*b*) If so, will Government be pleased to state the number of each type of orthodox and unorthodox quarters for which tenders have been invited ?

(*c*) Will Government also be pleased to state the sites on which such quarters are being proposed to be built ?

(*d*) Are Government aware that there is a strong feeling amongst the Government of India staff against the defective plan and construction of the quarters that are already in existence ?

(*e*) Do Government propose to consult the Service Associations of the different classes of Government servants for whom new quarters in New Delhi are being constructed as to the modifications in those quarters that might have been found necessary by their experience ? If not, why not ?

(*f*) Will Government be pleased to state whether they received any representation from the Service Associations of the Government of India employees regarding additions, alterations and modifications to the existing quarters, and if so, how many representations were received by them since 1920 and in how many cases they accepted the suggestions ?

(*g*) Do Government propose to carry out all the suggested alterations, additions and modifications that have been received by Government from time to time from the different Service Associations in constructing the new quarters for which tenders have been invited ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Tenders have been invited for building additional quarters for the Government of India staff. A statement showing the number of each type of quarters which it is proposed to construct is laid on the table.

(*c*) It is proposed to build the quarters on vacant sites in the developed area in New Delhi and in the undeveloped area between the old city wall and the main railway line in the vicinity of the Government Press.

(*d*), (*e*), (*f*) and (*g*). I propose, with your permission, Sir, to answer the last four parts together generally. The various suggestions made by the Service Associations from time to time have been given due consideration by the architects, and as many of those suggestions as possible have been incorporated in the revised plans, consistent with economy and cost. If the Associations concerned wish to make further suggestions, they will be carefully examined, but Government cannot give an undertaking that the different associations will necessarily be consulted before plans are approved.

Statement showing the number of each type of quarters for Government of India clerks, Assistants, Superintendents and other gazetted officers for which tenders have been invited.

Officers' bungalows.

A class houses	7
B class houses	13
C class houses	10
D class houses	7
	37

Clerks' quarters.

A Orthodox	3
B Orthodox	27
B Unorthodox	33
C Orthodox	90
C Unorthodox	30
D Orthodox	272
D Unorthodox	22
E Orthodox	150
	627

Mr. Lalchand Navalrai : May I know from the Honourable Member whether tenders were actually invited and, if so, whether the contract will be given to the lowest bidder or will it be settled in any other manner ?

The Honourable Sir Frank Noyce : Tenders have been invited and they will be dealt with in the usual manner.

CONSTRUCTION OF NEW QUARTERS FOR MEMBERS OF THE LEGISLATURES IN NEW DELHI.

134. *Mr. **S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state whether any quarters are being proposed to be constructed for the Members of the present Legislative Assembly or the future Indian legislatures ? If so, how many ?

(*b*) Have Government consulted the House Committee of the Legislative Assembly and the Council of State regarding the modifications, additions and alterations that they might suggest for making them more suitable to Indian Members both orthodox and unorthodox ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) Yes, 33 quarters.

(*b*) The design suggested for the Legislators' quarters is the type for which there is the greatest demand and it has been influenced by suggestions made by the House Committee from time to time. If the House Committee wish to make further suggestions, Government will gladly give them careful consideration.

Mr. Gaya Prasad Singh : Will Government lay their proposals before the House Committee so that they may be able to give their considered opinion thereon ?

The Honourable Sir Frank Noyce : If the House Committee desire to see the plans, I have no objection to doing so.

Sirdar Harbans Singh Brar : Is the Honourable Member aware that the Chief Engineer gave an undertaking in the House Committee that on his own motion he will lay the plans before the House Committee for their approval ?

The Honourable Sir Frank Noyce : I have no information on that point, but I would assure the Honourable Member that, if the Chief Engineer gave such an undertaking, it will be duly honoured.

Sirdar Harbans Singh Brar : Will the Government be pleased to give the preference to the quarters of legislators instead of to the quarters of officers, because the officers' quarters cannot be ready before March and cannot be occupied before October of next year ?

The Honourable Sir Frank Noyce : The intention is that all parts of the scheme should proceed *pari passu* and that the legislators' quarters should be taken in hand at once although I cannot give an absolutely definite assurance on the point without further inquiry. I have no doubt that the intention is that the scheme should be taken up as a whole.

Sirdar Harbans Singh Brar : Do not the Government think that it is unfair that when the money was not even sanctioned by the Standing Finance Committee that tenders were invited and that tenders are again going to be invited from the public ?

The Honourable Sir Frank Noyce : No, I do not think so. We had to take advantage of the opportune moment. I do not think that there has been such a change since tenders were first invited as to make it necessary to call for new tenders.

Diwan Bahadur Harbilas Sarda : Do I understand that Government propose to lay before the House Committee plans and specifications of each of the quarters for Members of the Legislature that are to be built and will they consider the suggestions made by the House Committee before taking actually into hand the operations ?

The Honourable Sir Frank Noyce : I am informed by my Honourable friend opposite, who is a member of the Standing Finance Committee, that the Chief Engineer gave an undertaking that he would place the plans before the House Committee. That must obviously be done and the views of the House Committee will certainly be obtained before any further progress is made.

CONSTRUCTION OF QUARTERS IN NEW DELHI.

135. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state whether the construction of quarters in New Delhi is being proceeded with before consulting the men who are expected to live in the quarters ? If so, why ?

(*b*) Will Government be pleased to state whether they have decided to stop the Simla exodus ? If so, from what year ?

(*c*) Is it a fact that the construction of quarters is to be completed before the 31st March, 1934 ? If so, will they be pleased to state whether they propose to stop the move in 1934 *in toto* or in part ?

The Honourable Sir Frank Noyce : (*a*) The Honourable Member is referred to the answer to the last four parts of his question No. 133.

(*b*) Government have reached no decisions beyond that stated on page 23 of the Summary of the Results of Retrenchment operations in Civil Expenditure copies of which are in the Library.

(*c*) The reply to the first part is in the negative. As regards the second part, no decision has been reached.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

136. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that the Government of India Army Department pay about Rs. 720 per month for a Special train from Summer Hill to Simla and *vice versa* for the free conveyance of clerks of the Army Headquarters ?

(*b*) Is it a fact that under the agreement between the Railway Department and the Army Headquarters the clerks of the Army Headquarters residing in Summer Hill quarters are entitled to be accommodated in the three third class bogies reserved for them in that Special train ?

(*c*) If so, will Government be pleased to state the number of clerks of the Army Headquarters residing in Summer Hill who were given free passes to travel by the said Specials during each of the last five years and also this year ?

(*d*) Will Government be pleased to state what will be the monthly saving to Government, if the clerks of Army Headquarters residing in Summer Hill are provided a third class monthly ticket at a cost of Rs. 5 a month for coming to and going from office by the daily passenger train leaving Summer Hill at 9-17 A.M., instead of running this Special train from Summer Hill at 9-22 A.M.? Are Government aware that the Army Headquarters clerks can return to Summer Hill by the train leaving Simla at 4-20 P.M. ? If so, do Government propose to abolish this Special train for economy ? If not, why not ?

(*e*) Will Government be pleased to state whether the Khansamas, Mehtars, Bearers and other menial servants belonging to the said clerks of the Army Headquarters and other inferior servants of Army Headquarters are provided with free passes to travel free between Summer Hill and Simla ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). Yes.

(*c*) Figures for 1929 and 1930 are not available. Those for 1931, 1932, and 1933 are 75, 79 and 80 respectively.

(*d*) If third class bogies were not reserved for the personnel in question, they would probably have to be given second class and not third class tickets, in which case there would be no economy. The suggestion of the Honourable Member will, however, be considered and I can assure him that the present arrangements will be discontinued if it is found that the objects in view can equally well be secured by cheaper methods.

(*e*) The answer is in the negative.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

137. *Mr. S. C. Mitra (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that the Railway Staff are not allowed to check the passes of the occupants of the three reserved bogies on the Special train running between Summer Hill and Simla without the permission of the Sergeant-in-Charge of the Summer Hill Camp ?

(b) Is there any system by which passes are daily checked ? If so, what is the system adopted for such a check ?

(c) Are Government aware that persons not authorised by the Army Headquarters do travel in these bogies ? If not, do they propose to enquire ? If not, why not ?

(d) Are Government aware that the Railway Staff on duty do not daily check the passes in those reserved third class bogies, whereas they check daily both morning and evening the tickets of other Indian passengers holding monthly season tickets and travelling in other compartments attached to that Special ? If not, do they propose to enquire into the matter ? If not, why not ?

Mr. P. R. Rau : (a) No.

(b) A Ticket Collector travels by this train daily to check tickets, and surprise checks are made now and then at Simla station.

(c) The North Western Railway administration reports that enquiries have already been made and it has been ascertained that this is not the case.

(d) The Railway Administration reports that it has no reason to believe that the facts are as stated.

PROVISION OF A CLUB FOR INDIAN CLERKS LIVING IN SUMMER HILL QUARTERS.

138. *Mr. S. C. Mitra (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that Government have provided a Club House for the European clerks of the Army Headquarters residing in Summer Hill ? If so, will Government be pleased to state whether they have made provision for a Club House for the Indian clerks living in Summer Hill quarters ? If not, do they propose to make suitable arrangements for a Club House for the Indian clerks residing in Summer Hill quarters ? If not, why not ?

Mr. G. R. F. Tottenham : The answer to the first part of the question is in the affirmative, except that the Club is open to all European and Anglo-Indian clerks and not only those at Army Headquarters. The answers to the 2nd and 3rd parts of the question are in the negative. The answer to the last part is because the number of Indian clerks residing in Summer Hill is not large enough to make it worth while to provide them with a Club House. I understand that where there are a large number of Indian clerks, *e.g.*, at Phagli, a Club House has been provided for them at a nominal rent of Rs. 12 a year.

Mr. S. C. Mitra : Is the Honourable Member in a position to state the number of Europeans and Anglo-Indians there as also the number of Indians ?

Mr. G. R. F. Tottenham : I can only give the number of Europeans and Anglo-Indians. It is about 60. I could not give off-hand the number of Indians.

Mr. S. C. Mitra : The Honourable Member said that the number of Indian clerks is small. Can he give us an approximate idea about the number of Indian clerks, otherwise how can he say that Indians are small in number ?

Mr. G. R. F. Tottenham : I was informed that their number was less, but I have not got the exact number.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

139. *Mr. S. C. Mitra (on behalf of Mr. Bhuput Sing) : (a) Are Government aware that the Army Headquarters clerks holding third class passes occupy inter class compartments attached to the Army Headquarters Special for accommodating inter class monthly ticket holders, debarring the legitimate inter class passengers from occupying such compartments ?

(b) Will Government be pleased to state whether the clerks of Army Headquarters for whom a special train is run are entitled to travel by any other trains excepting the Army Special ? If not, are Government aware that a large number of European clerks of Army Headquarters travel daily by 4-20 train debarring other legitimate passengers who travel by such trains on payment ? Do Government propose to take steps for stopping such clerks holding Army Headquarters passes from travelling without payment by all the other regular trains between Simla and Summer Hill ? If not, why not ?

Mr. P. R. Rau : (a) The Railway Administration reports that only passengers holding tickets are allowed to travel in the carriages attached for the public.

(b) Clerks of Army Headquarters, for whom a special train is run, are not entitled to travel by any other train, and those who travel by the 4.20 train are required to purchase tickets.

PROVISION OF FACILITIES FOR FREE CONVEYANCE TO THE CIVILIAN CLERKS LIVING IN SUMMER HILL QUARTERS.

140. *Mr. S. C. Mitra (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the number of ministerial staff belonging to Army Headquarters, (i) who have been officially allotted quarters, (ii) who are living with other tenants in Summer Hill quarters, and (iii) who are living in private houses in Summer Hill and will Government be pleased to state the total number of passes issued by Army Headquarters during the current year up-to-date ?

(b) Is it a fact that only the ministerial staff of the Army Headquarters who have been allotted Government quarters are entitled to the free passes for travelling between Summer Hill and Simla by the Army Special ? Are Government aware that even children of the Army Headquarters ministerial staff going to school in Simla are allowed free passes by the Army Headquarters between Summer Hill and Simla ? If so, will Government be pleased to state why the children of the ministerial staff of the Civil side of

the Government of India living in Summer Hill are not allowed free conveyance to Simla schools and back ? Do Government propose to issue free passes to the school-going children of such employees ? If not, will Government be pleased to state the reasons why this invidious distinction is being made ?

(*c*) With reference to the reply to the supplementary question by Dr. Ziauddin Ahmad arising out of starred question No. 637 by Mr. Lalchand Navalrai on the 22nd September, 1932, will Government be pleased to state whether they have looked into the question of the provision of facilities for free conveyance to the ministerial staff of the Civil Departments on the same lines as their colleagues in the Army Headquarters ? If so, what is the result of such enquiries ?

Mr. G. R. F. Tottenham : (*a*) (*i*) 54.

(*ii*) 14.

(*iii*) 14. The total number of passes is 80. This includes passes for 12 children of certain soldier clerks who are entitled to free conveyance as explained in part (*b*). In addition, passes were inadvertently issued this year to five persons who were not entitled to travel by the Special train. These have been cancelled.

(*b*) The concession is given to all members of the ministerial staff at Army Headquarters who are residing in Government quarters at Summer Hill. It is not admissible to the children of all Army Headquarters clerks, but only to the children of military technical personnel residing in such quarters and being educated in Simla. The reason in their case is that under military rules, they are entitled to free education and free conveyance to school, if the distance is over ½ mile. I am informed that there are no reasons for allowing free conveyance to the children of the staff in the Civil Departments and Government do not propose to issue free passes to the school-going children of such employees.

(*c*) Government have looked into the question and have come to the conclusion that there is no case for the provision of facilities for free conveyance to the clerks concerned.

House Rent charged from the Ministerial Staff of the Civil Departments.

141. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) With reference to the reply to the supplementary question by Dr. Ziauddin Ahmad arising out of starred question No. 431 on the 19th September, 1932, will Government be pleased to state the reasons why house rent at a rate more than 10 per cent. is charged from the ministerial staff of the Civil Departments ?

(*b*) Do Government propose to amend the rules for allotment of Simla Government quarters by which no one should be charged more than 10 per cent. and the excess of the house rent allowance refunded to the employees ? If not, why not ?

(*c*) Are Government aware that there are cases where the staff of the Civil Departments are asked to pay the difference between the assessed rent of a quarter of his class and the house rent allowance that he is entitled to draw ? If not, do Government propose to enquire about such cases and remit them from the liability of the extra rent ?

The Honourable Sir Harry Haig : The matter is being examined and the information will be laid on the table in due course.

Free Railway Passes allowed to Army Headquarters Clerks living in Private Houses in Summer Hill.

142. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that even the clerks of Army Headquarters who live in private houses in Summer Hill of their own choice are given free passes to travel by the train known as the Army Headquarters Special ?

(*b*) Is it a fact that the families, servants and dogs of such clerks are also given passes by the Army Headquarters to travel between Summer Hill and Simla by the Army Headquarters Special ?

(*c*) Is it a fact that the Army Headquarters claim that as they pay for third class carriages out of their budget they can carry any number of passengers and dogs in such compartments ?

(*d*) Is it a fact that there is a move by the Army Headquarters that this special should be treated as a military train and other passengers should not be allowed to travel by this train ? Will the Railway Department be pleased to state what is the total earning they are deriving monthly during the summer from monthly passengers and other civil passengers travelling between Summer Hill and Simla during the last and the current year ?

(*e*) Is it a fact that the income is gradually increasing owing to the occupation of Summer Hill Quarters by Government of India ministerial staff of the Civil Departments and Offices ?

Mr. G. R. F. Tottenham : (*a*) No.

(*b*) No.

(*c*) No.

(*d*) The answer to the first half of the question is in the negative. The total earnings during May, June and July of last year, were Rs. 1,254 as compared with Rs. 908 for the corresponding months of the current year.

(*e*) There has been a definite decrease in the earnings during the months of May and June as compared with the same months last year. The month of July, however, shows an increase and this is attributed to the incessant rains during that month this year.

Running of a Special Train for Civilian Clerks between Summer Hill and Simla.

143. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that, owing to the Summer Hill quarters being classed as unorthodox and owing to the rule of compulsory occupation by the staff electing unorthodox style, a large number of men are being compelled to occupy Summer Hill quarters ?

(*b*) Will Government be pleased to state the total number of staff of the Civil Offices that are going to be allotted quarters in Summer Hill for the next summer ? If the number of such persons are larger than that of the Army Headquarters clerks living in Summer Hill, do Government propose to run a Summer Hill shuttle train suiting the times of the opening and closing of Civil Offices ? If not, why not ?

(*c*) Will Government be pleased to state the reasons why a train should be run for a smaller number of Army Headquarters clerks and not for a larger number of men of the Civil Offices and their children ?

The Honourable Sir Frank Noyce : (*a*) No, it is not correct to say that a large number of men are being compelled to occupy Summer Hill quarters. The position is that the clerks' quarters in Simla, which were previously intended for Europeans and Indians have now been classed as European and Indian style of living quarters. The clerks concerned have the option to elect for European or Indian style of living quarters, and those electing for European style are liable to be allotted Summer Hill quarters.

(*b*) The allotments for the next summer season have not yet been made and it is, therefore, not possible to supply the information.

(*c*) It is not a fact that of the clerks to whom quarters have been allotted in Summer Hill a smaller number comes from Army Headquarters than from the Civil Offices.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

144. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state whether it is a fact that " a military train " is defined to be a train run for carrying troops for mobilisation ? If so, will Government be pleased to state the reasons for the proposed treating of the Summer Hill Army Headquarters Special meant for conveyance of clerks as a military train debarring others from travelling by that train ?

(*b*) Will Government be pleased to state the reasons why the Army Headquarters Special should be run on payment from the Army Budget for the conveyance of Army Headquarters clerks consisting of a large proportion of civilians and lady clerks who do not come under the category of regular troops ?

Mr. G. R. F. Tottenham : (*a*) I am not aware of any definition in the terms mentioned by the Honourable Member, nor is there any proposal to debar the public from travelling by the train in question.

(*b*) The reason why the Special train was sanctioned and the personnel in question were given free passes by it was to ensure that they should reach office punctually in the mornings and be given a chance of returning to their quarters at a reasonably early hour in the afternoons, without being compelled to walk the comparatively long distance to and from Summer Hill, where they are required to live. Moreover some of them who still retain a military status are entitled, under regulation, to free conveyance.

MEDICAL AID TO NON-GAZETTED GOVERNMENT SERVANTS.

145. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that non-gazetted Government servants are entitled to free medical attendance for themselves and at half rates for their families ? If so, are Government aware that Government servants very scarcely get medical help at those prescribed rates ?

(*b*) Are Government aware that in cases where the doctors do not expect any fees they generally postpone their calls to a later date ? If not, do Government propose to make an enquiry into the matter through the Service Associations ? If not, why not ?

(*c*) Is it a fact that non-gazetted Government servants are entitled to get the aid of the Civil Surgeon through the Assistant Surgeons at Rs. 5 a visit ? If so, will Government please give a statement as to the number of cases attended to by the Civil Surgeons, East and West, respectively, during the last three years through the Assistant Surgeons in which Rs. 5 have been charged by each of them ?

(*d*) Do Government propose to enquire from the Service Associations the cases where the Civil Surgeons have charged full fees for treating non-gazetted Government servants even if they have been sent for through the Assistant Surgeons ?

Mr. G. S. Bajpai : (*a*) All non-gazetted Government servants in Simla are entitled to free medical attendance. For medical attendance on families of employees of Civil offices there are special concessional rates of fees laid down in the Education, Health and Lands Department Resolution No. 780, dated the 12th December, 1922, a copy of which has been placed in the Library of the House. The answer to the second part is in the negative.

(*b*) Government have not received any such complaint. If the Honourable Member has any information in his possession and would care to communicate it to me, I shall gladly have it examined.

(*c*) The appointed medical attendant of a Government servant can, when he considers it necessary, call in for consultation the medical attendant of the next higher class. A Civil Surgeon is not entitled to any fee when thus called in for consultation on a Government servant.

(*d*) No, Sir ; Government have no reason to assume that if the Association has any grievance in the matter, it will not make suitable representations.

FEES CHARGED FOR OPERATIONS PERFORMED IN THE RIPON HOSPITAL, SIMLA, ON THE DEPENDANTS OF GOVERNMENT SERVANTS.

146. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that Government servants are charged fees for operations performed in the Ripon Hospital on the dependants of Government servants, gazetted and non-gazetted ? If so, will Government be pleased to state whether they have got any prescribed rates for such operations ?

(*b*) Is it a fact that Government servants are made to pay a heavy operation fee and that over and above that fee they are made to pay separately the fees for the sterilization of instruments, for anaesthetics, etc. ?

(c) Will Government be pleased to state whether they have any prescribed rules for such charges from Government servants serving in the Government of India Headquarters ? If so, will they be pleased to lay a copy of such rules on the table of the House ? If there are no prescribed rules, do Government propose to frame them for the guidance of the Civil Surgeons and also for the Government servants ?

(d) Are Government aware that in certain cases the operation fees and other fees charged from Government servants exceed their monthly salary ? If not, do Government propose to enquire through the Service Associations ? If not, why not ?

Mr. G. S. Bajpai : (a) and (c). The dependents of Government servants are not entitled to free surgical attendance at the Ripon Hospital, Simla. A copy of the rules of the Hospital showing the scale of fees chargeable for operations, sterilisation of instruments, etc., has been placed in the Library of the House.

(d) The scale of fees is graduated according to the income of the patient and cannot be regarded as excessive. Government have no reason to believe that medical officers charge more than the prescribed scale of fees.

FREE MEDICAL ATTENDANCE BY THE CIVIL SURGEONS, SIMLA, TO INDIAN GOVERNMENT SERVANTS.

147. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that Indian gazetted Government servants or Indian Government servants drawing more than Rs. 600 per mensem are entitled to free medical attendance by the Civil Surgeons of Simla ? If so, are Government aware that they never attend an Indian officer who does not pay them full fees of Rs. 16 ?

(b) Will Government be pleased to state how many times the Civil Surgeons of Simla have attended on Indian officers without charging full fees during the last two years ?

(c) Will Government be pleased to state whether the Civil Surgeons are entitled to send bills for their fees to officers entitled to free attendance by them ? If not, are Government aware that they do send such bills for payment ? If so, what action do Government take in such cases ?

(d) Will Government be pleased to state the number of years Colonel Whitamore has been in charge of the Ripon Hospital ?

(e) Are Government aware that the Colonel never attends any Indian officer unless he pays full fees for attending on him ? If not, do Government propose to enquire into the matter ?

Mr. G. S. Bajpai : (a), (b) and (c). All gazetted officers and all Government servants in Simla drawing Rs. 500 a month and more are entitled to the services of one of the Civil Surgeons. Government have no reason to believe that unauthorised fees have been charged for attendance on Indian officers.

(d) Since March, 1930.

(e) Government have received no such complaint and do not propose to make any inquiries.

Mr. N. M. Joshi : Am I to understand from the reply that officers, drawing Rs. 500 and more, get free attendance by the Civil Surgeon while poorer people have to pay the fees of the Civil Surgeon ? Is that the position ?

Mr. G. S. Bajpai : No ; that is not the position ; officers are classified according to their income with regard to the class of the officer who has to attend on them free of charge. Officers drawing Rs. 500 a month or more are entitled to the services of the Civil Surgeon ; officers drawing between Rs. 150 and Rs. 500, are entitled to the services of the Assistant Surgeon ; people drawing less than Rs. 150 are entitled to the services of the Sub-Assistant Surgeon.

Mr. N. M. Joshi : May I ask whether Government have inquired whether the giving of medical attention by a superior class of medical officer according to the means of the officer is the right method or giving the attendance of a superior medical officer according to the seriousness of the disease is a better method ? Have they ever inquired into this ?

Mr. G. S. Bajpai : Government have provided for both. There is such a thing as the number of individuals to be dealt with, and, therefore, it is not possible to make all employees of Government entitled to the services of the highest medical officer available on the spot. But I stated in reply to an earlier question that if a doctor, to whose services the Government employee is entitled, is in need of consulting somebody possessing higher qualifications, he can do so free of charge.

CIVIL SURGEON IN CHARGE OF RIPON HOSPITAL IN SIMLA.

148. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : Do Government propose to make a rule that no Civil Surgeon should be placed in charge of the Ripon Hospital in Simla for more than two calendar years ? If not, why not ?

Mr. G. S. Bajpai : Government do not see any necessity for altering the existing practice.

RACIAL DISCRIMINATION IN THE FIXATION OF HOSPITAL CHARGES IN THE HINDU RAO HOSPITAL, DELHI.

149. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that the Hospital charges fixed for the Hindu Rao Hospital, Delhi, by rules made by the Government of India are different for the officers of Asiatic domicile and non-Asiatic domicile living in European style ? If so, will Government be pleased to state the reasons for this racial discrimination ?

(b) Will Government be pleased to lay a copy of such rules now in force on the table of the House ?

(c) Do Government propose to amend the rules, doing away with the racial discrimination in matters of hospital charges in the Hindu Rao Hospital both for the officers and their families ? If not, why not ?

(d) Will Government be pleased to state the hospitals under the charge of the Government of India where such different charges have been fixed on grounds of domicile ?

Mr. G. S. Bajpai : (*a*) to (*d*). A copy of the rules of the Hindu Rao Hospital as approved by the Government of India in September, 1931, has been placed in the Library. When these rules were framed, officers of non-Asiatic domicile belonging to Superior Civil Services were entitled, as a result of the Lee Commission's recommendation, to certain concessions, which were not admissible to officers of Asiatic domicile, in the matter of treatment in a hospital, *e.g.*, free nursing. It has, however, recently been decided that the same concessions should be extended to all officers of the Superior Civil Services, in all hospitals, irrespective of considerations of domicile. The rules will be revised accordingly.

RULES OF HOSPITALS UNDER THE ADMINISTRATION OF THE GOVERNMENT OF INDIA.

150. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : Will Government be pleased to lay a copy of the rules in force now in the different hospitals under the administration of the Government of India and also of such hospitals where the Government of India pay any contribution either by loan of their medical officers or by a grant ?

Mr. G. S. Bajpai : The information asked for by the Honourable Member is not readily available and its collection would involve an expenditure of time and labour which Government have no reason to believe would be commensurate with the results. If the Honourable Member will be good enough to specify any hospital, or hospitals in any particular locality, in respect of which he desires the information, I shall endeavour to obtain it.

NON-ADMISSION OF INDIANS IN THE WALKER AND PORTMORE HOSPITALS IN SIMLA.

151. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that Indian officers and subordinates are not admitted into the Walker Hospital and the Portmore Hospital in Simla ? If so, will Government be pleased to state the reasons for not admitting Indian officers and subordinates living in European style and unorthodox types of Government quarters ?

(*b*) Do Government propose to amend the rules in such a way as to admit Indians living in European style into these Hospitals ? If not, why not ?

Mr. G. S. Bajpai : (*a*) and (*b*). A copy of the rules of the Walker Hospital and the Portmore Maternity Home has been placed in the Library. There is no bar to the admission of Indians to either institution provided that they are willing to abide by the rules.

ALLEGED INHUMAN TREATMENT METED OUT TO TAMIL LABOURERS IN SENGORRA DISTRICT IN SIAM.

152. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware of the "inhuman treatment meted out to Tamil labourers in Singora District" in Siam ; that "A considerable number of Tamil Labourers are being sweated by Chinese Torokies with impunity", in the words of Dr. Lanka Sundaram, Director of the Indian Institute of International Affairs ?

(*b*) Is it a fact that if the Sengorra Indians are sent back to Malaya, the Indian Immigration Fund in that country is legally obliged to send them back to India ?

(*c*) What is the approximate number of Indians in Siam and what steps have been taken in the matter ?

Major W. K. Fraser-Tytler : (*a*) I have seen the Statement by Dr. Lanka Sundaram referred to and am aware that complaints have been made about the treatment of Tamil labourers in the Sengorra District.

(*b*) A certain amount of migration of Indians from Malaya into Siam appears to be going on, though, considering that the number of Indian labourers in the area mentioned is understood to be only about 200, the volume of such migration must be small. Government have no information as to whether it is voluntary or induced by employers of labour in Siam. Indians assisted to migrate from India to Malaya are entitled to repatriation at the expense of the Indian Immigration Fund under certain conditions. Those who cross over from Malaya to Siam and then return to Malaya would also appear to be entitled to repatriation to India provided that those conditions are fulfilled.

(*c*) Government presume that the Honourable Member refers to the number of Indian labourers who have migrated from Malaya to Siam. The approximate number of such labourers now in the Sengorra area is understood to be about 200. Enquiries into the conditions under which they work and live have recently been made by His Majesty's Vice Consul at Sengorra and it is intended that as soon as the Government of India's new Agent has taken over his duties in Malaya and can conveniently visit Siam he should, with the permission of the Siamese authorities, do so in order to look into the question of immigration and to investigate the condition of the unskilled Indian labourers there.

Mr. Gaya Prasad Singh : With regard to the answer to part (*a*) of the question, may I know what steps have been taken by the Government to redress the grievances of the Indian labourers in that territory ?

Major W. K. Fraser-Tytler : Government are in communication with His Majesty's Minister at Bangkok and, acting on his advice, we are awaiting the report of the British Agent for Malaya. As soon as we receive that report, we shall take steps to bring to the notice of the Government of Siam state of affairs as shown by that report and the attitude that we think they should adopt towards it.

Mr. Gaya Prasad Singh : How long has this correspondence been going on ?

Major W. K. Fraser-Tytler : Since about April, I think.

Mr. B. Das : Is it not high time that the Government of India should appoint their own agents in these Asiatic countries than go through the circuitous channel of corresponding through the British Agents and British Consuls in those countries ?

Major W. K. Fraser-Tytler : The Agent in Siam of His Majesty's Government is the Minister and the Consul.

Mr. B. Das : May I address my question to the Leader of the House ? Is it not time that the Government of India should think of appointing

Indian Agents in these Asiatic countries, rather than correspond through the circuitous channel of British Ministers and Consuls who are not directly responsible to this Government ?

The Honourable Sir Joseph Bhore : My Honourable friend is asking me for an expression of opinion.

Mr. B. Das : Not at all : I am asking for the views of the Government of India at present, whether they intend to do so : when they have got Agents in South Africa and in Ceylon, why not in Siam ?

The Honourable Sir Joseph Bhore : I have no doubt that in time the number of our Agents abroad will increase.

Mr. B. Das : What is the present position, that is what I want to know ?

The Honourable Sir Joseph Bhore : In regard to what ?

Mr. B. Das : The present position regarding the appointment of Agents in Siam, in Kenya and other African and Asiatic countries ?

The Honourable Sir Joseph Bhore : I regret to say that I have no knowledge about Siam.

Mr. B. Das : The Honourable gentleman leaves it to the safe Department—the Foreign and Political Department—over which this House has no control.

IMMIGRANTS LEFT STRANDED AT AKRA, KIDDERPORE.

153. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that about 400 returned immigrants are left stranded at Akra, Kidderpore (Calcutta), absolutely helpless and homeless and almost starving ?

(*b*) From what colonies have they returned and under what circumstances ? What steps Government have taken in the matter ?

Mr. G. S. Bajpai : (*a*) So far as Government are aware there are about 169 emigrants still at Akhara living in the house of Rai Bahadur Seth Sukhlall Karnani. Some of them are reported to be in straitened circumstances.

(*b*) The Honourable Member is referred to the answer given by me on the 16th November, 1932, to Rai Bahadur Sukhraj Roy's question No. 1256 and to the supplementary questions arising out of it. A statement describing subsequent developments is laid on the table.

Statement describing subsequent developments regarding grant of relief to the returned emigrants at Matiabruz.

As regards the further steps taken in the matter, I may mention, with your permission, Sir, for the information of the House that on the 20th December, 1932, the Government of India had suggested to the Government of Bengal and to the Committee set up by that Government to look after these emigrants that a permanent solution of the problem created by their presence in Calcutta should be sought by inducing such of them as were genuinely anxious to profit by Government aid (*a*) to shift from Calcutta to villages in Bengal where offers of work or land might be forthcoming, or (*b*) to take advantage of schemes of colonisation in other provinces, or (*c*), in the last resort, to find work or land for them in or near their village homes in the provinces of their origin. Investigation disclosed the fact that offers of work or land in Bengal were not forthcoming. Inquiries made from the Governments of Bihar and Orissa and Madras with regard to the possibility of finding work or land for these returned colonists in or near their original villages proved unfruitful. The Government of the United Provinces alone offered to co-operate in settling at least some of the returned emigrants in Mirzapur district. The situation was then discussed with the Government of Bengal and, with their full concurrence, it was decided to help such of the returned emigrants as were genuinely willing to take advantage of the prospects of land settlement in Mirzapur to migrate there. As regards those who were unwilling to take advantage of this opening, it was decided to inform them that the gratuitous relief would be discontinued after a certain date and gratuitous relief was accordingly discontinued with effect from the 19th March, 1933. It cost Government Rs. 6,153. The majority of those who had been in receipt of relief in the Camp at Akhra refused to go to Mirzapur. Of the 120 who were willing, 62 have been sent for settlement on the estate of the Raja of Bijaygarh. The Government of India have undertaken to defray the cost of their transport from Calcutta to the estate, to maintain them there for a reasonable time until they can support themselves which, it is hoped, they will be able to do after they have raised one crop and also to advance funds to enable them to build houses and purchase agricultural implements and cattle. This is estimated to cost Rs. 4,400 of which a portion would be recoverable as *taqavi*. For the few, who, although they were willing to go to Mirzapur, and could not be settled there, the Protector of Emigrants in Calcutta has been placed in funds to make compassionate grants in order to enable them to maintain themselves until they can find some work.

PROHIBITION OF THE ENTRY INTO INDIA OF PUBLICATIONS BY RASH BEHARI BOSE.

154. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the monthly publication entitled the *New Asia* edited and published by Rash Behari Bose, or any other publications by him, wherever and in whatever language they may be printed, have been prohibited under the Sea Customs Act ? If so, why ?

(*b*) Where is *New Asia* printed and what are the names of the other publications by the same author, which have been prohibited ?

The Honourable Sir Harry Haig : (*a*) Yes. Rash Behari Bose is a proclaimed absconding offender, wanted on charges of conspiracy and murder, and Government do not consider it to be in the public interest to allow publications of a man of these antecedents to be circulated in India.

(*b*) The *New Asia* is printed in Japan. I do not propose to give publicity to the names of other publications.

Mr. S. C. Mitra : Are we to take it that Government proscribed his book without even reading through it, because it was written by a man who is an undesirable person ?

The Honourable Sir Harry Haig : No. Government have seen the publication.

Mr. S. C. Mitra : Are they seditious or objectionable, or are they proscribed because of their author ?

The Honourable Sir Harry Haig : It is undoubtedly objectionable. His activities even now are of an extremely objectionable character.

Mr. B. Das : Is the Honourable the Home Member aware that Japan is a country where anything seditious or communistic is strongly suppressed by the Government of Japan, and how did the Government of Japan allow Rash Behari Bose to publish seditious things in the *New Asia* ?

The Honourable Sir Harry Haig : The activities of this man are directed not against the Japanese Government, but against the Indian.

MURDER OF ONE SARDAR SHER SINGH IN CALIFORNIA, UNITED STATES OF AMERICA.

155. ***Mr. Gaya Prasad Singh** : Is it a fact that Sardar Sher Singh, a prominent Indian, was shot dead by an unknown person at Elcento, California, United States of America, in July, 1933 and, if so, was any enquiry made and with what result ?

Major W. K. Fraser-Tytler : The Government of India have received information from Washington that a thorough investigation held by the United States authorities shows that Sher Singh committed suicide after killing a Mexican girl.

CONDITION OF THE HEALTH OF MUKUL RANJAN SEN AND BIREN ROY, POLITICAL PRISONERS IN THE ANDAMANS.

156. ***Mr. S. C. Mitra** : (*a*) Is it a fact that political prisoners Mukul Ranjan Sen and Biren Roy were sent to the Andamans ? If so, on what dates ?

(*b*) Is it also a fact that they have been brought back from the Andamans ? If so, why and when ?

(*c*) Had Mukul Sen been suffering from tuberculosis for over a year and Biren Roy from other ailments before their transfer to the Andamans ?

(*d*) Who examined their health in the Alipore Central Jail at the time of their transfer ?

(*e*) Who are the Members of the Medical Board in the Alipore Central Jail to examine the health of the political prisoners on their way to the Andamans ?

(*f*) Are Government prepared to reconstitute the Medical Board to ensure better examination of the health of the prisoners ?

(*g*) What is the present condition of the health of these two prisoners ?

The Honourable Sir Harry Haig : (*a*) The prisoners were sent to the Andamans on the 15th August, 1932.

(*b*) Mukul Ranjan Sen and Birendra Nath Roy were retransferred to Bengal on the 22nd March, 1933, and the 12th December, 1932, respectively on medical grounds.

(*c*) As far as is known Mukul Ranjan Sen was not suffering from tuberculosis, nor Biren Roy from any diagnosable disease, at the time of their deportation.

(*d*) to (*f*). The prisoners were examined by a Committee constituted in accordance with rule 824 of the Bengal Jail Code and were certified to be fit for transfer to the Andamans. Government do not consider that there is any ground for altering the rule.

(*g*) The latest report regarding the health of prisoner Mukul Ranjan Sen is that he shows no signs of active tuberculosis. His temperature is normal and his weight for some months has been steady at 98 lbs. Biren Roy has no complaint at present and his weight has increased.

Mr. S. C. Mitra : What were the reasons which led the Government to send these prisoners back from the Andamans if they were not suffering from tuberculosis ? What were the diseases these persons were suffering from when they were in the Andamans and for which they were retransferred to Bengal ?

The Honourable Sir Harry Haig : I think I should have to ask the Honourable Member to give me notice of that question.

Mr. S. C. Mitra : Are Government now satisfied that, as these prisoners were sent back only after a few months, that the medical examination by the Medical Board was not quite thorough or satisfactory ?

The Honourable Sir Harry Haig : No, Sir ; these men were re-examined after their return, and I have given the House the results of their medical examination.

CONDITION OF THE HEALTH OF CERTAIN POLITICAL PRISONERS IN THE CELLULAR JAILS, ANDAMANS.

157. ***Mr. S. C. Mitra** : (*a*) Is it a fact that the condition of several political prisoners in the Cellular Jail, Andamans, named below :

1. Sjt. Satish Pakrashi,
2. Dr. Narayan Chandra Roy,
3. Dr. Bhupal Bose,
4. Sjt. Batukeshwar Dutta,
5. Sjt. Niranjan Sen Gupta,
6. Sjt. Sushil Das Gupta,
7. Sjt. Sudhangshu Dass Gupta,
8. Sjt. Nisha Kanta Roy Choudhury,

was serious during the last hunger-strike and they vomitted blood ?

(*b*) If not, what was their condition during the hunger-strike and how are they at present ?

(*c*) Is it also a fact that all the prisoners on hunger-strike were subjected to forced feeding ?

(*d*) If not, was prisoner Bidhu Sen subjected to forced feeding ?

(*e*) What are the reasons for his condition being so serious ?

(*f*) Was he not keeping good health since his transfer to the Andamans ?

The Honourable Sir Harry Haig : (*a*) No. The condition of none of these prisoners was ever serious, and the suggestion that any one of them vomitted blood is untrue.

(*b*) Nos. 2, 3, 5, 6, 7 and 8 suffered from no illness. No. 1 was in hospital for suspected malaria and No. 4 for mild influenza.

(*c*) and (*d*). All the prisoners were fed artificially. A large number of them took the food without any resistance.

(*e*) I understand that Bidhu Sen suffered from influenza and subsequently developed post influenzal congestion of the lungs which gave cause to some anxiety. Later, after the hunger-strike had terminated, he developed pneumonia.

(*f*) The Government of India have no further information about the health of this prisoner except that he has now completely recovered.

REPLY OF TELEGRAMS ENQUIRING ABOUT THE HEALTH OF POLITICAL PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

158. ***Mr. S. C. Mitra** : (*a*) How many telegrams had been received by the Chief Commissioner, Andamans, and the Superintendent of the Cellular Jail, from the relatives enquiring about the condition of the prisoners' health ?

(*b*) How many of these telegrams were replied to ?

(*c*) Is it a fact that Mr. Mohini Mohan Das Gupta of Kalia (Jessore) and Mr. Thakur Das Roy of Calcutta sent reply-paid telegrams to the Superintendent of the Jail enquiring about the former's son Sushil Das Gupta and the latter's brother Dr. Narayan Roy respectively ?

(*d*) Why, in spite of the pre-payment of the telegraphic charges, was no reply given ?

(*e*) Do Government propose to issue instructions to send prompt replies to all such enquiries in future ?

The Honourable Sir Harry Haig : (*a*) to (*e*). I have no information in regard to the number of telegrams sent, the names of their senders or of the number to which replies were sent. Government had no desire to give publicity to the names of the prisoners on hunger-strike and therefore decided to inform only the relatives of those whose condition gave cause for anxiety. This decision was announced in the communiqué issued on June 17, 1933. The relatives who received no information were in a position to know that there was no cause for anxiety. If no replies were sent in regard to the condition of Sushil Das Gupta and Doctor Narayan Roy it was because these two prisoners were never ill.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any relatives of these prisoners had gone to the Andamans to visit them after they were taken to the Andamans ?

The Honourable Sir Harry Haig : I think the answer to that is given to the next question.

Mr. S. C. Mitra : May I know from the Honourable Member what is the difficulty on the part of Government to reply to a pre-paid telegram saying that a particular prisoner is well and thus remove the anxiety from the mind of his relatives ?

The Honourable Sir Harry Haig : I explained the position to the Honourable Member and to other Honourable Members of this House when they were good enough to visit me in June. The position was that we were anxious not to advertise the strike and possibly confirm the hunger-strikers in their attitude by publishing their names in the papers, and naturally if anybody could send a telegram to the Superintendent of the Jail asking : "Is so and so on hunger-strike ?" and get an answer, that is equivalent to publishing the names of the prisoners on hunger-strike.

Mr. S. C. Mitra : If the inquiry is from a relative asking "how is so and so ?" and if he sends a pre-paid telegram, what is the difficulty on the part of Government merely to say that such and such prisoner is well ?

The Honourable Sir Harry Haig : The same result was achieved by the procedure which we adopted of undertaking to inform relatives of prisoners whenever there was any cause for anxiety.

INTERVIEW WITH POLITICAL PRISONERS IN THE ANDAMANS BY THEIR RELATIVES.

159. ***Mr. S. C. Mitra** : (*a*) How many applications or telegrams from relatives of the political prisoners have so far been received by the Jail authorities in the Andamans for permission to interview prisoners there ?

(*b*) Has any one of those relatives been given permission as yet ?

(*c*) If not, why not ?

(*d*) Is it a fact that Mr. Ramesh Sen of Sankrail (Howrah) has sent a reply-paid telegram to the Superintendent, Cellular Jail, soliciting permission for an interview with his sick brother Bidhu Sen ?

(*e*) If so, why has no reply been given ?

(*f*) Is it a fact that the permissions sought by Mrs. Uttama Sundari Roy and Mr. B. K. Das Gupta to interview former's son Kali Pada Roy and latter's brother Sushil Das Gupta, respectively, at Port Blair have been refused by the Superintendent of the Cellular Jail ?

(*g*) If so, will Government please state reasons therefor ?

(*h*) Do Government propose to issue instructions to the Jail authorities in the Andamans to give all possible facilities to the relatives to interview prisoners there ?

The Honourable Sir Harry Haig : (*a*) Seven applications for interviews were received up to the 9th August.

(*b*) Permission was given to the relatives of two prisoners both of whom were ill.

(*c*) Permission was refused in five cases because the prisoners were not ill and by going on hunger-strike had forfeited the privilege of an interview.

(*d*) and (*e*). Bidhu Sen was allowed to see his brother on July 19.

(*f*) and (*g*). The convicts were on hunger-strike and therefore forfeited their privilege of an interview.

(*h*) No special instructions are required. The grant of interviews is governed by the rules framed under the Prisons Act, 1894.

Mr. Lalchand Navalrai : May I know, Sir, if the relatives mentioned here and who visited these prisoners in the Andamans were already in the Andamans or they went from India merely to visit these prisoners ? If they went from India, at whose expense did they go there ?

The Honourable Sir Harry Haig : I imagine, Sir, they went from India. I do not think that the relatives of any of the terrorist prisoners are normally inhabitants of the Andamans.

Mr. Lalchand Navalrai : May I know the reply, Sir, to my second question, namely, who paid for the expenses of these relatives ?

The Honourable Sir Harry Haig : They must have paid their own expenses ; that is the normal rule.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

160. ***Mr. S. C. Mitra** : (*a*) What are the reasons that led the political prisoners in the Cellular Jail to resort to hunger-strike ?

(*b*) Were their demands in accordance with the Jail Code provisions ?

(*c*) Has the attention of Government been drawn to the statement made by Swami Jnanananda on the 9th June last that appeared in this connection in the leading nationalist papers ?

(*d*) What are the terms of settlement of the hunger-strike ?

(*e*) Have the prisoners any more grievance at present ?

(*f*) If so, what are they and why cannot those be redressed ?

(*g*) Has Lieut.-Col. Baker, Inspector General of Prisons, Punjab, returned to India from the Andamans ?

(*h*) How long did he stay in the Andamans ?

(*i*) What special service was rendered by him during the hunger-strike ?

The Honourable Sir Harry Haig : (*a*) to (*f*). I would refer the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's starred question No. 31 on the 23rd August.

(*g*) Yes.

(*h*) From June 14 to June 22.

(*i*) He was sent to consult with the Chief Commissioner regarding the medical arrangements, and the result was in the opinion of the Government of India very satisfactory.

RULES FOR RECRUITMENT OF INDIANS TO THE INDIAN ARMY VETERINARY CORPS.

161. ***Mr. Jagan Nath Aggarwal** : (*a*) With reference to the declaration by Government during the last session of the Legislative Assembly that rules were being framed for the future recruitment of Indians to the Indian Army Veterinary Corps on the same lines as Englishmen were recruited, provided the Indians were M.R.C.V.S., are Government prepared to expedite the publication of those rules so as to give a chance to Indian M.R.C.V.S. now in England to be recruited to the Indian Army Veterinary Corps ?

(*b*) Will the selection of recruits be made in England, and by what authority and when would it be made ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). The attention of the Honourable Member is invited to the Press Communiqué issued on the 16th May last, a copy of which will be found in the Library. There are many important points connected with pay, leave and pensions, etc., which have not yet been settled ; and it is unlikely that the new rules will come into force before the first batch of Cadets receive their commissions from the Indian Military Academy at the end of next year.

Every effort will, however, be made to publish the rules in advance so as to give ample notice of the changes.

Mr. Jagan Nath Aggarwal : What about part (*b*) of this question, Sir ?

Mr. G. R. F. Tottenham : Those are among the details which have not yet been settled.

GROUND ENGINEERS EMPLOYED IN DIFFERENT FLYING CLUBS IN INDIA.

162. ***Mr. Jagan Nath Aggarwal** : (*a*) Are Government in a position to state how many ground engineers are employed in the different flying clubs and the Tata air services in India ? How many are Englishmen and how many are Indians, and what is their respective pay ?

(*b*) How many England-trained Indian ground engineers are unemployed, and when did they return from England ?

(*c*) Have Government considered the question of taking steps towards the employment of these Indians in the different flying clubs, and the Tata air services, after necessary training in the Trans-Indian Continental Air Service and Imperial Airways ?

The Honourable Sir Frank Noyce : (*a*) There are 14 Ground Engineers employed by Flying Clubs in India and Tata's Air Mail Service, seven of whom are Europeans, one a Mauritian and six Indians. In addition, one Indian is employed by the Madras Air Taxi Service. The salary paid to these Ground Engineers is not known.

(*b*) So far as the Government of India are aware, none of the Indian Ground Engineers who have returned from England are unemployed at present. Government have no definite information as to when these persons returned from England.

(*c*) I would invite the attention of the Honourable Member to the reply I gave on the 30th November, 1932, to part (*a*) of his question No. 1523.

Mr. Lalchand Navalrai : Is there any difference in the pay of Europeans and Indians ?

The Honourable Sir Frank Noyce : As I said, I am unable to give particulars of the pay they are drawing. That is a matter between the Ground Engineers and the Flying Clubs.

Mr. Jagan Nath Aggarwal : Will it not be desirable to keep a register of such persons who are qualified in England and in this country and also showing whether they are employed or unemployed ?

The Honourable Sir Frank Noyce : I shall be very glad to consider that suggestion.

PROPOSED REMOVAL OF AN ANCIENT SHRINE AT AZIMGANJ BY THE EAST INDIAN RAILWAY AUTHORITIES.

163. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : Will Government be pleased to state whether it is a fact that the authorities of the East Indian Railway intend to remove a long and ancient shrine in the shape of a *Shivlingam* that falls within the jurisdiction of the East Indian Railway at Azimganj (Bandel-Barhwara Loop line) ? If so, are Government prepared to stop such action ? Are Government aware that its removal will be harmful and injurious to the sentiment of the Hindus and will revolt their feelings ?

Mr. P. R. Rau : The reply to the first part of the question is in the negative and the other parts do not arise.

DISCHARGE OF TEMPORARY STAFF OF CENTRAL PUBLICATION BRANCH.

164. ***Mr. S. C. Mitra** : (*a*) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether it is a fact that Government proposed to discharge the temporary staff of the Central Publication Branch on the eve of transfer of the office to Delhi from Calcutta ?

(*b*) If the answer be in the affirmative, was the sanction for the temporary establishment in existence at the time ?

(*c*) Will the Honourable Member be pleased to state :

(*i*) How many temporary men were actually discharged ?

(*ii*) What were the respective lengths of their services ?

(*iii*) How much were these temporary men drawing in Calcutta ?

(*iv*) Whether these men have been re-appointed at Delhi ?

(*d*) If the answer to part (*c*) (*iv*) be in the affirmative, will the Honourable Member be pleased to state whether these men are drawing the same pay as they used to draw in Calcutta ?

(*e*) If not, what are they drawing now at Delhi ?

(*f*) Were they allowed the travelling allowances admissible according to the Fundamental Rules ?

(*g*) If not, what are the reasons for the non-grant of travelling allowances ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Yes.

(*c*) (*i*)—11 clerks and one labourer.

(*ii*)—Nine clerks—between three and four years, two clerks under two years, one labourer—five years.

(*iii*)—Seven clerks—Rs. 40 each, four clerks—Rs. 45 each, one labourer —Rs. 16.

(*iv*)—Yes.

(*d*) and (*e*). Yes, with the exception of four clerks who were in receipt of Rs. 45 per mensem each, and are now drawing Rs. 35 per mensem.

(*f*) No.

(*g*) The attention of the Honourable Member is invited to the reply given by me to Kunwar Hajee Ismail Ali Khan's starred question No. 689 on the 7th March, 1933.

NON-GRANT OF ADVANCE INCREMENTS TO THE STAFF OF THE CENTRAL PUBLICATION BRANCH ON THEIR TRANSFER TO DELHI.

165. ***Mr. S. C. Mitra** : (*a*) Are Government aware that the staff of the Central Publication Branch sent a memorial to Government for advance increment on account of transfer ?

(*b*) Is it a fact that the memorial was turned down ?

(*c*) If so, was it on account of financial stringency ?

(*d*) Is it a fact that the staff of the office of the Director-General of Posts and Telegraphs were granted advance increment when the said office was transferred from Calcutta to Delhi ?

(*e*) If so, what were exactly the circumstances that led to the non-grant of advance increment to the staff of the Central Publication Branch ?

(*f*) Will Government be pleased to lay on the table a statement showing the scales of pay of the clerical staff of the Office of the Director-General of Posts and Telegraphs at the time of transfer ?

(*g*) Will Government be pleased to state the scales of pay of the staff of the Central Publication Branch ?

(*h*) Is it a fact that there has been a saving of funds out of the Budget allotment for carrying out the move of the Central Publication Branch ?

(*i*) If so, will Government be pleased to say how much was saved ?

(*j*) Referring to unstarred question No. 688, dated 7th March, 1933, are Government inclined to reconsider the memorial of the staff of the Central Publication Branch in respect of advance increment in consideration of the saving ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Yes.

(*c*) and (*e*). The reason for rejecting the memorial is stated in the reply given by me on the 7th March, 1933, to part (*f*) of the starred question No. 688 by Kunwar Hajee Ismail Ali Khan. I have nothing to add to that reply.

(*d*) No. They were allowed some personal pay to be absorbed in future increments.

(*f*) A statement is laid on the table.

(*g*) I am placing a statement on the table in connection with another question by the Honourable Member which I am answering to-day.

(*h*) Yes.

(*i*) It is anticipated that savings will amount to Rs. 43,600 approximately.

(*j*) No.

Scales of pay of the clerical staff of the office of the Director-General of Posts and Telegraphs at the time of its transfer from Calcutta to New Delhi in 1927.

Classes of posts.	Scale of pay. Rs.
Superintendents	500—25—700.
Assistant Superintendent and Chief Clerk, Simla Camp Office	350—20—450.
Head Assistants including Budget Assistants	250—20—350.
Personal clerk to the Director General	250—20—350 *plus* Rs. 50 special pay.
Head clerks	150—10—200.
'A' class clerks	80—80—100—5—150—10—250.
Cashier and Stamp Clerk, Calcutta office	80—80—100—5—150—10—250 *plus* Rs. 50 special pay.
Cashier, Simla Camp Office	80—80—100—5—150—10—250 *plus* Rs. 40 special pay.
Special pay for Stenographers	80—80—100—5—150—10—250 *plus* Rs. 25 special pay subject to the condition that pay *plus* special pay should not exceed Rs. 160 per mensem.
'B' class clerks	50—50—3—80—4—140.

DIFFICULTIES OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH DUE TO ITS TRANSFER TO DELHI.

166. ***Mr. S. C. Mitra** : (*a*) Are Government aware that the staff of the Central Publication Branch has been hard hit owing to (*i*) extreme climate of Delhi, (*ii*) loss of domicile consequent on transfer, (*iii*) remoteness from their hearth and home, and (*iv*) financial hardship ?

(*b*) Is it a fact that the Standing Finance Committee sanctioned the expenditure for the move for the following reasons emphasised by the Department :

(*i*) the paucity of sufficient accommodation felt in Calcutta, and

(*ii*) bad arrangement of stock in Calcutta and the resultant faults in the Store Accounts ?

(*c*) If so, will the Honourable Member for the Department of Industries and Labour be pleased to state whether the location of the office at Delhi has done away with all the difficulties enumerated above ? If not, will Government kindly say in what light success of the move can be correctly assessed ?

(*d*) Will the Honourable Member be pleased to state whether stock-taking was undertaken in April, 1933, by the Central Publication Branch ?

(*e*) If the answer to the above be in the affirmative, will Government be pleased to say whether the ledger and stock balances of publications have been reconciled ?

The Honourable Sir Frank Noyce : (*a*) Most officials prefer to serve near their own homes, but Government do not consider that special hardship is involved when this proves impracticable.

(*b*) I have no reason for thinking that the Standing Finance Committee's conclusion was based on the examination of difficulties relating to accommodation and stock-taking in Calcutta to the exclusion of the other considerations put before them.

(*c*) I have satisfied myself by personal inspection that the transfer of the Branch to Delhi is serving its purpose. The second part does not arise.

(*d*) The stock of publications was counted before despatch from Calcutta and again on receipt in Delhi. This was in effect a taking of stock, and a separate stock-taking, as such, in April, 1933, was therefore unnecessary.

(*e*) The Central Publication Branch is at present engaged in the work of reconciliation between the ledger and stock figures as they stood on the 31st March, 1933.

SALARIES DRAWN BY THE NON-GAZETTED STAFF OF THE CENTRAL PUBLICATION BRANCH.

167. ***Mr. S. C. Mitra** : (*a*) Will Government be pleased to lay on the table a statement showing the respective salaries drawn by the non-gazetted staff of the Central Publication Branch ?

(*b*) Will Government kindly lay on the table a statement showing the actual amounts deducted from their respective salaries on account of house rent ?

(*c*) Is it a fact that the Government sanctioned an advance loan of two months' pay subject to a maximum of Rs. 200 ?

(*d*) If so, will Government kindly lay on the table a statement of monthly deductions made in respect of each individual of the staff to recoup the advance loan ?

(*e*) Is it a fact that the Notified Area Committee, Delhi, charges Rs. 2-8-0 per mensem on account of water supply in the quarters ?

(*f*) Will the Honourable Member be pleased to lay on the table a statement of respective net balances of salaries of the staff that were actually left in hand in the month of June last after meeting the obligations enumerated below :

(*i*) Electricity charge,

(*ii*) Water supply,

(*iii*) Deduction on account of advance loan, and

(*iv*) 5 per cent. emergency cut ?

The Honourable Sir Frank Noyce : (*a*) I place a statement on the table showing the scales applicable to the superior staff.

(*b*), (*d*) and (*f*). Rent is recovered according to the usual rules, and in no case exceeds 10 per cent. of salary, and recoveries of advances are made at the rate of 10 per cent. of salary monthly. I am not able to supply particulars relating to individual cases.

(*c*) An advance of two months' pay was given, but no maximum limit was fixed.

(*e*) Yes.

Statement showing the scales of pay of the superior non-gazetted staff of the Central Publication Branch.

Posts.	Scales of pay.
	Rs.
Assistant Manager	300—20—400.
Accountant	250—10—350.
Head Assistant	200—10—250.
Assistants (including Cashier)	80—80—100—5—150—10—200.
Clerks (including Addressograph Operator) ..	45—45—50—3—65—4—85—4—105—5—140.
Typists	45—45—5/2—100.
Sarkar and Junior Addressograph Operator ..	25—1—35.

ACUTE DISTRESS OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH ON ACCOUNT OF THE BURSTING OF MONSOON.

168. ***Mr. S. C. Mitra** : (*a*) Has the attention of the Honourable Member in charge of the Department of Industries and Labour been drawn to the report in the newspapers *Hindustan Times* and *National Call* of 29th June, 1933, regarding the acute distress of the staff of the Central Publication Branch on account of the bursting of monsoon ?

(*b*) Is the Honourable Member aware that a telegram was sent to Mr. A. G. Clow, I.C.S., Secretary, Industries and Labour Department, by the staff appealing for immediate relief ?

(*c*) If so, what steps did the Department take to remove their sufferings ?

The Honourable Sir Frank Noyce : Government have read the articles referred to in *The Hindustan Times* and *The National Call*, but both the newspaper accounts and the complaints made by the staff were greatly exaggerated. The officers of the Public Works Department took very prompt action to carry out the necessary repairs.

CONDEMNATION OF CERTAIN QUARTERS IN TIMARPUR, DELHI.

169. ***Mr. S. C. Mitra** : (*a*) Is it a fact that " E " Class quarters of Timarpur were condemned by the Public Works Department as being unfit for residential purposes ?

(*b*) If so, will the Honourable Member be pleased to state who is responsible for the allotment of condemned quarters ?

(*c*) Is it a fact that these quarters were constructed only for use for a short period ?

(*d*) If so, has not the specified period elapsed ?

(*e*) Is thorough overhauling of the quarters being considered by Government ?

(*f*) Is it a fact that these quarters were originally used by the industrial staff of the Delhi Press ?

(*g*) If so, are the industrial staff and the clerical staff of the same status ?

The Honourable Sir Frank Noyce : (*a*) No.

(*b*) Does not arise.

(*c*) and (*d*). It was, I think, believed when the quarters were constructed that they would not be permanently required, but no period was specified.

(*e*) No ; but necessary repairs are being done.

(*f*) The majority were occupied by members of the industrial staff but some were allotted to clerks.

(*g*) In respect of house accommodation all press employees drawing the same pay have the same rights.

MITIGATION OF THE HARDSHIPS OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH.

170. ***Mr. S. C. Mitra** : (*a*) Is it a fact that the office of the Central Publication Branch has been located in the old Press Buildings, Civil Lines, Delhi ?

(*b*) If so, is the said building in a dilapidated condition ?

(*c*) Is it a fact that during the monsoon in Delhi, considerable damage has been done to the stock of publications ?

(*d*) Is it a fact that the walls of the building may collapse very soon ?

(*e*) Is it a fact that the building was erected only for temporary purpose for a fixed period ?

(*f*) Is it a fact that the roofing is made of corrugated tin sheets ?

(*g*) Is it a fact that the Controller of Printing and Stationery refused sanction for Khus for the offices of the Central Publication Branch during the summer ?

(*h*) Is it a fact that the Honourable Member was appealed to telegraphically by the staff to order sanction for Khus ?

(*i*) If so, did Government take any steps to mitigate the hardships of the staff ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*), (*c*) and (*d*). No.

(*e*) It was believed when the building was erected that it would not be permanently required, but no period was specified.

(*f*) The roof is of corrugated iron.

(*g*) and (*h*). Yes.

(*i*) No ; it is not the practice of Government to take any action on direct applications of this kind. I may add that the telegram, which did not bear the name of any member of the staff, was most intemperately worded.

ILLNESS OF SAROJ RANJAN ACHARYA, A DETENU IN THE DEOLI DETENTION CAMP.

171. ***Mr. S. C. Mitra** : (*a*) Will the Honourable Member in charge of the Home Department be pleased to state whether Saroj Ranjan Acharya, B.A., detenu, is now lodged in the Deoli Detention Jail ?

(*b*) Are Government aware that he has been suffering from nervous prostration ? If so, what steps have been taken for his medical treatment ?

(*c*) Is it a fact that Kaviraji medicines are now being used by the detenu at the expense of the detenu's family ?

(*d*) When was he arrested ?

(*e*) Is it a fact that he has turned almost deaf in the course of his detention ? If so, what steps did Government take to cure his deafness ?

(*f*) Is it a fact that he underwent surgical operation at the Medical College Hospital, Calcutta ? If so, for what ailments ?

(*g*) Is it a fact that he underwent surgical treatment at the Alipore Central Jail Hospital for the second time ? If so, for what ailments ?

(*h*) What is the present condition of his health ?

(*i*) Is his weight well maintained ?

(*j*) Is it a fact that he was previously detained in the Buxa Detention Camp ? If so, when was he transferred to Deoli Detention Jail ?

(*k*) Was his widowed mother allowed any interview prior to the detenu's transfer outside Bengal ? If not, why not ?

(*l*) Was his mother informed of his transfer to Deoli Detention Jail ? If not, why not ?

(*m*) Is it a fact that a petition was sent to the Government of Bengal praying for his home-internment on the ground of ill-health ? If so, what steps have Government taken on the petition ?

(*n*) Do Government propose to consider the home-internment of the detenu now ?

The Honourable Sir Harry Haig : (*a*) and (*b*). Saroj Ranjan Acharya is in the Deoli Detention Jail and has been suffering from nervous trouble. He has been treated by the Additional Civil Surgeon, Ajmer, and is reported to have improved in health.

(*c*) Some Kaviraj medicine was sent to him about three months ago by a member of his family.

(*d*) April 22nd, 1930.

(*e*), (*f*) and (*g*). The detenu was deaf before his detention. In a petition submitted 2½ months after his arrest, he stated that he had been suffering from deafness and nasal catarrh for five or six months. At his own request he was examined in the Medical College Hospital, Calcutta, and underwent regular treatment there till August, 1931. He was operated on for infected tonsils in April, 1931. He was transferred to Buxa Detention Camp in September, 1931, but on the recommendation of the Medical Officer was subsequently sent back to the Alipur Central Jail and operated on for fistula. A specialist at the Medical College Hospital again examined him and reported that he was suffering from chronic middle ear deafness.

(*h*) and (*i*). I would refer the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's starred question No. 26 on the 23rd August last.

(*j*) Yes. He was transferred to Deoli on the 23rd September, 1932.

(*k*) His mother and brother were granted permission to interview him on the 19th August, 1932. His mother actually saw him on the 2nd September, 1932, as she failed to avail herself of the permission previously given.

(*l*) No. This is not the practice.

(*m*) and (*n*). Yes. The petition is under the consideration of the Government of Bengal.

HUNGER-STRIKE BY DETENUS IN THE DEOLI DETENTION CAMP.

172. ***Mr. S. C. Mitra:** (*a*) Will Government please state on how many occasions the detenus in the Deoli Detention Camp went on hunger-strike ? What was the last occasion ? How long did it last ? How many detenus took part in it ? What were their grievances ?

(*b*) Is it a fact that two detenus were on hunger-strike for 16 days and two others for 11 days in the latter half of June, 1933 ? How did the strike end ?

The Honourable Sir Harry Haig : There have been two hunger-strikes in the Deoli Jail. In regard to the first, I have nothing to add to the information given in my reply to the Honourable Member's short notice question on December 1, 1932. The second strike occurred in June of this year. Two detenus were on strike for 16 days and two for 10 days. Their grievances, as stated by them, related to diet, accommodation, medical arrangements and water supply, and included complaints against the staff. These grievances were found to be groundless.

ALLEGATIONS AGAINST THE BRITISH INDIA STEAM NAVIGATION COMPANY.

173. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the Honorary Secretary of the Muslim Teachers' Association, Rangoon, has sent a representation, dated the 21st May, 1933, to the Agent, British India Steam Navigation Company, Calcutta, in course of which it is stated that :

(*i*) when the Indian teachers of Rangoon were travelling by S. S. " Egra " to Calcutta, the cover over the deck was taken away when the ship came into the Calcutta river on 30th March, 1933, and passengers were " heated under the shining sun for about eight hours. Some women and children took shelter in the second class deck, but they were driven back by the Chief Officer by the shower of blows " : and

(*ii*) when they were returning to Rangoon after the vacation, on the 12th May, 1933, by S. S. " Karapara ", the passengers were forcibly made to vacate the front deck by the false report of a sudden storm, and then " the crew began to play cricket ", and when some passengers came back to their places they were driven down " by the Chief Officer kicking them very mercilessly ", and the passengers in the lower hold were " under great difficulties for want of air " ?

(*b*) Do Government propose to hold a thorough enquiry into the serious allegations made above, and communicate the result to the House ? Are they aware that such complaints of wild treatment and mismanagement on the British India Steam Navigation Company line plying between Calcutta and Rangoon, are common ; and what steps do Government propose to take to remedy this state of affairs ?

The Honourable Sir Joseph Bhore : (*a*) The Government of India have not received a copy of the representation referred to, but it is understood that a representation on the subject was made by the Honorary Secretary of the Muslim Teachers' Association, Rangoon, to Messrs. Mackinnon Mackenzie and Company, Managing Agents of the British India Steam Navigation Company, Calcutta.

(*b*) An enquiry on the subject was made from Messrs. Mackinnon Mackenzie and Company and the Company reported that on neither of the two occasions were any of the passengers subjected to violence or abuse by the ships' officers.

As regards the specific allegations made by the Honorary Secretary of the Muslim Teachers' Association, Rangoon, it is understood that what actually happened was that on the voyage of the *S.S. " Egra "* from Rangoon to Calcutta, awnings were taken down as usual at Fulta Point, two hours (and not eight hours) before arrival at Garden Reach, in order to facilitate the discharge of passengers, mails, cargo and baggage without delay on arrival. On the outward voyage of the *S.S. " Karapara "* from Calcutta the weather was threatening and the awnings were therefore taken down on leaving the river in anticipation of inclement weather, but as fair weather prevailed later and as there was only a comparatively small number of passengers on board (*viz.*, about 400 deck passengers as against the maximum permissible number of about 1,000), one side of the foredeck was used for a short time by members of the ship's staff for their recreation. The Company state that this did not cause any real inconvenience to the passengers. With a view, however, to avoid the possibility of any such complaints from deck passengers in future the Company have issued instructions that passenger decks should not be used for the recreation of ships' officers on the voyage in question.

Government are not aware that such complaints on the British India Steam Navigation Company's steamers plying between Calcutta and Rangoon are common and in view of the position I have fully explained above they do not propose to take any further action in the matter.

Mr. Gaya Prasad Singh : May I know if any person connected with the Muslim Teachers' Association was examined in connection with the enquiry which is said to have been made ?

The Honourable Sir Joseph Bhore : I have made it clear that the enquiry was addressed to Messrs. Mackinnon Mackenzie and Co., and that we did not ourselves hold an enquiry into the matter.

Mr. Gaya Prasad Singh : My question was this. Did Messrs. Mackinnon Mackenzie and Co. invite the Muslim Teachers' Association to give their version of the case before submitting the result of their enquiry to the Government of India ?

The Honourable Sir Joseph Bhore : I cannot say. I have no information on that point.

Mr. Lalchand Navalrai : Will the Honourable Member tell me if the Government expected that those persons of that Company who were alleged to have kicked and given blows to the passengers would admit their guilt ?

The Honourable Sir Joseph Bhore : I think that, if anybody is assaulted, he has his remedy in a Criminal Court.

Mr. B. Das : Since the Deck Passengers Committee's report was published, what machinery did the Honourable gentleman's Department establish to control the encroachment of the Steamship Companies on the liberties of deck passengers ?

12 NOON.

The Honourable Sir Joseph Bhore : So far as an answer is possible, I must have notice of that question.

Mr. B. Das : May I remind the Honourable Member, judging from the reply which he now gave, that there has been encroachment of the liberties, rights and privileges of deck passengers by the crews and the officers of the Steamship Companies ?

The Honourable Sir Joseph Bhore : I think I made it clear that the Company have issued instructions to see that such encroachment, assuming it was an encroachment, does not occur again.

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 questions Nos. 641 to 645 asked by Sardar Sant Singh on the 6th March, 1933.

RECRUITMENT TO THE SUBORDINATE ACCOUNTS SERVICE.

*641. (*a*) Since 1st January, 1930, eight candidates have been recruited directly on the Civil side and one on the Posts and Telegraphs side. Of these, one was a Sikh, seven Muslims and one a domiciled Christian. The total strength of the Sub-

ordinate Accounts Service on the 31st December, 1932, and its distribution by communities were as follows :—

No. of Posts.		Hindus.	Muslims.	Sikhs.	European and Anglo-Indians.	Indian Christians.	Other communities.
Civil side	427	373	23	7	5	16	3
Posts and Telegraphs side	90	84	3	..	1	1	1
Total ..	517	457	26	7	6	17	4

(*b*) The replies to both the questions are in the affirmative.

(*c*) The percentages of passes in the examinations of the last six years are given below :

Year.	Percentage.
	%
1927	20.5
1928	30
1929	42
1930	22
1931	14
1932	6

None of the apprentices who have appeared in the Examination since 1930 has passed. Some of the successful candidates during the last three years have had lower educational qualifications than the apprentices, while some have had equal qualifications.

(*d*) Government are satisfied that the papers in the Examination are properly and impartially valued and are not prepared to appoint an examiner from outside to revise the marking.

(*e*) Extra chances have been allowed where they were considered justifiable. The case of each apprentice is decided on its merits.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

*642. The following statement gives the required information :

Year.	A.	B.	C.	No. of Sikhs employed.	No. confirmed.	No. of Sikhs confirmed.
					A. B. C.	
1923	3	..	12	*Nil.*	16 2 ..	*Nil.*
1924	21	5	12	1 as typist.	21 3 2	*Nil.*
1925	24	..	2	*Nil.*	..	..
1926	7	..	8	*Nil.*	..	..
1927	5	17	24	*Nil.*	1 typist	1 typist.
1928	..	15	7	1(C)	20 10 43 (1 typist also)	*Nil.*
1929	5	13	6	1(A)	.. 2 ..	*Nil.*
1930	..	19	3	1(B)	19 14 6 (1 typist also)	1
1931	..	7	1	..	.. 1 ..	..
1932	..	35	1	2(B)	.. 1 ..	..

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

*643. (*a*) The total number of Sikhs on the roll is as follows :

Class.	No.
A	3 (Includes one man transferred from a Calcutta Office).
B	3
C	1

(*b*) In the 1924 examination 33 candidates were successful of whom one was a Sikh taking fifth place. In the 1928 examination 22 candidates passed of whom one was a Sikh placed 8th.

(*c*) All recruits that passed in the 1924 Examination and continued in the office have been confirmed, except one (a Sikh) who failed to produce satisfactory evidence of his age and was not confirmed. Those who passed in 1928 have not been confirmed in view of the contemplated reduction of the Upper Division cadre.

SUPERVISOR OF RECORDS OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI

*644. (*a*) Yes. The number of temporary clerks recruited since June 1928 is 122 of whom about 21 are Kayasths, mostly retrenched clerks of the Pay and Accounts Offices and Central Accounts Office, Public Works Department. The allegation in regard to the Supervisor is baseless, and the last question does not, therefore, arise.

(*b*) The present Supervisor belongs to Panipat, Karnal District. No definite orders of the nature referred to were passed, and the other parts of the question do not therefore arise.

CONFIRMATION OF ONE MR. BASHIR AHMAD AKHGAR IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

*645. The replies to both the questions are in the affirmative. Mr. Bashir Ahmed Akhgar was confirmed in a permanent vacancy owing to the misapprehension that the orders did not apply to the then existing posts in the Lower Division cadre in which no retrenchments were to be made. It would be impracticable to cancel the confirmation at this stage.

Major W. K. Fraser-Tytler (Foreign Secretary) : Sir, I lay on the table—

(*i*) the information promised in reply to starred questions Nos. 916, 917 and 918 asked by Khan Bahadur Makhdum Syed Rajan Bakhsh Shah on the 24th March, 1933 ; and

(*ii*) the information promised in reply to unstarred question No. 198 asked by Mr. Gaya Prasad Singh on the 10th April, 1933.

ALLEGED GRIEVANCES AGAINST THE MUNICIPAL COMMITTEE, AJMER.

*916. (*a*) Yes.

(*b*) Government are not in a position to say whether the assumption, on which this question is based, is correct.

(*c*) A number of questions relating to Ajmer Municipal affairs have from time to time been asked in the Legislative Assembly both before and since Colonel Howson ceased to be Chairman.

(*d*) Several such leaflets the authors of which were mostly irresponsible persons have been circulated.

(*e*) There has not been an abnormal number of representations relating to Municipal affairs since Colonel Howson ceased to be Chairman.

(*f*) Action has been taken whenever necessary.

(*g*) No action on the part of Government appears to be called for. The Committee have recently elected a new Chairman.

NON-PAYMENT OF THE SALARIES OF SOME SWEEPERS OF THE MUNICIPAL COMMITTEE, AJMER.

*917. (*a*) Three sweepers of the Ajmer Municipality complained to the Executive Officer of non-receipt of their wages for the month of February, 1932. Enquiries were immediately made and it was found that thumb impressions had been obtained on the salary bill in token of the amounts having been received by the payees. The matter was referred to the Thumb Impression Bureau, for examination of the thumb impressions appearing on the salary bill with those of the complainants and for report to the Special Sub-Committee formed to enquire into the matter.

(*b*) Yes.

(*c*) Before the report from the Thumb Impression Bureau was received, the sweepers lodged a complaint, against the Sanitary Inspector, in court. The matter being *sub judice*, the Special Sub-Committee had no alternative but to resolve that the case should be kept pending till the Court had given a decision. The case is still pending in the Magistrate's Court.

APPOINTMENT OF AN EXECUTIVE OFFICER IN THE MUNICIPAL COMMITTEE, AJMER.

*918. (*a*) Yes—*vide* rule XLII of the rules framed under sub-section (1) of section 34 of the Ajmer Municipalities Regulation, V of 1886. This regulation has been repealed by Regulation VI of 1925, but the rules under the old regulations are still in force as none have been framed under the new Regulation.

(*b*) An Executive Officer was appointed for the Municipality from the 8th August, 1931, on a salary of Rs. 450—25—600 *plus* Rs. 75 per mensem as car allowance.

(*c*) Yes. The question of delegating wider powers to the Executive Officer is under consideration.

(*d*) No. This is hardly a correct description but it is certainly desirable that he should have more extensive powers.

(*e*) An additional allowance of Rs. 60 only per mensem by way of house rent has just been sanctioned.

(*f*) The Executive Officer is doing useful work.

AMOUNT SPENT ON THE QUEEN MARY ZENANA GHAT, PUSHKAR.

198. (*a*) The work relates to the Pushkar Shamlat Committee and is being carried out through the agency of a Contractor under the supervision of the District Board Engineer, Ajmer, as a contributional work.

(*i*) information not available,

(*ii*) the 12½ per cent. supervision charges levied by the District Board include all expenses incurred for officers and establishment. The total supervision charges amount to Rs. 3,465.

(*iii*) Rs. 2,000.

(*b*) No.

(*c*) Rs. 94.

(*d*) Rs. 34,000. Yes.

(*e*) No. The pressure on foundation was however reduced under expert advice.

(*f*) The Brahamans of Basti Khurd of Pushkar have applied for the formation of a similar Shamlat Committee and the matter is under consideration.

(*g*) Under the terms of the Sanad permanent alienation of land is not permissible. in some cases the transfer of *Biswadari* rights may have occurred with the sanction of the Collector under the Ajmer Alienation of Land Regulation, 1914.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table—

(*i*) the information promised in reply to supplementary questions to starred question No. 2 asked by Mr. Gaya Prasad Singh on the 1st February, 1933 ;

(*ii*) the information promised in reply to starred question No. 636 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933 ;

(*iii*) the information promised in reply to starred question No. 637 asked by Seth Haji Abdoola Haroon on the 3rd March, 1933 ;

(*iv*) the information promised in reply to a supplementary question to starred question No. 874 asked by Lieutenant-Colonel Sir Henry Gidney on the 22nd March, 1933 ;

(*v*) the information promised in reply to part (*b*) of starred question No. 917 asked by Mr. S. C. Mitra on the 7th November, 1932 ;

(*vi*) the information promised in reply to part (*c*) of starred question No. 1532 asked by Pandit Satyendra Nath Sen on the 5th December, 1932 ; and

(*vii*) the information promised in reply to unstarred question No. 139 asked by Bhagat Chandi Mal Gola on the 27th March, 1933.

CONSTRUCTION OF THE NARBADA BRIDGE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

*2. The general practice on Company-managed Railways, in connection with calling for tenders for bridge-work, structural steelwork and other similar works, is to call for tenders only in India in the case of small or unimportant works. In the case of large or important works simultaneous tenders in India and England are invited. In the former case the tenders are opened in India and dealt with by the Agents, without

any reference to their Home Boards, but in the latter case, although the tenders received in India are ordinarily opened here on the due dates, particulars of the tenders received are cabled to the Home Boards for consideration along with the tenders received in England, and it is the Home Boards who arrive at a decision in such cases. In the case of the Nerbudda Bridge, which is a work of exceptionally large magnitude, the Home Board of the Bombay, Baroda and Central India Railway did not follow the usual procedure, but instructed the Agent to send them un-opened the sealed tenders received in India.

MUSLIM DRAFTSMEN RETRENCHED FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEY AND CONSTRUCTION, NORTH WESTERN RAILWAY.

*636. (*a*) The reply to the first part of the question is in the affirmative; as regards the second part, the Agent reports that Mr. Prabh Das was appointed in a temporary post in the office of the Executive Engineer, Hyderabad, in view of the fact that he possessed qualifications which were not possessed by either Mr. Abdul Rashid or Mahomed Shafi. After his discharge from this temporary post, Mr. Prabh Das was again employed in short temporary vacancies because he was considered more suitable, but there is no intention to permit Mr. Prabh Das to secure any advantage by this temporary arrangement in regard to employment against a permanent vacancy.

(*b*) The reply is in the affirmative.

SINDHI HINDUS DISCHARGED FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEY AND CONSTRUCTION, NORTH WESTERN RAILWAY.

*637. (*a*) 11.

(*b*) Discharges were made due to reduction of construction work on account of financial stringency.

(*c*) Men employed for purely temporary purposes or special jobs were discharged on cessation of work for which employed and their names have not been brought on to the waiting list for re-employment.

(*d*) Four have secured permanent employment and 3 have been appointed against temporary vacancies.

(*e*) The Agent has assured the Railway Board that the re-appointments have been made according to rules and the latter part of the question does not arise.

PERIODICAL INSPECTION OF STATIONS ON THE EAST INDIAN RAILWAY BY THE INSPECTORS OF ACCOUNTS.

*874. The Railway Servants Hours of Employment Rules, 1931, which were framed to give effect to the Hours of Work (Washington) Convention, and the Weekly Rest (Geneva) Convention, do not apply to the Inspectors of Railway Accounts.

APPOINTMENT OF LILLOOAH *ex*-APPRENTICES AS WARD-KEEPERS, ETC., ON THE EAST INDIAN RAILWAY.

*917. (*b*) The Agent reports that both the European and Anglo-Indian who were appointed respectively as Ward-Keeper and Assistant Ward-Keeper had passed the Technical Examinations and that there were no Indian *ex*-apprentices who were as well qualified to take up the duties required in these appointments.

APPOINTMENT OF *ex*-APPRENTICES OF THE LILLOOAH WORKSHOP.

*1532. (*c*).

Name.	Date of completion of Apprenticeship.	Date of appointment.	Per cent. of marks in final examination in Technical School,	Starting salary.	Remarks.
			Per cent.	Rs.	
F. Macdonald ..	24-2-29	25-2-29	37	170	Temporary.
D. Culpeper ..	18-2-29	19-2-29	66	170	Do.
D. Whaley ..	4-2-29	5-2-29	31	160	
E. Sylvester ..	12-2-29	18-2-29	37	160	Discharged on 5-11-31.
E. Duke	31-1-29	1-2-29	27	160	Discharged on 20-8-31.
A. Beg	18-2-29	19-2-29	65	60	
R. R. Bose ..	12-2-28	15-2-29	61	60	
N. C. Chatterjee ..	11-2-30	1-8-30	57	90	
W. Smith ..	28-2-31	1-3-31	61	90	
E. Sim	2-3-31	3-3-31	52	90	
H. Platts	6-1-31	7-1-31	36	90	Transferred to Stores.
T. Gibbons ..	15-1-31	13-6-31	Sick	90	Appointed temporarily as a Draftsman. Discharged on 12-12-31 on expiry of sanction.
S. Ojha	31-12-30	1-1-31	57	150	Transferred from Jamalpur.
N. C. Nundy ..	15-2-31	1-3-31	57	90	

CONFIRMATION OF ASSISTANT CONTROLLERS ON THE NORTH WESTERN RAILWAY.

139. (*a*) It is presumed that the Honourable Member refers to the confirmation of men named in the question as Assistant Controllers. If so, it is a fact that they were confirmed after two to four years' service but it may be pointed out that these

confirmations took place more than eight years ago and are not in any way connected with the 51 Assistant Controllers who were confirmed in January, 1931.

(*b*) There are only two such men, one of whom was included among the 51 originally confirmed in January, 1931, and one whose case was overlooked at the time of the original confirmation.

(*c*) This question is not understood.

(*d*), (*e*) and (*g*). The Honourable Member's attention is invited to the reply given in the Assembly by Mr. A. A. L. Parsons on the 13th November, 1931, to Mr. S. C. Jog's Question No. 1291.

(*f*) The Fundamental Rule has been correctly quoted by the Honourable Member.

(*h*) The 14 men referred to had worked in the Control Branch for varying periods from two years and four months up to four years and eight months and drew officiating pay in the grade of Rs. 300—10—350 during these periods but on reversion to their substantive posts they were given the pay to which they were entitled under the rules. Those who have been confirmed as Assistant Controllers have been given the pay admissible in the scale, Rs. 300—10—350.

(*i*) The men who have been selected to fill the posts of Assistant Controllers are considered deserving to draw the pay attached to the post and there was no adequate justification to give those who have been reverted more than their substantive pays.

(*j*) The case of each individual, who has not been confirmed has already been very carefully considered and Government do not consider that there is justification for the action proposed.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will resume further consideration of the motion moved by Sardar Sant Singh :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee."

Mr. A. R. Cox (Madras : Nominated Official) : Mr. President, though I have several friends amongst the Honourable Members of this House, to most of the Members, I presume, I must be an absolute stranger, and I should like by way of preface or introduction to the few remarks that I am privileged to make today to inform the Honourable Members who do not know me who I am, what I am, and what qualifications I believe I have that justify me in being so bold as to intervene in this debate at this stage. No doubt Honourable Members will assume from the position from which I rise—and they will assume rightly—that I am a Nominated Official Member of this Honourable House. I may also tell them that I belong to that class of much maligned officers, much maligned by a certain section of the public, called District Magistrates. I have been exercising magisterial powers for nearly 31 years in this country, and I have been privileged to be a District Magistrate for nearly a period of 15 years, with, of course, interruptions on leave and other duty. I, therefore, think that I have a not inconsiderable experience which qualifies me to make a few remarks on this motion.

I have no doubt that it is within the memory of Honourable Members present here that this motion was discussed at Delhi as long ago as six months, and they may or may not remember what was said on the subject on that occasion. I myself did not have the privilege of being present then, but I have had the advantage of perusing in cold print the proceedings that took place on the 9th February of this year in

Delhi. Now, the Honourable Member who fathered the Bill, or rather I should prefer to call it, "mothered", spoke at considerable length. About three quarters of the way through his speech he was pulled up by the Chair for going into too many details. The Chair was, as you, Sir, may remember, occupied by your Honourable self in your capacity as Deputy President. Now you are our esteemed President. You, Sir, then stated in the course of your ruling that you recognised that in the case of a Bill of this description it was difficult to define what exactly was the principle involved, and you expressed your desire that the speakers should refrain from making more than general remarks as far as possible. I will endeavour, Sir, to follow that ruling, although it is not exactly an easy task considering the nature of the Bill. It consists of various amendments, I may say practically seven heads of amendments, to the Criminal Procedure Code, which is practically the Bible of the Magistracy and the Police in this country. And necessarily a Bill, composed of so many amendments, must be based on different principles. The second Honourable Member to speak was the Honourable Mr. P. C. Dutt, to whose seat I have the privilege of succeeding, in view of the fact that he has become an Honourable Member of another House. His speech was brief and to the point, and he opposed the motion ; and it is not surprising that I, who wish to follow in his footsteps, should be found repeating some of the arguments which he used. The third speaker was the Honourable Mr. K. Ahmed who touched on only two of the clauses and opposed the motion. The fourth speaker was Mr. Seaman, a Nominated Member from the Central Provinces, who also opposed the motion in a speech which, to my mind, was full of very good points ; and I wish, Sir, that, instead of my feeble piping, his words could still re-echo in this Chamber. I am afraid what he said has, by reason of the delay, been a great deal forgotten by the Honourable Members of this House. The next speaker was Mr. Aggarwal, who spoke at considerable length in support of the motion, and he became the father of the Bill whose mother, as I have already suggested, is the Honourable Sardar Sant Singh. After him, another Nominated Official, Mr. G. S. Dutt, from Bengal, spoke at great length ; and I observe that he cannot be said to have obeyed the ruling of the Chair perhaps owing to the fact that, while he was speaking, an Honourable Member, who was not the Deputy President, was occupying the Chair.

Mr. B. Das (Orissa Division : Mon-Muhammadan) : Is it fair to criticise the Deputy President's or the President's ruling ?

Mr. A. R. Cox : I am only judging from what I have seen in print. After a few remarks from my Honourable friend, Major Nawab Ahmad Nawaz Khan, who likewise opposed the motion, another Honourable Member, Mr. Mitra, put forward another claim to paternity of the Bill.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : We are anxious to hear your original remarks.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Honourable Members must observe that an Honourable Member who makes a maiden speech must be given a patient hearing and not be interrupted. (Applause.)

Mr. A. R. Cox : I come now to briefly review the provisions of the clauses of the Bill. They fall, as I said, under seven headings.

[Mr. A. R. Cox.]

Clauses 2, 3, 4 and 5 can be clubbed together, as they deal with the proposal to abolish all magistrates who have been especially empowered under section 30 of the Criminal Procedure Code. I may say that at one time, when I was the Collector and District Magistrate of the Bangalore Civil and Military Station, I was exercising these powers conferred upon me by the Chief Commissioner of Coorg. I think I tried then three cases under that section. Coming as I do from Madras, I have not much acquaintance with the extent to which what we may call section 30 magistrates exercise judicial functions in this part of India. We have very few such magistrates in Madras. In fact, this section does not refer to Madras as a whole, but only to non-regulation parts thereof. I understand, however, that in certain parts of India, where this section is in force, about nine times the number of cases are tried by section 30 magistrates than are tried by Sessions Judges and Assistant Sessions Judges with the aid of assessors or jury. It seems to me that if section 30 magistrates are to be abolished in the provinces where they are now employed, there will be a large number of Additional Sessions Judges who will have to be appointed, the cost of whose appointment will be a considerable factor to be reckoned with. The necessity for abolishing them arises from one of the principles which underlie this Bill, namely, distrust of the magistracy. It was previously mentioned six months ago in the Delhi Session that this distrust of the magistracy was a new thing. Very often the police have been distrusted, but the idea of distrusting the magistracy was rather a new one. I may say that it seems to abound throughout this Bill. Clauses 6 and 8 seem to me to be somewhat trivial, rather too trivial to justify the intervention of this Honourable House. What is the exact difference between "vicinity" and "locality" it is perhaps difficult to say. The Honourable the Mover has admitted in his speech, delivered six months ago, that he is not particularly enamoured of the word "vicinity", and he desired that the Select Committee, to whom it is proposed to send this Bill, should decide what word they think to be correct. I ask, Sir, is it reasonable to ask the Select Committee practically to draft an amendment like this? I think the Honourable the Mover believes that the word "vicinity" is rather narrower than "locality". I doubt that myself. I think if you say that a certain village is in the vicinity of Simla, it is probably not so near as if you use the word "locality". I am entering into details and disobeying the ruling which I mentioned before. It is so trivial that we may apply to it the legal maxim "*de minimis non curat lex*". The same remarks apply to clause 8, which deals with the exemption from personal appearance of certain accused persons. I do not think that a sufficient number of reasons have been adduced to show that there is any necessity to amend that section of the Criminal Procedure Code. Clause 7 deals with remand, and it is based on the principle of distrusting the magistracy as well as the police. Now, I have read through this section and I cannot understand in what better way the intention of the Legislature could be carried out than in the phraseology which is at present used. As regards the upholding of the dignity of the magistracy by insisting that a magistrate should go to his Court in order to remand an accused person who is supposed to be forwarded to him by the police, I should like to state that magistrates do not always sit in their Courts at their headquarters. At least a

number of magistrates in Madras have to go on tour. I have myself the experience of a number of extraordinary incidents in connection with the trial of cases. I remember one case which, with your permission, Sir, I will mention to the House. I was camping at a little travellers' bungalow where, just before dinner time, a *jutka* turned up, having come 24 miles away from my headquarters. It contained—as I found when the occupants got out—a police sergeant and a European young gentleman. I could not understand what they were calling for at that time of night. So I asked them what the matter was. The sergeant said: "I have brought this young Ceylon planter. He is charged with a breach of the law under the Sea Customs Act." So, I asked my boy to bring two whiskies and sodas and add some more water to the soup and said we will have dinner in a few minutes time. I was then the prospective magistrate. I was actually working as a sub-divisional magistrate. So, the prospective magistrate, the prospective prosecutor and the prospective accused were sitting down together and having dinner together. I persuaded the young gentleman to waive his rights to be tried as a European British subject and to go back another 24 miles in the same *jutka* and appear before the Indian sub-magistrate next morning. I mention this only as an illustration of the curious positions in which sometimes magistrates find themselves. I do not think there is any necessity to amend clause 7. If the police do their duty, and if the magistrates do their duty under this section, then it is exactly what I gather my Honourable friend, the Mover, wishes to take place.

Clause 9 deals with a section in the Criminal Procedure Code which allows discretion to a magistrate when he has ordered that imprisonment should take place in the event of non-payment of a fine and, if that imprisonment is undergone, to order or not an accused to pay the fine, or to have the fine realised from the accused in the usual way. It is noticeable that the section distinctly says that steps should not be taken to realise the fine unless the magistrate for particular reasons thinks that it should.

Mr. S. G. Jog (Berar Representative): Special reasons.

Mr. A. R. Cox: I think that on most occasions magistrates are inclined not to take any steps. In fact, in my experience I very rarely noticed that a magistrate orders a fine to be collected from a person who has undergone the alternative imprisonment. Where a man is fined a certain amount, and especially in cases where compensation has been ordered by a Court to be paid to the complainant, or to the injured person who has suffered by the offence committed by the accused prisoner, I think it is only right that, if a person can afford to pay the fine and deliberately chooses not to pay it on the spot, and goes to jail to work out what is probably a very short term imprisonment, I think it is only right that steps should be allowed under the Act, to compel him to pay that fine even though he has undergone that imprisonment. I think this is another clause which rests on the principle of distrust of the Indian magistracy. It is to be remembered in this respect that the magistracy is becoming now much more manned by Indian gentlemen than it used to be. I think it would be a great pity if at this stage anything were done by this House to show or to indicate or suggest that we have not confidence in the Indian magistrates.

[Mr. A. R. Cox.]

Clause 10 deals with the power of the Local Government to order that appeals in security cases should be heard by District Magistrates instead of by the Sessions Judges. I personally am not aware of any case, since this amendment was made, of that order being made by the Local Government under which I serve. This, again, is a case in which the superior magistracy—the District magistrates in this case—are suspected as not being competent to perform their duty impartially. If a District Magistrate finds that a case comes up to him on appeal with which he has had previous dealings in an executive capacity, I do not think, Sir, that there is any magistrate holding his position who will not report that fact and say, "I do not feel capable of dealing with this case". I, therefore, think that this power should be retained.

As regards clause 11, it is proposed in that clause to abolish the ban on certain appeals in certain cases. Again, that presumes that mistakes are too frequently made by the subordinate magistracy. Sir, junior and senior magistrates, and even High Courts, are liable to commit mistakes. All humans are fallible. It will cause an enormous waste of time if superior Appellate Courts are to be compelled to entertain petty cases in which presumably, in most cases, in ninety-nine out of a hundred cases, the accused has no real grounds of appeal whatever. My opinion is that if this motion were carried and the Bill were referred to the Select Committee, they would send it back practically retaining the words of the existing Criminal Procedure Code. It has been said that this Bill is an omnibus Bill ; indeed it has many heads. It tried to be born in Delhi six months ago, and after, what I see one Honourable Member said or suspected to be, an insufficient period of gestation. It was not then born. It was pushed back into the womb of Time, and is now trying to be re-born again. Is it necessary to send that infant, mothered by my Honourable friend and fathered by several others, is it reasonable to send that to a committee of doctors and experts to attend its birth ? I think, Sir, that considering its parentage, I do not mean the human parentage, I mean considering the principles which are the parents of the Bill, distrust of the magistracy on the one side and distrust of the police on the other, I make bold to say that, if there was a suggested marriage between principles of that kind in Germany at the present moment, and if such a marriage could not be prevented, I am pretty sure that at a very short interval some Hitlerite official would come along and say that the parents should be sterilised so as to prevent any possibility of such an issue. I hope, Sir, I have not trodden on anybody's toes very severely. I claim the indulgence of the House if I have unwittingly and unknowingly trespassed on or broken any rules or conventions of this Honourable House. I would like Honourable Members to read what was said before, and I think I have said enough to show that it does not require a steam roller to pulverise this little butterfly, which, I think, ought not to see the light of the day. With these words, I oppose the motion before the House.

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, all the Members, who have spoken so far, have begun by laying stress on the claims they have to speak on this motion. The Honourable the Mover, Sardar Sant Singh, has based his claim, on his 25 years' experience as a lawyer on the Criminal side, in a heavily

criminal district like Lyallpur ; and the Honourable Mr. Cox has similarly described his experience as a Collector and Magistrate. I base my claim on stronger grounds than any that have been mentioned so far. In the first place, I lay claim to 21 years' experience as a criminal lawyer, but my second ground is stronger than any that have been placed before this House. I belong to a community which is chiefly concerned with crimes. If a census were taken of those section 30 cases in the Punjab where *violence* is involved, my community will certainly surpass all other communities put together. So, it is not only my experience at the bar, but some sort of personal interest is involved in what I say before the House.

As has already been remarked by several Honourable Members, there is no *one* principle involved in this Bill. Indeed if we have a look at the different sections, there is no similarity of principle and the disparity is apparent on the face of it. Clauses 2 to 5 relate to the abolition of section 30 magistrates existing in the Punjab and Burma. Clause 6 relates to searches, clause 7 relates to remands, and clause 8 relates to the power of the magistrate to dispense with the personal attendance of the accused. Then there are two clauses, in one of which appeals are sought to be lodged with the Sessions Judge and not with the District Magistrate and, in the last clause, clause 11, it is sought that appeals should be provided for in all petty cases. So, it is clear that there is no principle involved in this Bill and each clause has to be discussed on its individual merits.

As regards deletion of section 30, if the amendment were based on mere sentimental grounds and, if Sardar Sant Singh were to come before this House on the ground of simply removing a disparity between the Punjab and other provinces, meaning thereby, that this section was casting a slur or a sense of inferiority on the Punjab, then I would certainly have agreed with him. But, there is no inferiority and this is so, as the Punjab is different, I mean the criminal side of the Punjab is different from every other province, and a perusal of any one year's criminal report will show that violent and serious crimes are rampant in the Punjab, and unless speedy justice is done in those cases, it will be difficult to carry on the administration. It was with this object only, without any sense of inferiority, that provision was made that there should be a class of experienced first class magistrates between the ordinary first class magistrates, and the Sessions Judges. Sir, during the last ten years, the number of section 30 cases has been going up and every day we find several magistrates in the criminal districts busy in trying these serious cases. I perfectly agree with Sardar Sant Singh when he says that some of these magistrates are weak and should not be entrusted with these powers. But he will admit that they are exceptions rather than the rule. Besides, there are two very strong safeguards against any misuse of power by such weak magistrates. In the first place, the Punjab Government, before giving these enhanced powers to any magistrate, always consult the High Court, and there has not been any case where they have gone against the wishes of the High Court. The High Court bases its recommendations on the judgments of those first class magistrates that come before them in appeals or revisions ; and so it cannot be said that it is at the sweet will of the executive that these powers are given to magistrates. Secondly, whenever the High Court is not satisfied with

[Rao Bahadur Chaudhri Lal Chand.]

the work of any section 30 magistrate, it recommends to Government that the powers should be withdrawn, and the Punjab Government have never hesitated to do so.

Sardar Sant Singh (West Punjab : Sikh) : May I ask the Honourable Member to quote an instance during the last ten years when these powers were withdrawn from any magistrate in the Punjab ?

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Yes, to give one example, to satisfy my friend, I may mention that Mr. Stephens, the Sub-Divisional Magistrate of Sonepat, held an enquiry in a murder case, in which I appeared for the accused and in which grave irregularities had been done during this inquiry which was conducted by that magistrate. The case came up before the District Magistrate ; and he recommended that such a magistrate should not be given criminal powers at all and the Punjab Government not only withdrew section 30 powers, but withdrew all criminal powers, and that gentleman was posted as Treasury Officer at Dalhousie. I could quote many other examples also during recent years, but I do not wish to bring in individuals. So my submission is that it is the High Court that in practice controls these section 30 magistrates, and not the executive side of the Government, and the latter is very particular and does not allow efficiency to suffer.

Then, Sir, my friend has alluded to the sanctity attached to a Sessions Court. I mean no disrespect to any Court when I say that I have seen Additional Sessions Judges, I.C.S., officers with three or four years' experience, trying serious cases where they had not learnt the elementary principles of law. In one case, I remember, a Sessions Judge was shown a ruling of the Lahore High Court with which he did not agree. He did not follow it and said : " Well, I do not agree with the High Court. The first thing that I will do, when I become a Judge of the High Court, will be to overrule this ruling." So, it is the particular individual that counts, and there is no charm in the designation of a section 30 magistrate or a Sessions Judge. The harm, that will be done to accused persons charged with these serious crimes if they were, in all cases, to go to Sessions Judges, can better be illustrated by giving a particular case. Only last Friday I had to conduct a case at Rohtak in which eight persons were involved under section 395 (dacoity). It was a very serious offence and, if the case had gone to the Sessions Court, they would have remained in lock-up for three or four months in order to get their turn. But the Additional District Magistrate took up the case as a section 30 magistrate. In a couple of hours, he examined the four witnesses who were alleged to be on the spot and he found that there was no case and all were discharged. If these people had been forced to go to the Sessions Court, it would, of course, have meant some gain to me or to my colleagues, but it would have ruined all the accused financially, it would have ruined their crops. Now they are at liberty to carry on their business, and it has cost them only 15 days' lock-up and two hours' trial. It is not the only case ; there are numbers of cases that are being speedily disposed of by section 30 magistrates, which would not be the case, if every such case were to go to the Sessions Judge. Can my Honourable friend imagine how many Sessions Judges would be required in the Lahore district alone, where at the present moment no less than six section 30 magistrates are busy dealing with these cases ?

Even in a district like Gurgaon, which is not criminal at all, I find that last year there were no less than four section 30 magistrates busy trying these cases at one time. There is another thing and probably that might with reason have been brought to light by my Honourable friend, the Mover. I cannot believe that it has escaped his notice during his extensive practice. Ever since the amendment in the bail provisions of the Criminal Procedure Code in 1923, there has been a tendency on the part of the prosecution to show that every small case is a section 30 case. That is the evil that is going on and, against that, my friend should have proposed a remedy. Most of these so-called section 30 cases are not section 30 cases at all. Every 379 case, ever since this amendment, becomes a dacoity case ; every 457 case becomes a 459 case or a 458 case. The police and the prosecution do this in order to keep the prisoners in the lock-up during the trial, because, if they did not do that, the prisoners would be out, owing to the further discretion that has been given to the magistrates by section 497 of the Criminal Procedure Code. This process is really an abuse of power and, if my friend had raised his voice against this, I would have agreed with him and would have supported him. Indeed I have seen cases which have been put before magistrates under section 307, Indian Penal Code (attempt to murder) where the doctor's evidence only showed that it was a skin deep superficial scratch, and on that, people have been chalanned under section 307 and have been kept in the lock up. *That* was a complaint which my friend ought to have brought before this House. Such cases are a waste of the time of section 30 magistrates when conviction ends in section 323 only. These cases do come before these magistrates and, against that, my friend ought to have raised his voice. I cannot admit that these section 30 magistrates are not doing justice to the people. My friend has not quoted in his arguments any case where a section 30 magistrate had been under the influence of the police, and had favoured the prosecution. He could quote cases from statistics whereby he could show percentage of results of appeals having been accepted from such cases, where such cases were tried by Sessions Judges, and the percentages of results of appeals in cases where they were tried by section 30 magistrates. Nothing of the sort has been shown by him in his able speech. I congratulate him on the fact that he has argued his case very well. If he cannot convince Honourable Members of this House, it is because he has got a very weak case to argue.

Now, I come to the second clause which relates to searches. It has been very well discussed by Mr. Fox and Mr. Seaman and they have given the difference between " locality " and " vicinity " ; and they have shown that, by substituting " vicinity " for " locality ", things do not improve at all. Besides, I would point out that there are any number of villages which are very small, where not a single person could be trusted to come forward and speak against his co-villager ; and if a *lambardar* or *zaildar* or a respectable person from a neighbouring village is brought in, no harm is done. It is only to ensure that the man will not be won over when the case goes into Court that these witnesses are brought from outside. I hope my friend, Sardar Sant Singh, does not wish that facilities should be provided for accused persons to win over prosecution witnesses.

Then, I come to the remand clause, No. 7. The Honourable Mover's complaint is that remand in some cases is granted in places where the

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Court does not sit, or, in other words, instead of the accused being brought to the Court, the Court goes to the accused. He quoted an instance of a case from Lahore Fort. That may be a very serious and extraordinary case ; but every one of us who has to deal with criminal cases knows very well that nearly in all cases the accused are brought before the Courts. Of course the police always choose, I must confess, a convenient Court for this purpose where they can get a remand easily ; but even so, the change proposed does not improve matters : it is the individual magistrate who counts and the amendment of this clause will not affect any magistrate at all.

Clause 8 is simply dispensing with the personal attendance of accused. I think I cannot do better than refer to the High Court decision that was quoted by my Honourable friend wherein they cancelled the warrant and issued a summons, and in that way the difficulty was overcome. This same procedure could be adopted by any magistrate, as was adopted by the High Court ; and I have seen in practice magistrates taking this course when they find that the accused person's presence should be dispensed with. So no hardship has so far been done in ordinary cases.

Then, Sir, there is clause 9 in which the recommendation is that fines should not be realised if imprisonment has been undergone. I agree with my friend in this ; but as there is no one principle involved in this case, my agreement with one section does not avail, because either the Bill should be rejected or should be accepted in full.

As for clause 10, it is a very vital section, and as it relates chiefly to the Punjab, I have to submit that the procedure adopted and the power of appeal extended to District Magistrates is a very healthy provision in my Province. As a matter of fact, not only as a criminal lawyer, but as one who is living in the midst of those who are committing these violent crimes—I am not referring to crimes to which my friend's community is accustomed, like cheating, forgery, embezzlement and fraud, etc., which are called civilised crimes (Laughter)—I am referring to those offences only wherein the element of violence is predominant—I have known cases in my practice and I could quote many instances, where the preventive sections have not been properly used or rather have not been used by the police or magistracy. That is a general complaint in the Punjab and I have said this more than once before to those who are concerned with this matter, that the preventive sections are not being fully utilised, and that most of the crimes in the Punjab are due to the fact that Courts go on technicalities, particularly in section 107 and section 110 cases. Sir, the only thing that the Punjab Government has done is that they have empowered all District Magistrates to hear appeals in cases which ordinarily ought to have gone to Sessions Judges. I think they have done the right thing. It is very necessary that a District Magistrate should be in touch with the nature of crimes in his district. If this power were also taken away from him, when the heavy work that has been imposed on him on account of his other duties has already taken away section 30 cases from him, and if he is not to interest himself in criminal administration except in hearing appeals from second class magistrates, then I think, that will cut him off from the criminal administration of the district. Besides, during my practice I have never

come across a case of an appeal before a District Magistrate in preventive section cases, wherein it could be said that gross injustice has been done.

Well, Sir, the last clause aims at providing appeals in all petty cases. I have no quarrel with that. If Government could find appellate Courts and if important work will not suffer, then, there is no harm. The difficulty, however, that was contemplated by my friend is no difficulty at all. He quoted cases wherein a respectable man had been given a light sentence by a first class magistrate which was not appealable and for which he had to go through the Sessions Judge to the High Court ; and although the Sessions Judge was in sympathy with him, yet, there was no remedy except that the case had to be sent up to the High Court. Section 438, I think, provides that Sessions Judges, while recommending such cases to the High Court, could suspend the execution of that sentence. The men in such cases are all released on bail, and, therefore, no particular hardship beyond the fact that their cases have to go to the High Court is done to them. Sir, as I said before, it is a case of individuals who will work the provisions of the present Criminal Procedure Code, and neither these amendments nor any other amendments could change the minds of certain persons. There are, I admit, certain persons who have shown weakness for prosecution, as we call it, but such cases are an exception rather than the rule. I remember a case of this kind. I brought it to the notice of the District Magistrate privately, and told him that it was given out that the District Magistrate wanted this to be done, and, therefore, the magistracy was feeling themselves very weak. The District Magistrate, to my knowledge, called a meeting of the magistrates and told them plainly that they were not to do injustice to anybody on any ground and that they were to sit in Courts as judicial officers. There may be exceptions, as my friend has quoted, but they are not the rule. But those exceptions could be found amongst Sessions Judges also, and not only among section 30 magistrates. Sir, generally speaking, the Criminal Procedure Code was amended so recently as 1923. All the sections were then very carefully sifted by this House, and I think no case has been made out for a revision of this section, and, therefore, I oppose it.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the motion to send the Bill to a Select Committee. My Honourable and gallant friend, who has just sat down, has opposed the motion, but if one were to read between the lines of his speech, he will find that my friend was the staunchest supporter of the Bill. He has eulogised the magistracy before whom he had many occasions to appear, and the eulogy was of such a high order that one would see that the conditions that prevail in the Punjab call for a remedy, and that the method suggested by my friend, Sardar Sant Singh, is the right one. Fault has been found, Sir, with this Bill that it contains many principles. That I do admit. Had my friend, Sardar Sant Singh, been in the House for a long time when he tabled the Bill, I think he would have split up the Bill into three or four different Bills, and this attempt would not have been characterised by the remark that there is not one single principle in the Bill. But, all the same, Sir, the Bill is intended to amend several sections of a big Procedure Code, and as these sections apply to the Procedure Code in cases brought before certain magistrates, I do think that no great harm has been done. My Honourable and gallant friend has admitted that at

[Mr. B. V. Jadhav.]

least one section is a very good one. When the whole Bill is sent to the Select Committee and the Select Committee do not approve of the changes in other sections, but they approve of the change in that one section which has met with the approval of my gallant friend, then there would be no objection for the Select Committee to reject all the other sections and to keep the only one section which, according to him, is a very sound one.

Hony. Captain Rao Bahadur Chaudhri Lal Chand: But that is a very important section. It is not worth the trouble and time that will be wasted.

Mr. B. V. Jadhav: It may be important or unimportant. It all depends upon the point of view one takes. What is unimportant to my gallant friend may be important to others. Sir, at one time he waxed so eloquent that I was persuaded to think that it would be very advantageous for my Presidency, the Bombay Presidency, to have section 30 magistrates introduced there. I was almost on the point of drafting a Bill, but then I realised that this House would not accept that Bill, because it is for the Local Government to ask for those powers, and so I left the matter at that, and at last when I realised that Sardar Sant Singh wants to deprive his province of the benefits that are now derived by the system of this magistracy and then I found that there was something wrong in that system, or the Presidency was criminal, and, therefore, it required to be singled out and punished so very summarily.

Sir, I need not take the time of the House any longer, but I would compliment my new friend, Mr. Cox, on the fine maiden speech that he delivered. I must admit that I greatly admire his hospitality in calling the prosecutor and the accused to his table. But, then, how many are the magistrates who would act in that generous way towards the accused ?

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Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Particularly if they are Indians.

Mr. B. V. Jadhav: And my Honourable friend, Mr. Mitra, adds, particularly if they are Indians. The accused and the ordinary police do not even find a decent shelter when the latter take the accused persons to a magistrate, especially when he lives in a travellers' bungalow. The magistrate is very comfortable no doubt ; he gets his whisky and soda ; but the prosecutor and the accused have to go many a time without a meal, and, as for shelter, the shade of a tree is supposed to be good enough for them. All these hardships ought to be avoided as far as possible and, therefore, some improvement in the procedure is actually necessary. The attempt of my Honourable friend, Sardar Sant Singh, is in the right direction. We have to look to his intentions and not to the execution. There are, I admit, many faults in the drafting and that is the reason why the motion is put forward for reference to a Select Committee. All those defects and deficiencies in the language will be corrected by the members of the Select Committee, and I hope that, when the Bill is returned to this House, it will be found to be completely acceptable to it. I support the motion.

Mr. A. Das (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : I rise to support this motion which has been brought forward, I think, at the proper time, by my Honourable friend, Sardar Sant Singh. It is no justification while opposing this motion to say, as my Honourable friend has said from the opposite Bench, that the Criminal Procedure Code was only recently amended about three years ago and that, therefore, it was perfect. There are certain defects which have been brought out by the Honourable the Mover of this motion, and though I have no experience of the Punjab, I from the United Provinces can say that the grievances enumerated in this Bill, particularly under clauses 7 and 9, do need speedy redress, and as far as clause 9 is concerned, even my Honourable friends on the opposite Benches have admitted its justice. All those points which have been elucidated in the course of the discussion today will, I have no doubt, be considered by the Select Committee, but so far as the principle of this Bill is concerned, not a word has been said so far as to why it should not be adopted.

Hony. Captain Rao Bahadur Chaudhri Lal Chand: There is no one principle.

Mr. A. Das: There are several principles involved if my Honourable friend will look into the Bill. It is not right to say that this Bill does away with speedy justice. My Honourable friend, on the other side, has said, "We want speedy justice". So do we. But speedy justice does not mean injustice. There are cases in which injustice has occurred to which my Honourable friend, Sardar Sant Singh, has drawn the attention of the House, and I think it is the duty of this Legislature to pass this motion and to so legislate that those cases of injustice will never occur. There is another aspect from which one can well say that this Bill involves a principle, namely, want of confidence in the executive. None of us here are perfect. I do not think it can be said that the judiciary or the executive is perfect. So, there is no question involved so far as the impartiality of the executive is concerned, but numerous cases have happened and are happening in the country where the injustice involved by the improper application of the Criminal Procedure Code has caused very serious consequences. What is the justification,—when a man has been imprisoned and has been awarded a fine and has served, because he is not able to pay the fine,—for another term of imprisonment—why should he be caught over and over again, as has been done by the executive, for the realisation of that fine ? Even after he has served a term of imprisonment in lieu of fine which he could not pay, the police will not allow him to rest in peace. So long as he has a *lota*, or a *thali*, the police will go after him in spite of the fact that he has served out another term of imprisonment in lieu of fine. Therefore I strongly support this motion so far as clauses 7 and 9 are concerned and I think the complaints do need a speedy remedy. So far as the other provisions of the Bill are concerned, I do not think we have any section 30 magistrates, but all those objections, which have been raised to it, can be carefully considered by the Select Committee which consists of a large number of gentlemen here representing both the Government side and the popular side. I have no doubt that when the Bill has been considered by the Select Committee and emerges from it, it will be acceptable to all parts of the House. But I submit that there is no justification for stifling this motion for referring the Bill to a Select Committee.

Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, having been long connected with the administration

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of the Code, which is proposed to be amended, I wish to express a few words on the subject. About section 103, the Honourable the Mover objects to the word " locality " and he wants to replace it by the word " vicinity ", and he further says that if in the Select Committee a better word can be found he has no objection to change the word. Sir, it matters little when the police officer is bound to search in the presence of two or more respectable persons whether they may be of the locality or of the vicinity.

About section 167, the Mover complains that, when an accused is sent up before the magistrate for remand, the magistrate does not often record his statement and does not even see him. I entirely agree with the Honourable the Mover that, before an order of remand to the police custody is made, the magistrate ought to have the accused before him in person, and, if he so desires, with his pleader, to show or prove whether he deserves to remain in police custody or not, for the law does not presume a man to be guilty until he is proved guilty and so he ought not to suffer troubles before he is proved guilty. But to require the magistrate to give remand in Court only seems to me impracticable, for this means that the magistrate should not give remand in holidays even in cases of urgent necessity.

Sir, the amendment of section 205 is a formal one. Really it restricts the discretion of the magistrate to grant exemption from personal attendance or appearance only in cases where summonses have been issued in the first instance. Such instances often occur in which great difficulty arises by this restriction. So the magistrate should have his discretion in dispensing with the personal attendance of a particular accused in particular cases and, consequently, this section requires to be amended. As regards the amendment of section 386 of the Criminal Procedure Code, this is a question of imprisonment in default of payment of fine. Really the Mover of the Bill has suggested this with a noble object. The accused undergoes imprisonment in default of payment of fine, but even then the power of realising the fine is given to the magistrate and the fine is realised by the attachment of his moveable property and thus it is a double hardship to the accused. We should all realise this, but there will be one difficulty in the amendment that no compensation can be given to the aggrieved party. In many cases it so happens that the magistrate, while awarding the sentence of fine, also makes an order that out of the fine realised some portion is to be given to the other side by way of compensation. So the section can be amended, but for those cases only where no compensation is paid out of the fine. Sir, this section should be used as a means of putting pressure on the accused to pay the fine specially when he can pay, but does not deliberately pay the fine. The magistrate has to issue the warrant of attachment of the moveable property as soon as he passed orders of imprisonment in default of payment of fine. At least this is the practice on our side. Much of the purpose of the Mover can be served if the matter is really left to the entire discretion of the trying magistrate. With these words, I conclude what I have to say.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I rise to support Sardar Sant Singh's motion for the reference of this Bill to a Select Committee, my foremost reason being that this Bill has been brought into this House by a very experienced criminal lawyer of the Punjab and it has already been supported by other civil and criminal lawyers. This Bill, on the other hand, was not sent out to obtain opinions from the public or from the High Courts, and the Bar Associations. Thus I will be right if I say that the opinion of the non-official section of this House about this Bill, under these circumstances, ought to carry a great weight. Government on their side have also come out with certain objections and those objections are mostly by those official Members of the House who can claim to have some experience of the administration of the criminal law. Yet, their wish to administer the law as it is and to retain power in their hands is rather strange. Sir, the powers given by this Code which my Honourable friend, Sardar Sant Singh, wants to amend are undoubtedly such as are always considered by the official section as being very necessary for them. Their experience may be anything, yet to the Indian public those amendments are extremely necessary ; not only because they are harsh laws, but also, as at the present moment when we are entering into a new Constitution, the atmosphere ought to be very clear, and the status of Indians ought to be raised. I suppose also that these amendments, proposed by Sardar Sant Singh, are in accordance with jurisprudence, the spirit of the times, and the Treasury Benches ought to reconsider their position. When I go on with each section, they will, I hope, reconsider their position and will not oppose this Bill, because the official section has opposed it and, therefore, their experience alone should carry great weight with them. Sir, there is a criminal class with which my Honourable friend, Captain Lal Chand, seems somehow to be affiliated. Sir, I do not belong to this class nor do I think any official Member of this House belongs to such a class. Therefore, his obsession too should not come in the way of these amendments. Those ideas of old day justice ought to be removed from the minds of the present day Indian administration and Indian justice. India's claim for about hundred years for the separation of judicial and executive functions has been on the anvil, but it is a great pity and we are very sorry that it has not yet been taken in hand. If that great thing had been performed, I am sure these amendments would not have been necessary today. When I take the amendments of Sardar Sant Singh *seriatim*, I find that there is an amendment to clause (*2*) of section 30 and clause (*3*) of section 34 of the Criminal Procedure Code. Nobody would deny that the administration, as it is carried on in India by the help of the assessors or the jurors in the Sessions Court, is to a great extent satisfactory than those carried on by a single magistrate sitting as a single and sole authority. Section 30 does not provide anywhere that the magistrate would call the assessors or the jurors for his help. Therefore, this special privilege should either be extended to the District Magistrates or they should not have that authority under section 30 to carry on trials or deal with the cases unless with the help of the assessors ; otherwise on the face of it, the whole position appears to be absurd. Sections 30 and 31 are applicable not only to the

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Punjab, but also to a very loyal province, namely, my own province of Oudh. It may be said, as Captain Lal Chand said, that there are criminal tribes on his side, but I assure you, Sir, that Oudh is not a criminal province and there are very few criminal cases which require the administration of sections 30 and 34. I know that in my province the number of Assistant Sessions Judges has also been increased and the work can now be entrusted to them for speedy action. Section 30 says :

"In territories respectively administered by the Lieutenant Governors of the Punjab and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind, and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, may, notwithstanding any thing contained in section 29 invest the District Magistrate or any magistrate of the first class, with power to try as a magistrate all offences not punishable with death."

When I read this section, my blood really boils. I do not see any reason why these provinces only have been dubbed as the most criminal provinces. The people of Madras, Bombay and other provinces may be highly cultured and highly civilized, but I stand here to protect my own rights and I would say that my province is as civilized as the other provinces are. When we have become a Governor's province, I do not see any reason why such serious laws should be administered in our province now. When I read the object of section 30, I find that it is to confer special powers on District Magistrates, only to shorten the proceedings of the trial by avoiding the commitment to the Sessions Court which sits only at considerable intervals. In my own province I find that though on certain occasions the Sessions Judges do go and try cases on their tours, there are also Assistant Sessions Judges and the Subordinate Judges who have been given powers of Assistant Sessions Judges, to try criminal cases. So the objection that cases are tried at considerable intervals cannot hold water. I think it is now very easy for these Assistant Sessions Judges to try these cases instead of sending them to District Magistrates or Special Magistrates.

Sir, the next amendment is to section 103. My friend, Sardar Sant Singh, in his Statement of Objects and Reasons and also in his speech before this House last time, explained that the great importance of this section lies in the words "respectability of the inhabitants of the locality" and not in the word "locality". Different High Courts have interpreted the word "locality" in different ways and the criterion of respectability is neglected. Therefore, I do not think I have much to say about it beyond saying that it is a very salutary amendment which Sardar Sant Singh has proposed and the House should carefully consider the suggestion.

Coming to section 167 (*1*), the amendment, Sir, is :

"after the words 'such magistrate' the words 'where he ordinarily holds his Court' shall be added."

This also is a matter which depends upon the great experience of a great lawyer. Great hardships were recounted on the floor of the House by my Honourable friend, Mr. Jadhav, which the accused suffers and that is the experience of every lawyer. It may not be the experience of the officials, because just as they are sitting in this House resting in their seats, they also do the same in Courts and they themselves have every facility when they go out on tour to try these cases. They can go to a village or a subdivision and they will be amply provided in their needs and comforts by the tahsildar. It is not even the lot of the poor lawyer whenever he goes

out to plead the case of an accused, although the police also, when they go out into the interior of a district, have got those facilities. Therefore, I submit that the amendment proposed by my Honourable friend is a very salutary one and if we do not keep the words, "where he ordinarily holds his Court", then a magistrate can hold his Court at any place he chooses to the inconvenience of others. There is another amendment to this section at the end of clause 3, which says that the following words shall be inserted : "after hearing the accused or his counsel if the accused so desires". I ask the Official Benches, where is the harm in giving the accused a chance of explaining. Where is the harm if a magistrate hears the accused or his counsel on his behalf if there are good reasons. I suppose this is an inherent right of the accused and if there is any important thing to be decided against the accused, then he ought to be given a chance to be heard fairly and squarely. Therefore, this amendment too is a very salutary one. Next we come to section 205 which reads "whenever a magistrate issues a summons, he may, if he sees reasons so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader". My Honourable friend's motion is "the word 'whenever' and the words 'issues a summons' should be omitted". To every one it will appear to be a reasonable amendment. After the amendment, Sir, the section will read :

"A magistrate may, if he sees reasons so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader."

The object of clause 1, as amended, will be served by clause 2 if this motion is accepted. The Mover has also given one of the best reasons in his Statement of Objects and Reasons. He says :

"the Courts had to circumvent these provisions by adopting the procedure of first cancelling the warrants and then ordering the issue of the summons, in order to make the section to cover the case".

My only object in supporting the amendment is why give the magistrate a handle to circumvent certain things when you can give him a direct right to issue the summons or warrant. As the amendment is also a reasonable one, I hope the House will not withhold its support. Next we come to section 386 which empowers the issue of warrants for the levy of fines. What my Honourable friend's amendment proposes is that this double penalty should be removed. When I read Mitra's commentary on the Criminal Procedure Code, I find that in 1923, this very section was amended :

"Firstly, the main object of the amendment was, under the old law a fine could be recovered only by distress and sale of moveable property. Under the present law it can be recovered by sale of immoveable property also as is provided in clause (*b*) ; secondly, under the old law a fine could be recovered by distress and sale, even though the offender had undergone a full term of imprisonment in default of payment of fine. The present section ordinarily prohibits the recovery of fine in such cases and allows it only on special reasons."

What the Sardar's amendment wants is that we should delete the words "unless for special reasons to be recorded in writing it considers it necessary to do so". This is a very small amendment and, in view of the lines that I have just read that the present section ordinarily prohibits the recovery of fine in such cases and allows it only on special reasons, I do not see why special reasons should be mentioned when the Court can already prohibit the recovery of fine. Therefore, my submission is that all the amendments propsed by my Honourable friend, Sardar Sant Singh, should be adopted.

The Honourable Sir Bepin Behary Ghose (Law Member): (Applause.) Sir, I rise to oppose the motion. I regret that the first time I open my lips here I should have to oppose the motion of my Honourable and learned friend for whom I entertain great esteem. Sir, I am devoid of the gift of oratory ; I am not a ready or a practised speaker and although my friends having remembered all my years cheered me when I got up to address the House, it will not be my lot to command the applause of listening senates when they hear me out. I will, therefore, Sir, ask the indulgence of the House for my halting speech and for my want of command over language.

I find from the records, Sir, that you have ruled that we must speak shortly on the principles of the Bill. As many Honourable speakers before me have pointed out, it is very difficult to find the principle of the Bill in the several clauses which have been brought forward by the Mover in his Bill. But one learned and Honourable speaker has helped me to find out one principle at least with regard to clause 2. He said, why should these provinces,—and he particularly spoke of the Punjab,—be marked with a badge of inferiority under the provisions of section 30 of the Code ? And he also pleaded for uniformity. Now, Sir, I must protest against the opinion that any section of any law in the country could brand the Punjab with the mark of inferiority,—inferiority indeed ! Throughout the whole of India and probably beyond that, the Punjab has always been considered as the land of brave men,—and may I add,—of fair women. (Laughter.) I have had the privilege of the friendship of many gentlemen hailing from the Punjab in Calcutta, cultured men who have occupied the highest offices under Government, in medicine, in engineering, in the accounts department, and also commercial men of very high repute. I have known them and enjoyed their friendship ; and could any man say that those gentlemen and their ladies could not hold their own against any people of any country ? Therefore, Sir, I submit that the badge of inferiority is only an imagination in the minds of the Honourable gentlemen and also of the Mover, because he also used the word " inferiority " in his speech. That is a mistake. I have said, Sir, that the people of the Punjab have always been remarkable for their bravery, but bravery, if not softened by the humanitarian influences of education and culture, has its defects. Those who are cultured and educated are brave as well as humane. But in certain parts of the Punjab,—and I say this parenthetically because in the few months that I have been here it has been my duty to deal in the first instance with petitions for mercy,—to my regret I have noted that one strong word leads to an exchange of abusive expressions, and then one of them comes out with a *dang*, which probably means a *lathi*, or a *chhabi* which means a spear or a dagger and that is thrust into the anatomy of his opponent. Now, Sir, the Punjab, as Captain Lal Chand has said, is one of the pre-eminent provinces for this sort of bravery. A brave man does not care for his own life and he has very little care for the life or limb of a man whom he dislikes. One of the learned and Honourable Members yesterday spoke of the invasion of Bengal and of Calcutta by taxi drivers from the Punjab. Well, Sir, they are brave and, of course, many of them are Sikhs. They are very brave, but we poor timid Bengalis are afraid of their bravery (Laughter) and I for myself always tell my driver to avoid passing along or in front of a Sikh taxi or bus driver, because they would not hesitate for a moment for crashing into some other person or car or even a lamp post (Laughter) if they are

supposed to be delayed. Sir, I would, therefore, point out to this House that there cannot be uniformity of treatment in that part of the Punjab where they stick a knife or spear into their opponents on the slightest provocation. And there is another province, the sister province of the Punjab, which was part of it, but has now been separated, the North-West Frontier Province. I have found within the few months of my experience as Member of Government here, that the North-West Frontier Province, the Punjab and Burma supply more crimes of violence than all other provinces put together. I may tell my Honourable friends that for about a fortnight I have not got anything from Burma. But from the North-West Frontier Province and the Punjab cases always flow in. Even this morning I had to deal with two cases from the Punjab where, on the very slightest provocation and for the slightest reasons, men have been murdered. Now, Sir, if there is no murder but loss of limb and grievous hurt and all that, why should not cases be decided by the magistrates when the issues are very simple ? Because in most cases I find there is no elaborate evidence. There is hardly any attempt to conceal facts and except a plea of alibi there is hardly any defence. These cases, I submit, may very well be disposed of by magistrates having special powers. Now, Sir, I am familiar with one place, more familiar I think than with other places, *i.e.*, the Sonthal Parganas. I will tell you an instance, which was vouched for by a very reliable person, of a trial in the Sonthal Parganas. A friend of mine was in a civil case before a Deputy Commissioner in the Sonthal Parganas who had,—I do not know the state of affairs now,—the powers of a Subordinate Judge. That gentleman was sitting in Court when a Santhal was brought up before him on a charge of grievous hurt. When the charge was explained to him, he was asked what he had to say. In his broken Bengali he said : " Yes, I have done it, but that man there (*pointing to a petition writer*) asked me to say that I have not done it. But I would not speak a falsehood." The Deputy Commissioner awarded him some sentence, I forget what, may be three or four months. Would it have been a kindness to send him to distant Bhagalpur, which used to be the Sessions Court for the Sonthal Parganas in those days, where he would probably be in the lock up for months and months before his case could be taken up, and probably the same sentence or a higher sentence awarded ? My Honourable friend probably thinks that the Sessions Judges award lower sentences than magistrates with these special powers. My experience does not always accord with the view of my learned friend : if I drop the word " Honourable " now and then, I hope Members of the House will pardon me, because here we are all, all Honourable men.

3 P.M.

I may cite another instance from the experience I have of many years, longer than I care to remember, longer than I think of any gentleman in this House. People are brought up for petty offences who have previous convictions. In one part of Bengal—of course in the Chittagong hill tracts and the Sonthal Parganas which was part of Bengal, Magistrates and Deputy Commissioners were given this special power : but in other parts they have not. Now, a Magistrate sent up a case of a poor *dhobi* who was in the bad habit of stealing his customers' clothes. He had three or four previous convictions and the Magistrate thought that he should be given more than two years and sent up the case to the Sessions Court. What did the Sessions Judge do ? The *dhobi* was in *hajat*,—I do not know whether the word *hajat* is understood here : *hajat* means when an under-

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trial prisoner is kept in the lock up—we use it in Bengal and probably also in the United Provinces : as I was saying, he was in *hajat* for several months, because the Sessions Judge could not take up his case, and when the case was taken up, the accused was sentenced to transportation for life. These men are really a nuisance, but not a danger to society ; but the Sessions Judge sentenced him as above. I dare say, no Magistrate would have thought for a moment of awarding such a sentence. I submit, therefore, that the question of uniformity does not arise. This is a country of many cultures : there is the highly intellectual man ; there is the poor Santhal and Bhil and all those people who have not been sophisticated by the improving influences of civilisation to speak an untruth in a plausible way so as to tax the highest abilities of learned advocates in cross-examination. These people blurt out the truth : even if they tell something false at the very commencement at the teaching of prowlers about the Court—as I have given the instance of the Santhal—they always in the end speak the truth ; and would it be kind—I think it would be cruel kindness—to send these people to the Sessions Court, to which a Magistrate can send an accused person only after going through all the evidence, and writing a commitment order ? The Sessions Judges may not take up the case for months. As one of our friends, Captain Lal Chand, said, nine times the number of cases are disposed of by Magistrates under section 30 in his province than those disposed of by the Sessions Judge ; and you will have to increase the number of Sessions Judges by nine times if his idea is correct. The Honourable the Mover will probably say that it is better to undergo the expense than to have perfunctory justice. I submit that within a short time the Punjab will be autonomous and then my friends may pay as much taxes as they like in order to have nine times the number of Sessions Judges for dispensing justice with regard to people who are notoriously addicted to crimes of violence. My friend, Mr. Azhar Ali, has spoken about Oudh ; but probably he is under some mistake, because I find that in the United Provinces of Agra and Oudh section 30 of the Code is only applied to the Kumaon division—Garhwal, Almora and Naini Tal. I do not know whether my Honourable friend ever went to practise in Garhwal or Almora or even Naini Tal, and, therefore, I am afraid he cannot speak with first hand knowledge of how cases are tried by these magistrates. Garhwal, of course, is a place rather difficult of access : there are no Sessions Judges and it seems Sessions Judges are not required there ; there may be a few minor cases of violence and up to now I have not found any within the time I have been here : there are probably simple cases of simple hill tribes which may be decided without much elaboration, and, therefore, I submit that the House will consider whether it would be expedient or proper to take away the powers of the Local Government to invest magistrates with this special power under section 30. It is an enabling section ; no Local Government is bound to confer this power ; and if any particular magistrate does wrong and does not try cases properly, it lies with the gentleman whose knowledge is first-hand with regard to the misbehaviour of a particular magistrate to bring it to the notice of the authorities ; and I dare say, as each province has its Legislative Council and Ministers, the accusation of the gentleman who brings facts forward will be listened to. As a matter of fact, I find in the papers with me that instructions have been issued to the various Local Governments by the

Government of India that only magistrates of experience, who have had at least been three years in the exercise of first class powers and who have been well spoken of, should be invested with this power.

The Honourable and Learned Mover has spoken of one fact, and it pains me to think if it is so. He stated that the High Court of the Punjab has made a rule that a magistrate should dispose of a certain number of cases within a certain time. I must say, Sir, that I cannot approve of any such rule, because one case may take five minutes, while another case may take five days. In the happy land from which we come, the High Court is not concerned with the magistrate's business. The executive Government probably looks to that. The High Court only looks to the work of the Civil Judges and Sessions Judges, and I know that in most cases the Sessions Judges do not find time to take up cases expeditiously, and for months and months cases lie undisposed of. Therefore, I submit that in certain cases and in certain areas where the number of crimes of violence is far in excess of other provinces, it is a salutary provision that the magistrates may be invested with this power. And, as I have said,—I do not want to repeat it at length—if any magistrate tries cases wrongly, that is a question, as has been said by other Honourable Members, which relates to the *personnel*. There are bad magistrates as well as bad Sessions Judges. Probably the Honourable the Mover has heard of cases or seen cases where the Sessions Judges are accused of moving their pen on paper to show as if they are taking down the cross-examination properly, but, as a matter of fact, they are doing nothing.....

An Honourable Member : Some of the magistrates also do the same thing.

The Honourable Sir Bepin Behary Ghose : Magistrates, of course, are said to be worse than Sessions Judges. The point is that committing cases to the Sessions Court may not always meet the remedy desired by my friend. In one case I may say, without irrelevancy, a Sessions Judge was accused of sleeping all the time when counsel was addressing the Court. There was a complaint before the High Court, and when the High Court asked for an explanation, the Sessions Judge said in answer : "As a matter of fact, I did not sleep ; the voice of the counsel was so harsh and raucous that it was impossible to sleep when he was addressing, but as counsel was repeating himself over and over again, I shut my eyes."

Now, Sir, as I have stated, in the province of Oudh, there is nothing like this power exercised by the Local Government. In Bihar and Orissa, the Local Government desire it for Hazaribagh, Palamau, Singhboom and the Sonthal Parganas. I have told the House about the Sonthal Parganas, and all those districts are inhabited by the same class of simple and lovable people. In Madras they want this power in the Agency Tracts only and nowhere else. Therefore, Sir, I think I have made my point clear as best I may that there cannot be any uniformity with regard to this provision. It is really an enabling provision which the Governments under their discretion may or may not exercise. One Honourable Member said that where the magistrate is disposing of cases under section 30, within a few steps there is the Sessions Judge—why should not the accused be taken from this Court to that ? Now, Sir, if cases were tried—as in the case of primitive people,—if the Sessions Judge sat under a tree dispensing justice without the formalities of this Code, the annotations of which by some editors have run into two big volumes, that might have been practicable. But, under the Criminal Procedure Code,

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before a Sessions Judge tries a case, the magistrate has to hear the whole evidence on behalf of the prosecution, then write out a commitment order and then send it to the Sessions Court. The Sessions Judge fixes the date of the hearing of the case having regard to the state of his file. All this takes months and months. It may be, Sir, very good to say as my learned friend, Mr. Navalrai, said, why should not the accused be taken from this Court to that. But it must have been said only to create an effect, and my friend knows much better than I do—my experience of Criminal Courts is very limited—that there must be a commitment order, and so forth. I do not think that it is at all necessary to say anything more on this clause.

Then, Sir, with regard to clauses 3, 4 and 5, they are consequential to clause 2. If the House thinks that it would not cause very great mischief, if the permissive powers under section 30 are retained on behalf of the Local Governments, then it is not necessary to speak about these clauses.

Next I come to clause 6. With regard to this clause, much has been said very forcibly by several Honourable Members. Not being well versed in the niceties of the meanings of words in the English language, I find very great difficulty in understanding the difference between the words "locality" and "vicinity". One Honourable Member on this side stated that locality is more circumscribed, and with great respect I should also think so, of course subject to correction by those friends of mine whose vernacular is English. If I say that Qutab Minar is in the vicinity of Delhi, I do not think that I should be very far wrong, and I suppose in a geography book if it is stated that Barrackpore is in the vicinity of Calcutta, although it is about 15 miles away, would that be wrong? Therefore, I submit, the word "locality" was advisedly used by the framers of the original Act. Now, Sir, it is certainly right and proper that people from the locality should be brought for making the searches. My Honourable friend has cited an instance from a Criminal Law Journal where some Judge held that locality means a place which may be far distant from the place where the searches was made. I confess I fight shy of these law journals. Although I am afraid of offending gentlemen who are concerned with law journals, either as reporters, or as proprietors or as editors, I must say that the great vice of these law journals is to pack up as many cases in their publications as possible. There is a race run amongst themselves about the number of cases to be reported. I have not read this particular case; I suppose it is better that I should not. Probably in that case the Judges had to decide as a question of fact whether the place from where the witnesses were brought, having regard to the special circumstances, came within the meaning of "locality". I do not know if that case was cited before a magistrate as an authority. I personally know that on questions of fact cases from law journals are cited—I can cite an instance. A case was reported in one of the law journals where it was said that on a moonlit night a man could be recognised from a certain distance. That case was cited before a judge as an authority for the proposition that on a moonlit night a man can be recognised at a distance of 50 yards or so. I, therefore, submit that if a law journal is cited to the effect that it is a question of law that the "locality" is at a distance, that page should be torn out from the book.

There is another thing which I may say, but I am afraid I am taking more time of the House than I thought. I was going to say, if the object of the Honourable the Mover is to get witnesses from the immediate neighbourhood, there may often be very great difficulties. As Captain Lal Chand has said, in various parts of the country there are hamlets which are apart from the main village in which people of a certain class reside; it may be half a mile or a mile distant.

Suppose there is a dacoity and the police think that one of the houses should be searched. All these men of the hamlets are tied to one another by bonds of interest or relationship or friendship; or it may be that they were participators in the dacoity. Is it possible for the police to get any of them from the near neighbourhood to be search witnesses who would speak the truth? I know it may be said that police sometimes plant things. But what are the lawyers for? What are these eminent gentlemen whom I see here for, if they cannot turn the police officers inside out in the witness box and compel them to admit that the thing was not found there? Of course, criminal lawyers, who always appear for the defence, have their own views. They think that every accused person they get out of the clutches of the law adds a feather to their cap, and briefs flow from all criminals from all parts of the country to them. But there is the question of justice. The peaceful inhabitants also require protection. If my Honourable friend, Sardar Sant Singh's house is burgled or if robbers come and rob him, as it happened the other day, in the heart of the city of Delhi, would he be satisfied if in making a search of the house of the criminal suspected to have stolen the goods, the police take a near neighbour, who has himself probably hidden some of the articles, to make a search, and the witness says in Court that the articles were not found there? Would my friend be satisfied because of the law that the search witnesses must be from the immediate neighbourhood? I, therefore, submit with great respect that this also should be rejected by the House.

Then comes the other thing: "No evidence other than the list drawn up in accordance with the provisions....." That, I submit, is also inadvisable, because there must be evidence of identity of goods. The owner must have to say: "These are the things which belonged to me". As I have said with regard to the previous provision, the cause of justice must be protected and if you shut out evidence which is relevant and which may lead to the discovery of the criminal, I think, for the peaceful public, it would be a calamity.

Then comes clause 7. The inexpediency of this provision has been pointed out by Members whose experience has been that of magistrates. It may be asked, what is the harm if the culprit is taken to the magistrate's house at a time when he was not sitting in Court. The law provides that the accused must be produced before the magistrate. In another capacity I know that application for bail had come to me when I was in my bath, as it was a holiday. I had to do this sort of work more than once and others like me had to do this. I do not think there is any harm in that. But if the magistrate shirks his work or acts illegally, is it the fault of the law, or the fault of the man? I do not think, therefore, that there is any charm in saying that the man must go to the Court, sit there in all his glory, probably at a time when the Court has dissolved and there is nobody there. However, Sir, I submit that there is no harm if the accused is taken to the magistrate's house. The Sardar Sahib has stated that sometimes the magistrate does not care for the accused being brought before him. That

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would be a serious breach of the law, because the section provides that the accused should be brought before him. Now, if there is a dishonest magistrate, the law should not be changed, but the dishonest magistrate should be chucked out. Then, as to the net proposal, any magistrate worth his salt would not refuse to hear the accused or his counsel. So far as my experience goes, I think they hear him, but seldom listen to his prayer. That is another thing. But what would be the effect of this addition if the magistrate says " Oh, stop, that is sufficient " ? Therefore, I submit, it is useless to add clause after clause to an old Procedure Code which has been in existence for years and years. If magistrates do such wrong things, as stated, they should be set right.

With regard to clause 8, my learned friend himself pointed out, it is useless. I submit, if a magistrate issues a warrant in a case which is not a warrant case, he has the inherent right of recalling the warrant and issuing a summons as soon as it is pointed out to him that he has issued a warrant where it ought not to have been issued. Why should he not recall it and issue summons ? In warrant cases discretion has not been allowed to the magistrate. Probably the legislators of those days thought that they should not trust the magistrates. I hope my friend, the Sardar Sahib, will excuse me for saying this, if he is accused of an offence for which a warrant should be issued....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : He was once.

The Honourable Sir Bepin Behary Ghose : I think there will be no magistrate in his province who would not desire to dispense with his personal appearance because of his position. He is a leading practitioner in the Courts and they would do so, but the Legislature thought that this privilege should not be allowed to people who have been accused of an offence for which a warrant has to be issued. I submit, therefore, the very power which is inherent in every Court to correct mistakes would always be exercised by the magistrates, if they issue a warrant under misapprehension, but if they issue a warrant rightly, I should think that the personal attendance should not be dispensed with. There are often cases in which the accused is very rich and has been accused of a grave offence. Now, if the magistrate, after issuing a warrant, because of the wealth of the accused dispenses with his personal attendance, I for one, as a peaceful inhabitant of the country, would object.

I now come to clause 9. Here I must say that my Honourable friends, who have spoken in support of the motion, have actually gone wrong. Under section 70 of the Penal Code, the Court is empowered to sentence an accused person in a fit case to imprisonment in addition to a fine. Out of the fine it is sometimes necessary to allow compensation to the complainant. One very bad case was cited in this House by Mr. Seaman. There a girl was molested and the accused was sentenced to imprisonment in addition to fine and compensation was awarded to the complainant. That man elected to serve the term of imprisonment although he had money. Would it be wrong in such a case to get money out of that person ? A special reason has to be cited by the magistrate in such a case. If my friend, the landlord's representative here, has a troublesome tenant who would not pay up the rents, what does he do ? He sends an elephant to break up the house of the tenant.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : I contradict that statement.

The Honourable Sir Bepin Behary Ghose : My friend may not do it. His *gumasta* or agent may do it, and suppose he is sentenced to imprisonment as well as payment of the fine. The magistrate knows that the fine will be paid by the master. If the man does not pay and works out his term of imprisonment and the tenant's house has been damaged, then what happens ? My friend, the Kumar, probably lives in a primitive place. I may suppose his people exercise this power more frequently than does my friend, Mr. Lahiri Chaudhury.

Kumar G. R. Roy (Surma Valley *cum* Shillong : Non-Muhammadan) : Not at all. Those days are over.

The Honourable Sir Bepin Behary Ghose : My friends will excuse me, I state as hypothetical cases. I submit this is a salutary provision. My Honourable friend, the Mover, speaks of the poor man being oppressed, but the accused is not always poor and the complainant may be poorer than his prospective clients. The complainant is entitled to some consideration in some cases and if the accused chooses to serve his term of imprisonment instead of paying the fine, although rich enough to do so, on account of spite, the magistrate should always have the power to realise the fine to award compensation which would go to the benefit of the complainant. When another Honourable friend said that the person's *lota* or his *thali* is being attached time after time, there must be some special reasons which the magistrate gave. There must be some special reasons, otherwise the magistrate has got no power. I submit, therefore, that the House should not accept even this amendment. I will not take much more time of the House. As I said, I am not a practised speaker and, therefore, I want the indulgence of the House. I am sorry if I have offended any Honourable Member by taking the time of the House. (*Honourable Members* : " Not at all.")

With regard to the 10th clause, I have nothing further to add except this that if any magistrate has instituted the proceedings under section 107 or 110, would he hear the appeal himself ? I cannot possibly think that there would be such a man as that. As one of the speakers on the previous occasion pointed out, in every town now there are Sub-Divisional Magistrates and they initiate proceedings and the appeal goes to the District Magistrate. If the Sessions Judge were to be drowned with appeals for these trivial things, his Court will be hampered in the disposal of his more important cases.

Then, Sir, there is a small provision in section 111. It is to give a right of appeal in every trivial case. Now, I would ask the Honourable the Mover if there is any use in prolonging the agony. It may be that a rich man may go up to the Privy Council as it recently happened when a person was awarded a short sentence of simple imprisonment. He went up to the Privy Council to appeal. Of course, his counsel got a considerable fee for his pleasure trip, as my friends on the other side said on another occasion.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : In this case too there was a pleasure trip.

The Honourable Sir Bepin Behary Ghose : That is what I say. There was a pleasure trip and my friend, Mr. Sen, knows the instance. Therefore, I submit that it is useless to give the right of appeal in every small case. Where there is a wrong thing done by the magistrate, there is a power of revision. I remember a case in which a magistrate fined a person Rs. 10 for cutting off the tail of the cow, because it had entered the shed of his cows and eaten their fodder. So he took a *dah* and cut off the tail of the offending cow. The owner of the cow prosecuted him and the magistrate sentenced him to a fine of Rs. 10. He went up to the District Judge who referred the case to the High Court. There is ample opportunity for setting matters right. I submit, therefore, it is no use giving the right of appeal in trivial cases. If I have taken more time of the House than I should I apologize. (Applause.)

Sardar Sant Singh : Sir, I must confess that I have listened with great interest the maiden speech of the Honourable the Law Member which was very interesting as well as humorous.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The way in which he started disclaiming any title to rhetoric or eloquence gave greater zest to the speech as it proceeded from clause to clause. I must also congratulate my friend, Mr. Cox, on his interesting maiden speech. At the same time, I regret that the speeches of those gentlemen who adorn the Treasury Benches have not convinced me that they are on the right. My effort to introduce reform in the current criminal procedure of the land, according to my own lights, no doubt, was not actuated by any motive which has been assigned to me by the nominated officials and non-official Members. I would presently discuss purely from the jurist's point of view and show that my amendments are in consonance with the principles of British jurisprudence taught to me in the Law College and which principles have been a guiding light to me in my career at the Bar. One Honourable Member claimed experience extending over 31 years as District Magistrate and other higher positions. But I may as well humbly submit that I too have been practising at the Bar from the 1st July, 1908, up till now. I do not want to lay any claim to anything, but I do want to submit for the consideration of this House that my practice has neither been mean nor of a routine kind. I have kept my eyes and ears open. I have studied the magistrates and I have studied the members of the Bar and have been closely watching the working of the Criminal Procedure Code. When I was elected to this House, I was persuaded to place before the Honourbale Members certain defects in the criminal procedure of the land.

Sir, dealing with the merits of my Bill, I submit that certain objections have been raised to its provisions. The first of these objections is that there is no common principle running throughout the various clauses of the Bill. I may point out at the outset that this Bill claims to amend a procedure Bill and there can be no principle in the procedure Bill. Such a Bill can only be confined to the process of litigation and what course litigation is to run. It does not deal with substantive rights or wrongs, it only deals with the process that leads to the enforcement of those rights or the dispensation of justice as the jurisprudence calls it. How

can you expect a uniform principle to run through the various clauses of the Bill ? If there is any principle that runs throughout the Bill, it is that the process of litigation, the process by which rights are enforced or crimes punished and justice administered, should be the same and based on the same principles which find a place in the British jurisprudence after the experience and wisdom of ages. The different provisions dealing with different methods must contain a principle, each clause is a principle in itself and that is the principle of the whole Bill. Therefore, I have no apology to offer that the Bill does not contain a uniform principle throughout all the clauses.

The second objection is that it betrays distrust of the police and of the judiciary. Really I have not been able to follow Honourable Members who come forward with such an argument, because, to me, it is an elementary principle of British jurisprudence and the preliminary chapters of a text on jurisprudence will tell you the distinction between Courts of law and Courts of justice. No civilised Government at this time of the day claims that Courts of law are Courts of justice. The fact is that the law takes the place of individual discretion and places in the forefront of jurisprudence the accumulated wisdom of the Legislature in preference to the wisdom of the individual person who happens to preside over the Court at a particular time. I will strengthen my argument by reading out from the book of jurisprudence of Sir John Salmond under the heading " Justice according to Law ", where the whole subject has been thoroughly discussed :

" For this reason we require in great part to exclude judicial discretion by a body of inflexible law. For this reason it is that in no civilised community do the judges and magistrates, to whom is entrusted the duty of maintaining justice, exercise with a free hand the *viri boni arbitrium*. The more complex our civilisation becomes, the more needful is its regulation by law, and the less practicable the alternative method of judicial procedure."

If the Honourable Members would take the trouble of reading this Chapter, they will find that the one principle which has been emphasized by the learned jurist is that individual discretion is a dangerous thing and it must be regulated by legislative rules and laws. When we come to enact a certain provision in order to restrict individual discretion and replace it by the discretion that has been laid down in the form of rigid law, we do not distrust the magistrate, we do not distrust the judiciary, but rather we assist such public officers. We bring to their notice the accumulated wisdom of the legislatures and ask them to prefer it to their individual common sense and wisdom. Apart from whatever opinion I may hold about the administration of justice by weak or timid judges, I may submit that whenever a certain measure is introduced in the legislature, with a view to checking the individual discretion, it does not betray any distrust in the magistracy. I think I have made this point clear. Therefore, the objection that my Bill betrays a distrust of the magistrates is absolutely unfounded. Every restriction that you place in the exercise of a right and in the methods in which that discretion is to be exercised would not be a distrust of the magistrate. Let there be no misunderstanding on this point and let nobody be frightened that I am casting a slur upon the body of public men who are charged with the administration of justice. If I am doing anything, I am trying to help the administration in making their place permanent in this land by administering real justice and by creating confidence in the administration of justice than I am trying to destroy that confidence. Therefore, this portion of the objection I do not take seriously.

[Sardar Sant Singh.]

I will now deal with the merits of the Bill as I have tried to place before the House. The first point which my Bill aims at reforming is to make the law uniform for the whole of India by repealing section 30, Criminal Procedure Code, and incidental amendments of sections that follow later on. It has been pointed out by those Honourable Members who sit on this side of the House that it is an anomaly in these days to have magistrates with enhanced powers where they can punish a man to a long term imprisonment with probably not a qualification enough to administer that justice. We say the highest Court should be charged with dealing with those crimes where the crimes are grave or the justice demands that more calm and cool consideration should be given to the examination of the case as it is brought before them. The Honourable the Law Member has started by paying a tribute to the Punjab, that they were a brave people. He was giving by the right hand which, soon after, he took away by the left. Probably the left never knew what the right was giving. At one time he eulogised the bravery of the Punjabis and at the same time condemned them as violent criminals.

The Honourable Sir Bepin Behary Ghose : If not tempered by the humanitarian influence of education.

Sardar Sant Singh : I bow to the experience and wisdom of the Honourable Member and, I say, whether it is tempered by humanitarian conditions or not, the fact remains that the Punjabis do stand in need of being done justice in the same way as the Bengali does. If my Honourable friend wants for Bengal that justice should be administered by the highest tribunals, why he should grudge the same right to the Punjab is incomprehensible to me. I will certainly bow to my Honourable friend if he comes forward with the provision for deleting all those clauses where trial by jury is claimed by non-Indian subjects living in this land. Why do they attach so much importance to jury trial and trial by judges of a particular status ? It is a right which every individual has inherent in himself that justice shall be done to him in accordance with law. When I say that section 30 magistrates have multiplied like mushrooms in the Punjab, I mean that I have a genuine grievance. If any Honourable Member of Government, who has not come in contact with the system of justice as actually administered, is prepared to and visit *incognito* the Court of a section 30 magistrate, he will be able to judge for himself what justice is administered there. He will come out of the Court room with only one opinion that it is more of a fish market or a vegetable market than a Court of justice. I remember, that Mr. Ramsay Macdonald visited the Court of a section 30 magistrate at Delhi and he sent a *chit* probably to some higher authority that he had visited a fish market and not a Court of justice. I challenge any gentleman who may come with me to these Courts to say that justice is administered there. If I am permitted to draw the picture of a so-called Court of justice, I will paint it like this. You see a magistrate sitting in the middle of a table : on his right sits his reader and on his left his stenographer with a typewriter in front of him. The witness stands in the front making what is, in most cases, a tutored version. The Public Prosecutor, with a posse of Police Officers behind him, goes on dictating what he thinks. The witness is deposing and the defence counsel continues disputing the correctness of the facts as dictated. The magistrate meanwhile

4 P.M.

is busy signing a bundle of papers brought to him by a *chaprasi*. The Reader is busy making a bargain with a poor litigant. Yet everybody believes that justice is being administered. It is very easy to sit here in arm chairs and say that justice is administered. We are asked, Sir, always to respect the judgments of the judicial tribunals. I quite concede that no administration can run for a single moment unless it respects the judgments of its Courts. That is one of the fundamental and essential conditions of civilised administration. But, at the same time, is it not the duty of the administrator to see that more powers are not given to an undeserving judiciary ? My Honourable friend, the Law Member, says that a circular has been issued to all Local Governments by the Government of India that powers should be given after three years' experience at the Bench as first class magistrates. But if you appoint committees of inquiry to look into the judgments of so-called first class magistrates,—committees manned by British jurists who are not imbued with any political bias to examine these judgments, I am sure, such a committee is sure to recommend that most of the present day magistrates should be deprived of their powers than be given enhanced powers. In the Punjab, I have seen during the last two years that new I. C. S. gentlemen, with only a couple of year's training, have been appointed as Sessions Judges. How can they be expected to administer justice in accordance with law ? It is the lawyers alone who know how difficult it is to understand and weigh the facts of a particular case. My friend has got experience, and I appeal to that experience when I say, can you possibly expect a new gentleman, however eminent he may be in intellectual training, coming fresh from college and fresh from a foreign country to rightly judge the conditions in this country ? Can my Honourable friend deny that posts of Sessions Judges and Additional Sessions Judges have been given to fresh youngsters coming out from college ? They do not know what the difference between relevant and irrelevant fact is. I remember I was once cross-examining a witness and the judge said that it was an unnecessary question. I told the judge that I had read the whole of the Evidence Act and I know of relevant and irrelevant questions, but I had never come across the phrase " unnecessary question ". Either he should overrule me on the ground that it is an irrelevant question or allow me to go on as I am the best judge of my client's interests to decide whether it is a necessary question or not. Once a Sessions Judge asked me why I was lengthy in my cross-examination. I told him that I was lengthy, because I could gain a point in favour of my client only when I could successfully outwit the Court, the prosecutor and the witness. If any one of them comes to know what point I am leading to, he will warn the witness to be careful on that point. If the Court sits as a partisan for the prosecution, if the prosecutor does not hesitate to tell the witness in the witness box that he should reply in a particular manner, which in legal language will mean that he encourages him in perjury, the defence counsel cannot but be lengthy in his cross-examination, and circumventing the whole situation before he can be able to gain a point which may help his client. So my submission is that section 30 powers are powers which can only be exercised by eminent judges. They should be fully conversant with legal principles so that they may be able to do justice. How many judges, among those who sit on the benches, are imbued with this idea that justice is to be administered according to law and not according to something which they consider to be justice and which they call substantial or moral justice ?

[Sardar Sant Singh.]

Our judges today say that they do substantial justice between man and man. I say, you have no power to sit as preachers and priests and reformers. You are given a certain code of law and you must administer that law according to the directions given in the law itself. But they never care ; the District Magistrates encourage them in their wrong notions of their duty. The police openly asserts that in a particular case the man is guilty though they have brought forward false evidence to prove his guilt. The only illuminating judgment that I had the good fortune to read was a judgment of the Allahabad High Court, recently delivered by Mr. Justice Young. That judgment really lays down the true principles as to how justice should be administered. He says, in the course of a judgment and I quote it from memory, that the time has come when the Courts should convict people more of perjury than of crimes which some have committed. These illuminating and noble ideas are at times found in the judicial reports. I wish that it should be a common thing and not an exceptional thing in India. Therefore, I say that section 30 magistrates must cease.

The second ground on which objection is taken is that it will involve the State in heavy expenditure.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Do you want this for the Punjab only or for the hill tracts also ? Do you demand it for all ?

Sardar Sant Singh : I demand it for all: I make no exception. I think the poorest man is entitled to justice according to law and not according to the fancies and whims of a particular magistrate. A particular magistrate may do substantial justice, but no civilised Government today can afford to permit administration of justice according to any standard but of law. Everybody is entitled to be governed by a uniform system of law.

Now I come to the second objection that the repeal of section 30, Code of Criminal Procedure, will involve the administration in great expense. My first reply to this argument is that if the same expense can be incurred in Bengal, why should it not be incurred in the Punjab ? But I do not rest my argument alone on this.....

The Honourable Sir Bepin Behary Ghose : Bengal is an insolvent province : probably my Honourable friend does not know it.

Sardar Sant Singh : The second point will clear the idea and that is that the most fundamental and essential function of the State consists in two activities—to defend the country against foreign invasion, and to maintain pure the administration of justice in the country itself. Those are the fundamentals that every jurist has given. A Government can call itself a civilised Government if it administers justice amongst its various peoples. If the State is not prepared to incur expenditure for maintaining justice and for maintaining law and order in the country, that State need not exist. Therefore, I will submit that the expenditure or cost should have no consideration where the question of administration of justice comes in, where the proposition is that people should have full confidence in the administration of justice of these Courts. You can curtail your activities in other respects ; but you cannot afford to curtail your activities in the administration of justice. Therefore, this is no

plea. The Honourable Captain Lal Chand says that nine times the number of cases are disposed of by section 30 magistrate than are disposed of by Sessons Judges—it may be nine times or nine hundred times, I do not care. I claim that every one individual has inherent right that justice should be administered to him in accordance with law. The one well known principle of jurisprudence is that every man should be regarded as innocent until he is proved to be guilty and the other principle is that let 99 guilty men escape, but one innocent should not be punished. The British jurists did not lay down such strict and fundamental principles and conceptions for the mere pleasure of laying down something which excites admiration but they meant them to be followed in administering justice. I wonder how the argument can be advanced that it will involve the State in extra expenditure. Therefore, this position that, by repealing this particular section, a particular province will have to spend more on the administration of justice, does not hold any water.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

The third point in this connection is that the accused shall have to wait for the disposal of a particular case, because Sessions Judges are preoccupied. It might be so. After all, to be tried in a manner which convinces the accused that justice has been done to him, which convinces the public that justice has been done to the accused, is more valuable than a few days or hours in the judicial lock-up. Therefore, on this point, the case for the repeal of this section has been clearly made out.

Coming to the other amendments, the first one is about section 103. As I explained in my speech at the time when I moved that this Bill be referred to a Select Committee, I pointed out that I am not wedded to the word "vicinity" at all : the word "neighbourhood" might be used.....

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Or brotherhood !

Sardar Sant Singh : At the same time I made myself very clear. I want that there should be no fabrication of evidence. I never said that I want that the criminal should go free if he has committed a crime. I never advanced that proposition. I never said that, where a person is guilty, he should not be punished. What I said was that he should be punished in accordance with law and on evidence which is not perjured or fabricated. I do not think anybody can take exception to this. I quoted the commentators of section 103 where it was said that the real object of this section is that evidence or incriminating articles should not be planted and that there should be genuine discovery. That is my position. What objection can there be on principle to this point ? Today what happens ? A sub-inspector of police.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot attempt to traverse the whole ground again in detail in replying. No doubt the Honourable the Mover of a motion has got the right of reply, but he must exercise it judiciously.

Sardar Sant Singh : I have to meet the arguments advanced by the other side.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member realises that the House is already handicapped in discussing this motion. There is no particular principle discoverable in the Bill, and, therefore, the Chair said it was very difficult to control the discussion. Especially in his reply the Honourable Member will be well advised just to touch upon the main grounds and not to go into so many details and attempt to cite detailed illustrations in support of them.

Sardar Sant Singh : All right, Sir. I will keep this before my mind. Similarly I may quote in this instance a recent judgment of Mr. Justice Agha Hyder Khan where he disbelieved the evidence of discovery, simply because it was supported by lambardars and zaildars. My main principle is that some way should be discovered by which real truthful evidence will be brought to bear in order to prove the guilt of the accused.

Coming next to section 167, it has been objected that no particular value attaches to the remand being given in Court and not in the house itself. My submission is that what is done today in remand cases is a game of hide and seek. Accused's counsel wants to know why the accused is being detained and what evidence there is so far in the possession of the police ; but the police think that they should find out a way in which the accused's counsel should never know where the accused is going to be produced. This game of hide and seek must be ended. Let us do justice, and justice according to the law. This legal provision should be observed in spirit as well as in letter. That is my point. There is no other point in this.

Coming to the next section 205, it has been agreed that the law, as it stands, is defective ; but it is said that judges find no difficulty in administering it. I only say that the letter of the law may be brought in conformity with the spirit. Here I find myself between two fires ; first of all I was charged with betraying distrust of the magistracy ; and now when I want to raise the dignity of the Court and raise the confidence in the magistrates and plead for more powers to the magistrates, I am charged that this is a trivial matter. However, there is no reason, why should not the law be what the practice is ? It should be the same.

Next comes the amendment of section 386. Here, again, the Honourable the Law Member has charged me with overlooking two kinds of cases. In some cases justice requires that compensation should be given to the aggrieved party, in some cases justice demands that the accused should be punished with fine. I quite concede this. There are cases when grant of compensation to the aggrieved person is in the interest of justice and there are cases when justice demands infliction of fine. I do not deny that ; they are sometimes most necessary. What I say is, we must consider how the same end may be achieved, what is the process by which the compensation should be made effective and the fine should be realised. If you know that a particular person can pay the fine straightaway, issue a warrant, use the forces of the State to realise the fine—I don't say no to it. Let that provision be there, but if you once decide to send him to jail in default of payment of fine and if he has undergone

the punishment in default of the fine, then do not punish him doubly, because double punishment for a single offence is not just. It is a well established proposition that a man who has undergone a sentence for an offence is no longer an offender, he has expiated the crime by undergoing the sentence ; but, in this case the crime follows him like a shadow ; it does not leave him. That is my grievance : therefore, I say, there should be no double punishment.

Next comes the question of forum of appeals in the security case, whether they should be made to the District Magistrates or not. I have already given my reasons in my speech and I do not want to enlarge upon them. This, again, is a distinctive treatment given to the Punjab, and it does not exist in several other provinces. If appeals are heard in Bengal by Sessions Judges, why should it not be so in the Punjab ? After all, there is one Central Government for the whole country, and there should be uniformity in law. It will tend to create greater confidence in the administration of law.

Lastly come a few sections whether right of appeal should be given. I have fully explained this in my Statement of Objects and Reasons. I do not want there should be any anomaly in the administration of justice. A Sessions Judge can remit a fine without limit, but in cases where the fine is less than Rs. 50 and he is of opinion that the conviction is not justified, he must recommend remission of fine to the High Court. This certainly wastes the time of the Courts. Therefore, I appeal to Honourable Members of this House that this Bill is a step forward in the reformation of our legal procedure and they should vote with me in referring it to the Select Committee I have proposed.

Sir, before I close, I wish to say only one word, that in this motion the name of Mr. D. G. Mitchell appears as one of the members of the Select Committee. He is no longer a Member of this House, and, therefore, Sir, with your permission, I want to propose that the name of the Honourable Sir Lancelot Graham be substituted for it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would first ask the consent of the House whether it agrees to substitute the name of Sir Lancelot Graham in place of Mr. D. G. Mitchell.

The question is :

"That the name of Sir Lancelot Graham be substituted for that of Mr. D. G. Mitchell."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the Honourable Sir Harry Haig, Sir Hari Singh Gour, Mr. S. C. Mitra, Rao Bahadur B. L. Patil, Mr. Lalchand Navalrai, Mr. Abdul Matin Chaudhury, Mian Muhammad Shah Nawaz, Mr. B. R. Puri, Sir Abdur Rahim, Mr. Gaya Prasad Singh, Sir Lancelot Graham, Rao Bahadur S. R. Pandit 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 Assembly divided :

AYES—27.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Das, Mr. A.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Jadhav, Mr. B. V.
Jha, Pandit Ram Krishna.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Reddi, Mr. T. N. Ramakrishna.
Roy, Kumar G. R.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.

NOES—49.

Acott, Mr. A. S. V.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Bagla, Lala Rameshwar Prasad.
Bhore, The Honourable Sir Joseph.
Bower, Mr. E. H. M.
Chatarji, Mr. J. M.
Chimman Lal, Rai Bahadur Lala.
Clow, Mr. A. G.
Cox, Mr. A. R.
Dalal, Dr. R. D.
Fazal Haq Piracha, Khan Sahib Shaikh.
Fraser-Tytler, Major W. K.
Ghose, The Honourable Sir Bepin Behary.
Graham, Sir Lancelot.
Grantham, Mr. S. G.
Haig, The Honourable Sir Harry.
Harbans Singh Brar, Sirdar.
Hezlett, Mr. J.
Hudson, Sir Leslie.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury Muhammad.
James, Mr. F. E.
Jog, Mr. S. G.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Mackenzie, Mr. R. T. H.
Megaw, Major-General Sir John.
Millar, Mr. E. S.
Milligan, Mr. J. A.
Mitchell, Mr. A.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Noyce, The Honourable Sir Frank.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Raghubir Singh, Rai Bahadur Kunwar.
Raisman, Mr. A.
Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Rastogi, Mr. Badri Lal.
Rau, Mr. P. R.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Smith, Mr. R.
Studd, Mr. E.
Tottenham, Mr. G. R. F.
Vazir Muhammad, Khan Bahadur Shaikh Yakub.

The motion was negatived.

THE INDIAN COASTAL TRAFFIC (RESERVATION) BILL.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to reserve the Coastal Traffic of India to Indian Vessels be continued."

This Bill was introduced in the Assembly and a motion for referring it to a Select Committee was tabled on two occasions, but it could not be moved and, according to the Standing Orders, it has lapsed. I, therefore, make this motion that the House may give me permission to continue the Bill. It is a very important measure in the interests of the country and I, therefore, request that permission may be granted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to reserve the Coastal Traffic of India to Indian Vessels be continued."

The motion was adopted.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : As all the opinions on this Bill have not yet been received, I do not want to make the motion* today.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I do not want to make the motion† today.

THE HINDU WIDOWS' RIGHT OF MAINTENANCE BILL.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara : General) : Sir, I move :

"That the Bill to fix the amount of maintenance to which Hindu widows are entitled, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Sir Hari Singh Gour, Sir Abdur Rahim, Mr. C. S. Ranga Iyer, Pandit Ram Krishna Jha, Mr. Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. A. Das, Mr. S. C. Mitra, Mr. B. R. Puri and the Mover, with instructions to report by the 25th January, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

In commending this motion to the favourable consideration of the House, I only wish to say that the object of this Bill is only to ameliorate the lot of the widows. With that object I introduced, in 1929, a Bill which was called the Hindu Widows' Right of Inheritance Bill. That Bill proposed to give a share to the Hindu widows in the

*"That the Bill to provide for the protection of the names 'Khaddar' and 'Khadi' used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration."

†"That the Bill to abolish the punishment of death for offences under the Indian Penal Code be circulated for the purpose of eliciting opinion thereon."

[Diwan Bahadur Harbilas Sarda.]

family and personal properties of their deceased husbands. That Bill did not commend itself to the acceptance of this House, because the Honourable the Law Member, who is the keeper of the legal conscience of the Government of India, opposed it and said that the provision to give the widows a share in property cuts across the Hindu law of inheritance ; the Hindu law of inheritance is to him sacrosanct.

Convinced that no Bill would be able to pass this Assembly at the present time, unless it has either the support of the Government or it is able to persuade Government to adopt towards it an attitude of benevolent neutrality, I approached the Law Member and asked him to suggest to me lines on which a Bill should be drawn up, which would aim at ameliorating the lot of the widows and yet be acceptable or at least not unacceptable to the Government of India. He kindly gave me certain suggestions and put them in writing. On those suggestions I have drawn up this Bill, and the provisions of this Bill strictly follow those suggestions. I have not swerved an inch either this way or that.

The principle of the Bill is not a new one. The Hindu Law gives the Hindu widow a right of maintenance and this Bill does nothing more than set up a standard for the purpose.

The Hindu Widows' Right of Inheritance Bill was widely circulated and opinions were received. They were circulated to Members. There was a consensus of opinion with regard to the fact that the lot of Hindu widows was very unsatisfactory and in some cases deplorable, considering that they inherit nothing either from their paternal estate or from their deceased husbands' property. In some quarters, however, an objection was raised that no right of inheritance, that is a share in property, should be given to the widows. This Bill, which I am asking the House to consider favourably, does not give any share in property to the widow. That was the chief objection raised by some people when that Bill was circulated. That objection too now disappears and, therefore, it is quite unnecessary to circulate this Bill.

Even such an orthodox gentleman as my Honourable friend, Pandit Ram Krishna Jha, has introduced a Bill with the same object and with nearly the same provisions as this Bill. Therefore, there can be no objection to referring it to a Select Committee. By circulating it we will only be delaying taking even the first step in doing justice to a very deserving and helpless class of women.

There is no standard at present to guide judges in fixing the amount of maintenance. This Bill only furnishes a standard for that purpose. As I have said, it does not cut across the law of inheritance and, as it fully conforms to the views expressed when public opinion was taken on the former Bill, I appeal to the Honourable Members that they will consider my motion favourably and refer it to a Select Committee. With these words, I commend my motion to the consideration of this August House.

The Assembly then adjourned till Quarter Past Twelve on Wednesday, the 30th August, 1933.

LEGISLATIVE ASSEMBLY.

Wednesday, 30th August, 1933.

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

His Excellency the Viceroy : Gentlemen, it is a great pleasure to meet you, the Members of the Indian Legislature, once again and to welcome you to the labours of another Session. May I in the first place congratulate both my old friends, Sir Maneckji Dadabhoy and Sir Shanmukham Chetty, upon their elevation to the very important offices which they now occupy, as this is the first occasion upon which I have addressed you since their election as Presidents of the Council of State and Legislative Assembly, respectively. I offer them both my best wishes in the execution of their functions and responsibilities.

It is now my duty to give you an account of current affairs since last we met in Delhi, and, in doing so, it will not be necessary for me to keep you from your Parliamentary labours for so great a length of time as I have done on previous occasions, for I am glad to say that I think I can fairly claim that general conditions in India today are more satisfactory in many ways than they have been for a considerable period, and consequently there are fewer matters of a controversial nature for me to bring to your notice. And I should like very sincerely to thank you for your share in bringing this about, not only by the sound and steady judgment which you have generally shown in the debates which have taken place in both Houses, but also by your votes on the many important matters which have come before you. Criticism there certainly has been—criticism there should be—fair criticism is of value to any Government and, I am sure, I can rely on my Government receiving from you that same fair and helpful criticism during the present Session as they have received in the past thereby assisting them to work for our common purpose—the increasing welfare of your country.

In regard to Foreign Affairs, I am happy to be able to inform you that cordial relations continue to be maintained with all our neighbours. You will, however, regret to learn that a rebellion which broke out this spring in the Sinkiang Province in China against Chinese rule has resulted in the murder of a number of British Indian subjects and of certain loss in property. Much though I deplore this loss of life, I am glad to be able to record that the presence of His Majesty's Representative at Kashgar has been of considerable effect in minimising the danger to British Indian subjects and that he is making every endeavour to bring about the arrest and punishment of the perpetrators of these crimes.

The long standing disputes between the Afghan and British tribes on the Kurram border have recently been satisfactorily settled through a joint Indo-Afghan Commission, the result of which will, I trust, ensure the peace of this portion of the border for a considerable time to come.

[H. E. the Viceroy.]

I must now refer to certain events on the North-West Frontier Province which have recently been creating a considerable amount of interest. I wish from the outset to emphasise that we as a Government are responsible for maintaining friendly relations with our neighbours and for preserving law and order within the confines of India. In view of the recent constitutional changes in the North-West Frontier Province and the coming changes in India as a whole, it is particularly important that these responsibilities should be faithfully discharged.

In the particular case to which I refer the Government of India received information that certain ill-disposed persons had arrived in Bajaur, who were likely to prove not only disturbers of the peace within our Frontier, but also a source of grave embarrassment to our neighbours across the Border.

We have already had experience of the extent of trouble such agitators are capable of causing by events which occurred in Khost earlier in the year, and it was clearly the bounden duty of my Government to take any and every step to prevent the recurrence of such incidents. In the meantime, for motives of their own and egged on by hostile agitators, the Upper Mohmands made a sudden and unprovoked attack from their semi-independent territory on one of our most loyal tribes, the Halimzai. Whether the action of the Upper Mohmands was in any way connected with the activities of the agitators in Bajaur it is impossible to say, but realising that this particular portion of the Frontier holds many firebrands, whose main occupation in life is to flout all recognised forms of law and order, and knowing the pace at which infection is likely to spread on the Frontier, I, in consultation with my Government, decided that immediate action was imperative.

This action was not forced upon us by any overt rebellion against our own authority, but it was our obvious duty to support our assured clans against unwarranted aggression, and for this reason a column was despatched into the Halimzai country, to support the Halimzai and to afford them some measure of protection. The column was received with professions of gratitude and has had precisely the effect desired. The loyal elements among our clans have been encouraged and fortified, and the hostile lashkars have now dispersed and disappeared.

The problem in Bajaur was not so simple for, owing to the inaccessibility of the villages in which the agitators had taken up their abode, direct action of the nature mentioned above within a reasonable time was impracticable, in fact impossible, owing to the destruction by floods of the bridge over the Panjkora River.

Again, after full consideration, we decided in the first instance to issue notices to certain individual Khans who were known to be harbouring the offenders, demanding their surrender. We even went so far as to offer a reward for their surrender, and to intimate that no action would be taken against them beyond removing them to a safe distance from the Frontier. On the other hand, we made it clear that failing compliance with our orders, the Government would take such action as they considered necessary.

These notices produced no effect; and it was then, and only then, after considering the alternatives open to us, that Air action was instituted against a single small and remote village called Kotkai in which it was known that the principal offender was being harboured.

In view of the criticism which this decision has evoked during the past few weeks, without perhaps a full knowledge of the facts, I wish to make it quite clear that our action has in no way infringed the canons of international law or the dictates of humanity; Air action of this type has been taken on many occasions in the past 12 years without exciting comment or protest. It is not directed against the inhabitants of the villages, much less against women and children; it is never undertaken without the express authority of the Government of India and without due warning; and it seldom results in the destruction of human lives. On the present occasion no loss of human life occurred and as far as we know only one man was injured. Its effect lies in the economic loss inflicted by the destruction of dwellings and by the inconvenience and disturbance caused to normal everyday life.

I can assure you once more that our sole object is to maintain those conditions of peace and good relations on the Frontier which are so essential to the ordered progress of the country as a whole.

Although internal disturbances have, I am glad to say, been less frequent than in the preceding two years, there have been occasions on which the aid of troops has had to be invoked by the civil power. The promptness and efficiency with which the Army and the Royal Air Force have met all calls upon them command my admiration and should, I venture to suggest, be a matter of congratulation to us all. Heavy retrenchments have been made in the Defence Estimates and the search for further economies has by no means been abandoned. Special attention is being paid to certain suggestions that were made by Honourable Members in the last Budget debates; but it is becoming increasingly clear that further savings cannot be secured on a scale to compare with the very large retrenchment of the past two years.

The Imperial Council of Agricultural Research has continued to do useful work in the promotion of agricultural research. Since its inception it has been able to allocate funds aggregating 43 lakhs to no less than 49 research schemes most of which extend over a five-year period. There is evidence of an increasing appreciation of the Council's efforts to supplement the work which is already being carried on by the Agricultural and Veterinary Departments of the various Provinces, and at the Central Research Institutes at Pusa and Muktesar. Though in common with other beneficent activities the work of the Research Council has had to be curtailed during the present period of financial stringency, the existence of its Research Fund, which was created in 1929 on the recommendation of the Royal Commission on Agriculture and with your approval, has saved much useful work from interruption. Though my Government has not yet been able to restore the Council's annual research grant of five lakhs, it was found possible, again with your approval, to make a supplementary grant of five lakhs to it last March. This enabled the Council to start a number of useful schemes which were awaiting the provision of funds.

It is only four years since the Research Council was established and less than three since its first research schemes came into operation, so that it is

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too early to expect results. But I was interested to observe that at the recent Sugar Conference convened by the Government of India several Provincial Ministers for Agriculture and Industries spoke appreciatively of the work done by the Sugar Technologist and by the Sugar Committee of the Council.

The Council has recently taken on new responsibilities in connection with the development and utilisation of the tariff preferences on agricultural products secured to India by the Ottawa Trade Agreement; and rightly so, for unless Indian agricultural produce is as well-handled and graded, and of as good a quality as that of our principal competitors, the full advantage of these important preferences in the United Kingdom will not be realised.

As you are aware, the Whitley Commission made a number of suggestions for the revision of the Factories Act. These have now been examined in detail by the public, by the Local Governments and by my Government and we shall shortly place before you our proposals in the form of a new Factories Bill, designed to replace the Act of 1911 and the various amending Acts passed since that date.

Another measure that you will have to consider is the question of affording protection to Indian States against activities in British India which tend to subvert or to excite disaffection towards their administrations.

It has been represented to my Government that the existing law is inadequate for the purpose, and my Government feel that the Indian States are entitled to a similar measure of protection against unfair and subversive activities in British India as the present law affords to British Indian Provinces. The Indian States have invariably co-operated with the British Government in suppressing activities in their States subversive to the administration of British India, and I feel there is little need for me to stress the desirability of what I may best characterise as reciprocity in this matter, especially when we envisage the proposed Federal Constitution of which States and Provinces will alike be Units.

When I addressed the Legislative Assembly last January, I made a brief reference to certain matters relating to Indians overseas. The hope, which I then expressed, that our representations to the Union Government on the subject of Indian unemployment in Natal would prove fruitful, has been realised. Relief to unemployed Indians is now being given in Durban and Pietermaritzburg. The Commission to enquire into the occupation of proclaimed land by Indians in the Transvaal continues its labours. Our Agent and his staff have been assisting the Indians in the Transvaal to place their views before the Commission. Two recent events in East Africa may be of interest to Honourable Members. The Indian community in Uganda has long been desirous to see its representation on the Legislative Council of this territory increased. His Majesty's Secretary of State for the Colonies has announced that a second Indian member will shortly be nominated to the Council. Members are appointed to the Council, not to represent communities but by reason of their fitness to serve the general interests of the country. Indians in Uganda will, I feel sure, justify the choice, which will now fall on

one of them, by using this opportunity to promote the welfare and prosperity of Uganda. In Kenya Indians have decided, without prejudice to their preference for the principle of a common electoral roll, to enter the Legislative Council. The Government of India consider this a wise decision and hope that, by the contribution which this will enable them to make to the common weal of that territory, complete harmony among the different communities may be rapidly established.

It will be remembered that towards the end of the last Session of the Legislature the Government of India were compelled to ask His Majesty's Government that formal notice should be given of their desire to terminate the Indo-Japanese Trade Convention. This serious step was taken with the utmost reluctance and only under the threat of grave injury to many of the indigenous industries of India. Our action was conceived in no spirit of hostility or aggression; it was purely a measure of self-defence and it is regrettable that in certain quarters it has been otherwise construed. The problem with which we were confronted was a difficult one. The depreciation of the currency of Japan relatively to the rupee had given to that country an advantage in Indian markets which rendered competition impossible. Our choice lay between inaction—which spelt ruin to many of our industries—and the denunciation of the Convention which had governed the friendly trade relations of India and Japan for so many years. No other practical solution offered itself and notice of denunciation of the Convention was therefore given, and the Convention will expire on 10th October next.

Though by the denunciation of the Convention and by the passing of the Safeguarding of Industries Act we have taken power to protect our own interests, we have nevertheless been ready at all times to consider any alternative solution that might be put forward. We ourselves were fully conscious of the disadvantages of a discontinuity in our treaty relations with Japan, and I am happy to say that, as a result of preliminary conversations, a Delegation from Japan will shortly arrive in India with a view to the negotiation of a fresh trade agreement. I take this opportunity of welcoming the representatives of Japan now on their way and of expressing the earnest hope that a solution may be found satisfactory to all the parties whose interests are involved. The fact that these negotiations will take place in Simla between the Government of India and the Government of Japan is one of great significance for India.

Of significance too is the fact that India is to be the scene of a tripartite conference between the textile industrialists of India, Lancashire and Japan. In this conference the Government of India will not take part, but they would welcome any agreement consonant with the welfare and interests of India as a whole.

You will be invited to give legislative sanction to the agreement that has been reached between the tea growers of India, Ceylon and the Netherlands East Indies. The Restriction Scheme which they have themselves evolved is as yet in its initial stages and it is perhaps too early to proclaim it a success, but it has already engendered in the trade a very welcome feeling of buoyancy and confidence.

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I now turn to the question of Finance about which in these times of unparalleled uncertainty it is necessary to speak with caution. I think it is fair to say that on all sides there is a feeling of greater confidence and that it is possible to detect signs of definite improvement in many directions. The World Economic Conference, though it failed to produce any agreed plan of co-operation, has at least done much to clear the air, while the discussions between the Empire countries in which India's representatives took a prominent part led to a declaration of a monetary policy which justifies the hope of an improvement in the sterling prices—and therefore also in the rupee prices—of commodities.

So far as our budgetary position is concerned, it is too early yet in the year to make any reliable forecasts. The results for the four months to the end of July are interesting. Exports of merchandise show an increase of about Rs. 7½ crores over last year, while imports of merchandise are lower by about Rs. 11½ crores. The result is that customs receipts to date are disappointing, but on the other hand India's favourable balance of payments has been much larger than last year, and Government has been able to remit exceptionally large amounts of sterling—over Rs. 19 crores—as compared with less than Rs. 1½ crores at the same period last year.

The reduction in imports may signify that India is relying more on her own industrial production, and this combined with the increase in the favourable balance of payments can be interpreted as signs of strength in the intrinsic position of India. But it also shows how such an improvement in the general position, and in particular how the replacement of dutiable imports by Indian manufactures, may actually increase the budgetary difficulties; so that we cannot contemplate any relaxation in our policy of rigorous economy in recurrent expenditure.

In the meanwhile it may be said that our position remains one which compares favourably with that of any other country. The credit of the Government stands high and the favourable results as regards remittance have a significance at the present juncture to which I wish to call special attention. These remittances have enabled us so to strengthen our sterling balances that if this position continues we shall have made the provision of adequate external reserves for setting up a Reserve Bank an immediate practical possibility.

This brings me to a question which will be of close interest to you—not only from the financial, but also from the constitutional standpoint—that of early legislation for the setting up of a Reserve Bank. I have been particularly glad to note the most satisfactory course of the discussions in London on this subject at which the Indian Legislature was strongly represented and which has resulted in the production of a unanimous report. I should like to take this opportunity of expressing my appreciation of the valuable service rendered by the Members of the Legislature and other Indian representatives in these discussions. With this report to guide us, we propose to introduce a Bill into the Legislature this Session and to proceed to the stage of recommending to you that it should be referred for detailed examination by a Select Committee of both Houses. If this procedure is approved by you, it is our intention to

arrange for the further stages of the Bill as reported by the Select Committee to be taken at a special Session to be convened in the latter half of November. It is our earnest desire to proceed as expeditiously as possible with the inauguration of the Reserve Bank in view of its importance in the general constitutional plan, and, with your help, on which I now feel that I can confidently rely, combined with the improvement of our position as regards external reserves to which I have already called attention, I have every hope that it will be possible to have the Reserve Bank successfully functioning well in advance of the earliest possible inauguration of the new constitution.

Before leaving the field of Finance, there is one other matter which I must mention. One practical result of the World Economic Conference was the conclusion of an agreement between the representatives of the countries interested in silver, the details of which have already been fully reported in the press. We believe that this agreement will operate to the substantial advantage not only of India but of the other countries concerned, while it offers the further great advantage of removing what was a cause of friction and misunderstanding between this country and the United States of America. This agreement is subject to ratification by the Legislatures of the various countries concerned, and it will be put before you for your consideration at the earliest convenient opportunity.

When I addressed you in February last I ventured to express the belief that the march of events would gradually carry the leaders of the civil disobedience movement further and further away from the sterile methods of negation and obstruction, and that they would find themselves caught up in the living forces of constructive politics which the near approach of the new constitution is releasing on all sides. I think that what has happened in the last few months has borne out that belief. It is true that civil disobedience still maintains a precarious existence through the personal influence of its author, but the popular judgment has really discarded it, and the pathway to happier conditions is broadening out before us. The minds of men and women are turned in the direction of constructive work rather than of continuing an unmeaning struggle. I hope we can feel that an unhappy page in the history of the country has been turned over, and that advanced political thought in India can henceforth address itself to the problems of the future. In that, new India to which we are advancing there is need, and there will be scope, for the co-operation of many diverse elements. I believe that those whose main political outlook is usually summed up in the word "nationalist" will find in the new constitution satisfaction for their claim that the centre of gravity in the Government should be shifted unmistakably from the officials to the representatives of the people, and will discover ample scope for new activities and new policies in dealing with the many urgent social and economic problems that confront the country. The conservative elements will also have their part to play, as they have in every country, balancing enthusiasm with caution and ideas with facts. The struggle, for we can never get away from struggles in politics, will be no longer between those who would break and those who would uphold the law, or between those who would maintain and those who would destroy the British connection, but it will be a struggle between different policies for meeting the practical problems that face us, problems that have perhaps never been in any age so insistent and so

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complicated as they are now throughout the world. Out of that struggle will emerge, I hope, solutions that will truly advance the welfare of the peoples of this great country.

The improvement in the situation in Bengal in regard to the terrorist movement of which there were some signs last February has, I am glad to say, continued, and there has been no serious outrage in recent months. But the movement, though checked, is still active. It would be the greatest mistake to suppose that these subterranean forces have yet been overcome or that there can be any relaxation of the steady and unremitting pressure to which, in conjunction, I hope, with an improved, convinced and active public opinion, they will in the end yield. The success which has been so far achieved in Bengal has been due to an unswerving resolution on the part of the Government of Bengal that this menace should be faced and beaten, and to the admirable efforts made in pursuance of that policy by the servants of Government, both civil and military, and the effective co-operation of all those who have been engaged in this campaign. It was a matter of great satisfaction to me that His Majesty the King-Emperor recently conferred a special mark of his appreciation on two officers, one civil and one military, whose work has been most valuable in securing the great improvement which is evident in conditions in the Chittagong District.

But while conditions in Bengal are slowly improving, we have had a reminder recently of the manner in which the infection of these poisonous doctrines may spread to parts of India which have hitherto happily been free from this form of crime. Recently terrorist outrages or attempts at outrages have occurred in the Madras Presidency. I am glad to think that the prompt and effective action of the Madras Government and Police has succeeded in dealing with this development in its initial stages, and I have no doubt that the people of Madras will give all possible co-operation to the authorities in their efforts to prevent the youth of the Presidency becoming tainted with these disastrous doctrines, doctrines which are essentially alien to the culture of the people among whom it is sought to propagate them.

When last addressing you on the question of Constitutional Reforms, the third Round Table Conference had concluded its session, and with feelings of keen anticipation we were awaiting the presentation to Parliament of the proposals of His Majesty's Government. I have frequently described the progress of the Reforms discussions of these past years in terms of the stages of a journey. The publication on the 18th March of the Indian White Paper marked so definite a stage that I feel I can well ask Honourable Members to look back for a moment to the stages we have covered before they cast their eyes forward to those which lie ahead. When the Government of India Act of 1919 was passed, Parliament recognised that the constitution then given was transitional and made provision for its review. By virtue of that provision the Indian Statutory Commission was appointed and its labours opened the way to the great developments which followed the publication of its report. The first Round Table Conference will for all time hold an honoured place in the constitutional history of this country, for it was at that Conference that the conception of bringing this great continent within the embrace of an all-India Federation was first brought within the range of practical politics. That ideal

we have since held consistently before us. It is now the corner-stone on which we have built. Each of the two succeeding Conferences made its own particular contribution to the completion of our task, and the intervals were occupied with expert enquiries into one aspect or another of the many difficult problems inherent in so great a constitutional change. When I look back over this period of preparation, my confidence in the future is stimulated by the encouragement I derive from that splendid spirit of common endeavour, which has throughout inspired the free exchange of views between the representatives on the one side of His Majesty's Government and on the other side of British India and the Indian States. Compressed within the pages of the White Paper there lie the evidences of this collaboration, in which by the help so readily given the Indian representatives have played so notable a part.

While the Joint Parliamentary Committee has been at work in London, but without prejudice to its conclusions, my Government has set up a Committee of officials and non-officials to consider administrative problems relative to the separation of Orissa. It is intended also to set up a similar Committee for Sind to assemble and start work early in the coming cold weather.

The White Paper is now in the hands of the Joint Parliamentary Committee. Its terms of reference charge the Committee with the momentous responsibility of considering the future Government of India and, in particular, of examining and reporting upon the proposals in the White Paper. We have all followed with close attention the reports appearing in the press of the Committee's proceedings, and, conscious of what Indian co-operation has achieved in the past, I rejoice to think that Indian opinion is again given the fullest opportunity to make itself felt at this last and formative stage when the work that has been done comes finally before Parliament for decisions to be taken. No part of the Committee's proceedings has given me greater pleasure than the generous acknowledgments by Indian delegates of the great contribution made to the discussions by the Secretary of State, who in the course of his evidence displayed a grasp of these great constitutional issues which evoked tributes from representatives of all sections of opinion in the Committee. Early in October the Committee will reassemble and resume its labours. I would ask Honourable Members to join with me in wishing the Committee and its collaborators an early and successful conclusion to their great work of investigation, scrutiny and review before the Committee places its own recommendations before Parliament for consideration.

In conclusion, let me turn for a moment to the future. If we are to ensure the rapid progress which we all desire in the way of Constitutional Reforms, we must create the atmosphere in which that progress can develop. Little can be done by Government alone. An equal responsibility must lie upon Honourable Members themselves and other leaders of political thought in India to whom we must look to use their influence by their speeches, by public meetings and propaganda to see that the electorates of the future are made fully aware of the great advance we are striving to achieve through the White Paper proposals. I appeal to you, therefore, with all the sincerity at my command, to take up this responsibility with courage and energy so as to help your country forward to the attainment of her ultimate goal as an equal partner in the shaping of the destinies of the British Empire.

The Assembly met in the Assembly Chamber at Quarter Past Twelve of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

SUFFERINGS OF DECK PASSENGERS COMING FROM RANGOON TO CALCUTTA DUE TO OVERCROWDING.

174. ***Mr. Gaya Prasad Singh** : Are Government aware that deck passengers coming from Rangoon to Calcutta by the British India Steam Navigation Company steamers often suffer from over-crowding, and that a number of them are huddled together at odd corners and places on the deck, and that I myself witnessed their plight when travelling by the S. S. " Arankola " which left Rangoon on the morning of 9th May last for Calcutta ? Do Government propose to take any steps in this matter ?

The Honourable Sir Joseph Bhore : As a result of the enquiries made in the matter it is understood that the British India Steam Navigation Company's steamers running between Rangoon and Calcutta seldom carry the full complement of deck passengers which they are certified to carry. In the specific case of the S. S. " Arankola " cited by the Honourable Member the actual number of deck passengers carried by her on the voyage in question was 1,232 whereas the steamer was certified to carry 1,250 deck passengers. I may add for the information of the Honourable Member that under the rules and instructions in force such ships are, prior to their departure from a port, inspected by a Government official who sees that the number of passengers carried does not exceed that which the ship is certified to carry and that the vessel complies with other requirements of the law. In the circumstances the Government of India do not propose to take any further action in the matter.

EXPORT OF DUTY-PAID FOREIGN SUGAR FROM KARACHI TO KASHMIR AND JAMMU STATES.

175. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state whether it is a fact that duty-paid foreign sugar is exported from Karachi to Kashmir and Jammu States ?

(*b*) If so, do the Karachi Customs authorities, after sealing the sugar bags, give certificate to sender showing therein the amount of duty paid ?

(*c*) What quantities of sugar have been exported from Karachi to the above States during the official years 1931-32 and 1932-33 ?

(*d*) Is any part of the duty received retained by the Government of India ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) Yes.

(*c*) During the year 1931-32, 5,302 tons were exported from Karachi to Kashmir and during 1932-33, 5,073 tons.

(*d*) No.

EXPORT OF FOREIGN SUGAR TO AFGHANISTAN AND DUZDAP.

176. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state :

(*a*) Whether it is a fact that sugar on which duty is not paid is transhipped to Afghanistan and Duzdap (Persia) from Karachi ?

(*b*) Whether there is also in force a practice under which consumers who buy duty-paid sugar get refund on receipt of goods in Afghanistan and Duzdap (Persia) of customs duty paid at Karachi after deduction of 10 per cent. on production of a certificate proving payment of duty at Karachi ?

(*c*) What quantity of foreign sugar has been exported to Afghanistan and Duzdap (Persia) during the official years 1931-32 and 1932-33 ?

The Honourable Sir George Schuster : (*a*) Sugar intended for the Government of Afghanistan is allowed to be re-exported without payment of duty. All other sugar whether intended for Afghanistan or Persia is liable to duty in the first instance.

(*b*) Sugar on which duty has been paid is entitled to a refund of 15|16ths of the duty on proof of arrival in Persia. Sugar on which duty has been paid and which has been declared at the time of import as being intended for Afghanistan is entitled to a refund of the whole duty on proof of arrival in Afghanistan.

(*c*) During the year 1931-32, 4,982 tons of sugar were exported to Afghanistan and during 1932-33, 6,990 tons. These figures represent the quantity certified as having entered Afghanistan.

During the year 1931-32, 780 tons were exported to Persia and during 1932-33, 165 tons. These figures represent consignments despatched from Karachi under Customs supervision for transmission to Persia.

EXPORT OF FOREIGN SUGAR FROM KARACHI TO PERSIAN GULF PORTS.

177. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state whether it is a fact that foreign sugar on which customs duty is not paid is exported to Persian Gulf ports from Karachi ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government state what quantity of such sugar has been exported to Persian Gulf ports during the official years 1931-32 and 1932-33 ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) The quantity of foreign sugar exported from bonded stock without payment of duty was 2,743 tons during 1931-32 and 3,446 tons during 1932-33.

ENLISTMENT OF ' Y ' CADETS.

178. *Sardar Sant Singh : Will Government kindly state the number of ' Y ' Cadets, who have been enlisted up-to-date since June, 1931, their names with academic qualifications and the regiments to which they are now attached ?

Mr. G. R. F. Tottenham : A statement is laid on the table giving the names of the gentlemen and the units in which they are serving.

List of Indian gentlemen enlisted since June 1931 under special terms with a view to qualifying for a nomination to the Indian Military Academy.

Name.	Unit with which serving.
1. Indar Singh	Passed into I. M. A.
2. Mohammed Azam Khan	
3. Dalip Chaudhuri	
4. Gurkipal Singh	Hodson's Horse (Nominated for I. M. A.).
5. Mohammed Ayub Khan	5th Bn., 2nd Punjab Regiment.
6. Goverdhan Lall Chandha	2nd Bn., 2nd Punjab Regiment.
7. Sultan Maqarrab	5th Bn., 13th F. F. Rifles.
8. Jogindar Singh	5th Bn., 14th Punjab Regiment.
9. Waheed Haider	2nd Bn., 15th Punjab Regiment.
10. Ram Narain Saxena	5th Bn., 7th Rajput Regiment.
11. Mohammed Abdel Ali	7th Light Cavalry.
12. Swarup Singh	3rd Bn., 9th Jat Regiment.
13. Jagat Singh	Probyn's Horse.
14. Jaswant Singh	P. A. V. O. Cavalry (11th F. F.)
15. Vithalrao Bhaskar Rao Jadhao	3rd Bn., 5th Mahratta L. I.
16. Sampuram Bachan Singh	1st Bn., 11th Sikh Regiment.
17. Sataya Prakash	19th K. G. O. Lancers.
18. Harbans Singh Bawa	1st Bn., 2nd Punjab Regiment.
19. Jal Sorab Cama	The Royal Deccan Horse.
20. Mohammed Barkat Ullah	1st Bn., 15th Punjab Regiment.
21. Mohindar Singh	1st Bn., 12th F. F. Regiment.
22. Manohar Lal Katyal	1st Bn., 2nd Punjab Regiment.
23. Syed Wajid Ali	7th Light Cavalry.
24. Sadiq Ullah Khan	5th Bn., 12th F. F. Regiment.
25. Sikandar Khan	Discharged at own request.
26. Hardip Singh Uberoi	
27. Mahbub Khan	
28. Gurbakhsh Singh	
29. Abdul Hamid Khan	5th Bn., 2nd Punjab Regiment.
30. Wazir Chand	10th Bn., 1st Punjab Regiment.
	3rd Bn., 7th Rajput Regiment.

ENLISTMENT OF ' Y ' CADETS.

179. *Sardar Sant Singh : (*a*) Is it a fact that, when ' Y ' Cadets were selected in 1931, the non-commissioned officers of the Indian Army were not eligible for King's Commission ?

(*b*) Is it a fact that ' Y ' Cadets were given to understand that they would be given every facility for nomination to the Indian Military Academy ?

(*c*) Is it also a fact that after the selection of ' Y ' Cadets and the understanding referred to in part (*b*) above, the non-commissioned officers were made eligible for King's Commission ? If so, from what date, and why was the old rule altered ?

(*d*) Are Government aware that the alteration of the rule in favour of the non-commissioned officers has affected the ' Y ' Cadets adversely in regard to their nomination to the Indian Military Academy ?

(*e*) Are Government aware that this change of rules having affected the ' Y ' Cadets adversely after their selection has been the cause of grave apprehensions in the minds of the parents of ' Y ' Cadets in regard to the latter's future career ?

(*f*) Are Government also aware that this change of rules has been interpreted to be a definite breach of understanding given at the time of the selection of ' Y ' Cadets ?

(*g*) Do Government propose to remove the grievance of the ' Y ' Cadets and their parents by reserving at least 75 per cent. of the nominations to Indian Military Academy for the ' Y ' Cadets so long as they are not absorbed ? If not, why not ?

Mr. G. R. F. Tottenham : Before answering this question I should like to remove an evident misapprehension as to the meaning of the term " Y " cadet. The term used to be applied in England to men from the ranks who were admitted to Sandhurst in order to be trained as officers, but no one was a " cadet " until he actually joined the College. The same term has been loosely applied to a number of Indian gentlemen who failed to pass the open examination for entry to the Indian Military Academy but who were given a chance of qualifying for a nomination to the Academy by passing through the ranks of the Army. They cannot strictly be described as cadets before they join the Academy.

The answers to the various parts of the question are as follows :

(*a*) Yes.

(*b*) They were told that they would, be given every help, *e.g.*, by being commended to the special attention of their Commanding Officers, but they were certainly not given to understand that they would be specially favoured.

(*c*) Yes, the change formed part of the general revision of the rules regarding the recruitment of Indians for King's Commissions recommended by the Indian Military College Committee. The new rules were actually introduced in September, 1932.

(*d*) and (*e*). Certainly not. The gentlemen in question were well aware that the change was likely to take place when they were offered enlistment ; and the increase in the number of Indian Army vacancies at the Academy has actually been in their favour.

(*f*) There is no justification for such an interpretation. As I have already explained, the gentlemen were given no promise of any kind and were fully aware that their chance of obtaining a nomination depended on their own efforts.

(*g*) No. It would be prejudicial to efficiency and to the success of the scheme of Indianisation if nominations were not given to the best men. But I can assure the Honourable Member that the claims of the persons in question will receive every possible consideration at the hands of the military authorities and that every effort will be made to give nominations at the Indian Military Academy to those who prove themselves likely to make good officers.

DISPOSAL OF CERTAIN PUBLICATIONS AS WASTE PAPER ON THE EVE OF THE TRANSFER OF THE CENTRAL PUBLICATION BRANCH TO DELHI.

180. ***Mr. S. C. Mitra :** (*a*) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether he is aware that a large stock of publications of various descriptions was disposed of as waste paper in Calcutta on the eve of the transfer of the Central Publication Branch to Delhi ?

(*b*) If so, will the Honourable Member kindly lay on the table a statement showing the following details :

(*i*) The titles of the publications ;

(*ii*) The number of copies of each of the publications ;

(*iii*) The total value of the stock of such publications on the basis of their respective published prices ;

(*iv*) The total amount of sale proceeds obtained and credited to Government account on disposal ;

(*v*) The period during which the work of disposal of stock as waste paper was undertaken ;

(*vi*) The total weight of the publications disposed of ; and

(*vii*) The rate per maund at which these publications were sold ?

(*c*) Will the Honourable Member kindly say if the vacant space caused by the disposal of stock as waste paper would suffice to obviate the difficulty on the score of paucity of accommodation, referred to in the Proceedings of the Standing Finance Committee sanctioning the expenditure for the move ?

(*d*) Will the Honourable Member kindly say whether the following aspect of the question received due consideration before going in for sanction of transfer : whether the difficulty regarding insufficiency of space could be overcome by pursuing the process of weeding out the superfluous stock of publications ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) The total weight of publications sold was 1,601 1/2 maunds. The rate per maund was Rs. 1-12-0 and Rs. 2,802-11-3 was credited to Government. I am not in possession of a list of the publications or of their published prices, but lists can be consulted in the office of the Controller of Printing and Stationery at New Delhi. The weeding of stocks of old publications is carried on throughout the year.

(*c*) No.

(*d*) Yes.

Mr. N. M. Joshi : In view of the fact that Government had to dispose of their own publications as waste paper, will they reconsider their policy as regards the free distribution of Government publications to public and to Members of the Legislature ?

The Honourable Sir Frank Noyce : I do not see any justification for that. If any of these publications were wanted, they would have been purchased.

Mr. N. M. Joshi : May I ask Government whether they are aware that there are many public libraries and public men also who are anxious to read these publications and cannot do so because of their high price ?

The Honourable Sir Frank Noyce : I imagine that is the case, but I do not consider it a sufficient reason for making a free gift of the publications.

Mr. N. M. Joshi : May I ask, Sir, whether it is more economic and more in the interests of the public that these publications should be sold as waste paper instead of being given free to those people who are anxious to read them ?

The Honourable Sir Frank Noyce : I believe it is the case that publications have occasionally been offered to public bodies at cheap rates and sometimes even free.

Mr. Lalchand Navalrai : May I ask the Honourable Member whether it is not a fact that these publications are published in more abundance than they are required ?

The Honourable Sir Frank Noyce : I understand that an investigation has been made into that question and that experience has shown that it is not the case. I believe that the practice now is that the number of copies of any particular publication which should be published is scrutinised more carefully than was the case in the past and I need hardly say that it will be our endeavour to follow that practice in the future. We will take every step we can to ensure that the number of copies of any publication is not likely to be in excess of the demand. But my Honourable friend will, I am sure, understand that everybody is liable to make mistakes and that incorrect estimates at times are possible.

Mr. S. C. Mitra : Is it not a fact that most of these publications, that were treated as waste paper, were the reports and evidence volumes of many of the Royal Commissions and other Committees ?

The Honourable Sir Frank Noyce : I have no information on that point.

Mr. S. C. Mitra : My question referred to that. I wanted to draw the Government's attention that, instead of wasting these valuable books as waste paper, they might have been distributed, as my Honourable friend, Mr. Joshi, has suggested, among the Members of the Assembly and of different Local Councils.

The Honourable Sir Frank Noyce : I cannot find any reference in the Honourable Member's question to Reports of Royal Commissions.

Mr. S. C. Mitra : I wanted to know the names of the publications ?

The Honourable Sir Frank Noyce : There is a great number of them. I can make the list available for the Honourable Member's inspection if he is willing to wait until we move down to New Delhi.

Mr. S. C. Mitra : I know that most of the volumes are the reports and evidence volumes of such Commissions as the Royal Commission on Labour, on Agriculture and many other such Commissions. I want to know what was the difficulty in selling them at a reduced price or even distributing them free to the Members of the Legislature ?

The Honourable Sir Frank Noyce : I am quite prepared in future, before these publications are sent to the waste-paper basket, to have a list placed in the Library of the House so that if any Honourable Member wishes to have a copy, he can do so.

Mr. N. M. Joshi : May I ask, Sir, whether Government will consider the utility not only of placing the list in the Library of the Legislature, but also sending it to the public bodies and Libraries of the country asking them whether they wanted any of the volumes before they are thrown in the waste-paper basket ?

The Honourable Sir Frank Noyce : I doubt if that would be worth while. I think if any public body regarded a report of a Royal Commission as really worth having, it would be prepared to pay for it.

Mr. N. M. Joshi : Are Government aware that I wanted a set of the report of the Royal Commission on Indian Labour and I could not get it from the Department of Industries and Labour ?

The Honourable Sir Frank Noyce : I think every Member of the Royal Commission was presented with a free copy of the report and evidence.

Mr. N M. Joshi : I have got two libraries and I wanted two sets instead of one. (Laughter.)

Mr. B. Das : Is it not a fact that the Stores Retrenchment Committee, after visiting, and making an inspection of, the Calcutta Publication Branch, recommended that all these obsolete documents, books and forms that were lying there, should be disposed of and, in accordance with that recommendation, these documents were sold ?

The Honourable Sir Frank Noyce : I cannot remember all the details of the recommendations of the Stores Retrenchment Committee. I am perfectly prepared to accept my Honourable friend's statement.

Mr. Lalchand Navalrai : May I know if these publications were, as a matter of fact, sold as waste paper ?

The Honourable Sir Frank Noyce : They were, Sir. The ones referred to in the question.

Mr. Lalchand Navalrai : May I know whether it has ever been considered to amalgamate the two presses, the one at Calcutta and the other at Delhi and locate them in one place ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question does not arise out of this.

Mr. S. C. Mitra : Before the Government treat these books as waste paper, they can reduce the price so that there may be a chance for public bodies to purchase them at reduced prices. If the original price is, say, Rs. 80 or Rs. 100 per volume, and if they are sold for Rs. 10 or Rs. 12, it is much more than what Government could get by selling them as waste paper.

The Honourable Sir Frank Noyce : I think that has been done in most cases, but I shall be very happy to examine how much farther we can take the procedure suggested by my Honourable friend.

EXPENDITURE INCURRED ON THE TRANSMISSION OF PUBLICATIONS FROM THE GOVERNMENT OF INDIA PRESS, CALCUTTA, TO THE CENTRAL PUBLICATION BRANCH, DELHI.

181. ***Mr. S. C. Mitra :** (*a*) Will the Honourable Member in charge of the Department of Industries and Labour kindly lay on the table a list of priced publications, including journals and periodicals, that were printed off from the Government of India Press, Calcutta, in the course of the last six months ?

(*b*) How many of those items of publications were transmitted to the Central Publication Branch, Delhi ?

(*c*) Will the Honourable Member be pleased to lay on the table a statement showing the total amount of railway freight that was incurred by the Central Publication Branch, Delhi, in the course of the last four months to clear consignments of publications that were sent to Delhi by the Government of India Press, Calcutta ?

(*d*) Do Government realize that the Central Publication Branch has been saddled with this expenditure only because of the said office having moved away to Delhi ?

(*e*) If so, will Government kindly say how is it proposed to cut down the expenditure on account of railway freight for publications that are to be received by the Central Publication Branch from the Calcutta Press ?

The Honourable Sir Frank Noyce : (*a*) The list desired by the Honourable Member includes 521 items and runs to 31 pages. I do not propose to lay it on the table but it can be consulted in the Industries and Labour Department if the Honourable Member so desires.

(*b*) 350.

(*c*) The amount was Rs. 3,277.

(*d*) No : a considerable portion of the expenditure would in any case have been incurred by the Central Publication Branch if it had remained in Calcutta in distributing publications required by offices in Delhi or Simla.

(*e*) Does not arise.

SANCTION OF ADDITIONAL STAFF FOR THE CENTRAL PUBLICATION BRANCH TO COPE WITH THE WORK CONNECTED WITH THE TRANSFER OF THE PATENT OFFICE SPECIFICATIONS.

182. *Mr. S. C. Mitra : (*a*) Is it a fact that the stock of about 20,000 kinds of patent office specifications has, of late, been transferred to the Central Publication Branch from the office of the Controller of Patents and Designs, Calcutta ?

(*b*) If so, do Government propose to sanction additional men for the Central Publication Branch to cope with this additional work ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) No.

ARRANGEMENTS FOR LIGHTS IN THE COMPARTMENTS OF THE BROACH JAMBUSAR RAILWAY.

183. *Mr. M. Maswood Ahmad : Will Government be pleased to state what action was considered necessary, and whether any action has been taken, by the Agent, Bombay, Baroda and Central India Railway in regard to the arrangements for lights in the compartments of the Broach Jambusar Railway and the extinguishing of light at Samni Station just after the leaving of the train ?

Mr. P. R. Rau : With your permission, Sir, I shall reply to this and the next question together. The matter being within the competence of the Agent, Government merely brought it to his notice leaving them to him to take such action as he might consider necessary, and have not asked for a report from him on the subject.

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to have a report from the Agent and place it before the House ?

Mr. P. R. Rau : The Government expect that the Agent has taken all the necessary action to remove the inconvenience complained of and, unless the Honourable Member has any reason to believe that no action has been taken, I do not consider any useful purpose would be served in obtaining the information.

Mr. M. Maswood Ahmad : What is the source for Honourable Members of this House to know what action has been taken by the Agents ?

Mr. P. R. Rau : These are matters which can be discussed in the Local Advisory Committees.

Mr. M. Maswood Ahmad : What is the source for Honourable Members of this House to know what action has been taken by the Agent about matters which were referred to him by the Railway Board ?

Mr. P. R. Rau : I take it, Sir, but I speak subject to correction, that interpellations in this Assembly are meant to bring matters that require correction to notice and not merely, if I may say so, to satisfy an idle curiosity.

Mr. M. Maswood Ahmad : I think questions are asked for getting information as well. Do Government agree with this ?

Mr. P. R. Rau : No, Sir ; Government consider that in these matters of trifling importance minute examination by Government is unnecessary.

Mr. M. Maswood Ahmad : In what scale do Government weigh and decide whether a matter is trifling or not ? It is for the Member who asks a question to decide.

Mr. P. R. Rau : It seems to me that if Government are to be responsible for the running of railways, they must, as a practical measure, devote their attention to matters of major importance.

Mr. M. Maswood Ahmad : When a question is admitted by the President, it becomes a matter of public importance. Do Government agree to that ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Government cannot but agree to that. Otherwise there is no meaning in allowing that.

HARDSHIPS FELT BY PASSENGERS VISITING THE FAIR AT AJMER.

†184. *Mr. M. Maswood Ahmad : Will Government be pleased to state what action was considered necessary, and whether any action has been taken, by the Agent, Bombay, Baroda and Central India Railway, in the matter of the inconvenience mentioned in question No. 79 asked on the 2nd February, 1933 ?

FARES OF DIFFERENT CLASSES ON STATE RAILWAYS.

185. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to state what is (*i*) the average cost per first class compartment, (*ii*) the average income per first class compartment in a year, (*iii*) the average contribution to the depreciation fund for each first class compartment, and (*iv*) the average running and recurring cost per first class compartment ?

(*b*) Is it a fact that fare for first class is generally double that of the second class on all the State-managed Railways ?

(*c*) Will Government be pleased to state whether or not the cost of a first class compartment is also double that of a second class compartment ?

(*d*) Are Government aware that a first class compartment is not a paying concern ?

(*e*) Do Government propose to consult the Central Advisory Committee for Railways about examining the question of fares for the different classes, and placing their recommendations before the Railway authorities ?

Mr. P. R. Rau : (*a*) (*i*). The approximate proportionate cost of a modern first class broad gauge compartment intended to seat six persons is Rs. 14,000.

(*ii*) The average earnings per first class seat amounted to Rs. 226 in 1931-32.

(*iii*) The contribution to the Depreciation Fund on account of a carriage is 1|35th of the capital cost.

(*iv*) The average annual proportionate cost of workshop and running repairs for a modern first class broad gauge compartment is about Rs. 400.

†For answer to this question, *see* answer to question No. 183.

The average cost of hauling a bogie vehicle, which ordinarily consists of four first class compartments and a servants compartment, was 62.9 pies on State-managed Railways in 1931-32.

(*b*) This is generally so, but there are exceptions.

(*c*) The approximate proportionate cost of a second class compartment intended to seat 12 passengers is roughly Rs. 12,400.

(*d*) This is a matter of opinion.

(*e*) These are matters where uniformity is not possible. Rates and fares must be fixed for each individual railway separately, though the maxima and minima are fixed by Government, and the question of fares is therefore more suitable for discussion in Local Advisory Committees.

Mr. N. M. Joshi : May I ask whether part (*d*) is a matter of opinion ? Are Government aware that a first class compartment is not a paying concern ? May I ask whether this is a matter of fact or a matter of opinion ?

Mr. P. R. Rau : Government consider that it is a matter in which opinions might vary.

Mr. N. M. Joshi : How is it a matter of opinion whether a compartment is a paying concern or not ? It is a matter of fact.

Mr. P. R. Rau : It all depends upon what the Honourable Member means by " paying ".

Mr. N. M. Joshi : May I ask the Honourable Member what his conception of " paying " is ?

Mr. P. R. Rau : That is a matter of opinion.

RESTRICTION ON THE POSSESSION OF SWORDS.

186. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state in which areas restriction on the possession of swords has been imposed by the Central or Local Governments ?

(*b*) Have Government received any complaints that the discretion for granting licences for fire-arms is unreasonably exercised by the Local Governments ?

(*c*) Do Government propose to direct the Local Governments to mention the reasons for not granting licences to the persons who are entitled to have licensed arms ?

The Honourable Sir Harry Haig : (*a*) The general position is that except in the Punjab, Burma and Delhi, swords have been exempted by the Government of India from all the prohibitions and directions contained in the Arms Act, but Schedule II of the Indian Arms Rules, 1924, empowers Local Governments to apply all or any of the said prohibitions and directions in respect of any class of persons or of any specified area. I am not in possession of complete information of the restrictions which in exercise of this power the various Local Governments have found it necessary to impose on the possession of swords.

In the Punjab the possession or carrying of swords does not require a licence in a number of districts, but in the remaining districts this privilege is confined to certain specified classes. In Burma and Delhi swords are subject to all the prohibitions and directions contained in the Arms Act.

(*b*) No.

(*c*) Certain persons are exempt from the provisions of the Arms Act but no person is entitled to a licence for an arm or arms. The rules under the Arms Act provide for appeal against an order of a licensing authority rejecting an application for the grant of a licence. Government do not consider it necessary to issue the instructions suggested by the Honourable Member.

Mr. M. Maswood Ahmad : Do Government realise that when the Honourable the Home Member of the Government of India is not in a position to say in which parts the keeping of swords has been prohibited by Local Governments, how can the public be able to know which areas are prohibited areas ?

The Honourable Sir Harry Haig : The Government of India are not supposed to know all the details of local administration in every province in matters which have been deliberately left to the discretion of the Local Governments.

Mr. S. G. Jog : Is it a fact that Local Governments have recently become rather stricter in granting licences to the local people ?

The Honourable Sir Harry Haig : Does the Honourable Member refer to swords ?

Mr. M. Maswood Ahmad : Will Government be pleased to state what sources the public have of knowing what areas are prohibited or not ?

The Honourable Sir Harry Haig : I think there is not the smallest difficulty. The inhabitant of any district is well aware whether licences are or are not required for the carrying of swords.

Mr. Lalchand Navalrai : Is the Honourable Member aware that there was exemption for these swords in the Bombay Presidency and that recently the exemption has been taken away ? Have not the Bombay Government, therefore, become stricter ?

The Honourable Sir Harry Haig : I was not aware of that. As I have already said, I am not aware of the action taken by the various Local Governments in exercise of the discretion vested in them.

Mr. S. G. Jog : Is it a fact that the Government of India have issued any special instructions to the Local Governments ?

The Honourable Sir Harry Haig : The Government of India have certainly, in connection with terrorist outrages, given instructions to Local Governments to tighten up the administration of the Arms Act so far as relates particularly to revolvers and pistols. But I am not aware that we have issued any instructions about swords.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to inquire from the Local Governments whether these instructions are being applied to terrorists only or to the general public also ?

The Honourable Sir Harry Haig : No, Sir. So far as swords are concerned, the discretion is left to the Local Governments and I do not propose to interfere with it.

Mr. M. Maswood Ahmad : Will Government be pleased to state what are the reasons for not mentioning in the order on what grounds the licences are not granted ?

The Honourable Sir Harry Haig : I suggest to the Honourable Member that as an appeal lies it follows that some reasons must obviously be given and, therefore, it is unnecessary for the Government of India to address Local Governments on that matter.

Mr. S. G. Jog : Is the Honourable Member aware that there have been complaints in the Central Provinces and Berar as regards the grant of these licences ?

The Honourable Sir Harry Haig : No, Sir ; but I would suggest that matters of this sort which relate to the administration of the Arms Act might be raised in the Local Councils concerned.

Mr. Lalchand Navalrai : May I know if there is any second appeal or revision to the Government of India ?

The Honourable Sir Harry Haig : No, Sir ; certainly not.

Mr. M. Maswood Ahmad : Are Government aware that in Bihar and Orissa, on these applications it is simply written : " Disallowed " ?

The Honourable Sir Harry Haig : I am not aware of that, but if the Honourable Member has any complaint, I would suggest that he should ventilate it or get it ventilated in the Bihar and Orissa Legislative Council.

SALE OF FIVE PICE AND FOUR PICE POSTAGE STAMPS.

187. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that the sale of five pice stamps in the year 1932-33 was less in number than the sale of four pice stamps in 1930-31 ?

(*b*) Is it a fact that Government did not gain any amount by raising the postal rate ?

The Honourable Sir Frank Noyce : (*a*) Government have no information as separate statistics are not maintained for the sale of individual denominations of postal stamps.

(*b*) No. I would draw the Honourable Member's attention to the reply given to starred question No. 611 asked on the 2nd March, 1933, by Lala Rameshwar Prasad Bagla.

REDUCTION OF THE COST OF POST CARDS.

188. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that the additional duty on imports and postal rate for envelopes were increased by 25 per cent. ?

(*b*) Is it a fact that the rate for poormen's post card was raised by 50 per cent. ?

(*c*) Do Government propose to reduce the increased rate of post cards ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) The internal post card rate has been raised from six to nine pies irrespective of the sender's financial position.

(*c*) Not at present.

REPRESENTATION OF MUSLIMS IN THE SERVICES UNDER THE CONTROL OF THE GOVERNMENT OF INDIA.

189. ***Mr. M. Maswood Ahmad :** Will Government be pleased to explain their recent policy as regards the representation of the Muslim community in the services under their control ?

The Honourable Sir Harry Haig : As explained in the Home Department Office Memorandum No. F. 176|25-Ests., dated the 5th February, 1926, a copy of which is available in the Library, the policy of the Government of India is to prevent the preponderance of any one class or community in the public services. Instructions were issued in 1930 for the recognition of the position of Muslims as the most important of the minority communities in the application of this policy. There has been no change in the policy, but Government have under consideration the question of some modification of the existing orders on the subject.

Sardar Sant Singh : May I know since when have Government created these different degrees of importance among minority communities, *i.e.*, important, more important and most important minority communities ? (Laughter.)

The Honourable Sir Harry Haig : I should have thought it was an obvious fact that the Muslim community was the largest and, I suppose we must conclude, the most important minority community in this country.

Sardar Sant Singh : Are not Government prepared to call the Muslim community the second major community in India ?

The Honourable Sir Harry Haig : If the Honourable Member prefers that nomenclature.

FACILITIES FOR THE MOUNT EVEREST AIR EXPEDITION.

190. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state what facilities were given to the Mount Everest air expedition in 1933 ?

(*b*) Will Government be pleased to state what facilities are ordinarily given to such expeditions by the Government of India ?

Major W. K. Fraser-Tytler : (*a*) The following facilities were afforded to the Mount Everest Air Expedition in 1933 :

1. Loan of the services of six airmen. (Insurances, travelling and incidental expenses, other than contribution for pay and pensions were borne by the expedition).
2. Loan of three canvas hangars. (Transport, erection and damage were paid for by the expedition).
3. Permission to use the Royal Air Force Landing Ground at Purnea.

4. Exemption from customs duty in respect of their equipment and stores.

(*b*) The facilities extended by the Government of India to scientific expeditions depend upon the nature of each expedition. Exemption from customs duty in respect of their equipment and stores is, as a general rule, granted to scientific expeditions which pass through India and operate outside it. Such other assistance is given as circumstances may permit.

Mr. S. G. Jog : May I know whether a money grant was given to this expedition by the Government of India ?

Major W. K. Fraser-Tytler : I do not think so.

Mr. Gaya Prasad Singh : Is it a fact that certain Indian gentlemen wrote to the Government of India for the usual facilities for a Mount Everest expedition, but that they were refused to them ?

Major W. K. Fraser-Tytler : I have no information on that point.

UTILISATION OF THE TWO ANNA PETROL TAX.

191. ***Mr. M. Maswood Ahmad** : Will Government be pleased to place on the table of the House a statement for the financial year 1932-33 showing :

(*a*) the total amount realised from the two-anna petrol tax for the construction of roads in India in each Province ;

(*b*) the total amount of 10 per cent. reserve with the Government of India for making experiments on roads ;

(*c*) a detailed account as to how the 10 per cent. reserve with the Government of India has been spent till now ;

(*d*) the balance from the 10 per cent. reserve with the Government of India, and how Government propose to utilise this fund ;

(*e*) the conditions on which money is lent to each Provincial Government from this fund ; and

(*f*) the total amount lent to every Province from this fund ?

The Honourable Sir Frank Noyce : I lay on the table of the House a statement containing the information asked for by the Honourable Member, so far as it is available.

Statement showing the information relating to the amount of revenue, expenditure, etc., in the Road Development Account.

(*a*) Information relating to the amount of revenue credited to the road development account during the entire financial year 1932-33 is not yet available. The revenue for the first six months of the year 1932-33 is however estimated to be Rs. 55,54,351 and including this figure, the total amount realised up to the 30th September, 1932, is Rs. 3,58,51,209. This is the proceeds of the additional duty on petrol of two annas per gallon up to September, 1931, and with the 25 per cent. general increase of duties, two and a half annas subsequently. On the basis prescribed by paragraphs (2), (3) (*a*) and (*b*) of the Legislative Assembly Resolution of February 4th, 1930, a sum of Rs. 70,000 has been set aside in respect of civil aviation and the balance of Rs. 3,57,81,209 has been distributed as follows :—

	Rs.
10 per cent. reserve with the Government of India	35,78,120
Share of Madras	48,58,163
Share of Bombay	57,63,690
Share of Bengal	47,83,395
Share of United Provinces	19,38,999
Share of Burma	33,75,045
Share of Burma (Shan States)	2,76,199
Share of Punjab	23,63,120
Share of Bihar and Orissa	12,36,152
Share of Central Provinces	10,77,423
Share of Assam	7,11,496
Share of North-West Frontier Province	6,77,855
Block grant for minor Administrations and States ..	48,59,422
Balance on hand with the Government of India as margin for adjustment of differences in allotment for the year 1932-33	2,82,132
	3,57,81,209

(*b*), (*c*) and (*d*). It will be convenient to furnish the information asked for under these three heads in one statement :—

The amount so far credited to the reserve is :—

	Rs.
(1) As above	35,78,120
(2) Voluntary contribution by the oil companies in 1929 ..	9,38,900
	45,16,020

This has been applied as follows :—

	Rs.
A. Administration (Road Engineer and office, etc., expenditure to March 1933)	1,21,537
B. Earmarked for grants for experimental works ..	5,00,000
C. Reserved for special grants for special works ..	38,94,483
	45,16,020

B. Grants amounting to approximately Rs. 1.45 lakhs have been sanctioned for experiments in various Provinces and States.

C. On the assumption that the total amount available in the reserve for special grants for special works in the five year period for which the account has been instituted would amount to about Rs. 40 lakhs, the Government of India, on the advice of the Standing Committee, have made a selection of works for which grants have been or are being offered, *vide* proceedings of the Standing Committee on Roads of March 19th, 1932, copies of which are in the library. Under the provisions of the Resolution of the Legislative Assembly above referred to, any balance in the reserve not eventually utilised for these purposes will be distributed in the same manner as the rest of the receipts in the Road Development Account.

(*e*) and (*f*). The Honourable Member is referred to the reply given to parts (*e*) and (*f*) of Nawab Naharsingji Ishwarsingji's starred question No. 82 in this House on the 2nd February, 1933.

IMPORT OF MOTORS INTO INDIA AND THE DUTY THUS REALISED.

192. *Mr. M. Maswood Ahmad: Will Government be pleased to supply a statement showing :

(a) the total number of motors—buses, touring cars and trucks—of English, French, Italian, American and other makes imported into India during the years 1931-32 and 1932-33 ; and

(b) the total amount of duty realised from, and the rate of duty, on these cars ?

The Honourable Sir Joseph Bhore: (a) and (b). I lay on the table a statement furnishing the information required.

Statement showing the number of motor cars, etc., imported from certain countries and the amount of duty realised from and the rates of duty on these cars.

Countries whence imported.	1931-32.		1932-33.	
	Motor cars (including taxi cabs).	Motor omnibuses, etc.	Motor cars (including taxi cabs).	Motor omnibuses, etc.
	No.	No.	No.	No.
United Kingdom	2,178	435	3,958	517
France	161	11	84	..
Italy	510	10	226	1
United States of America ..	3,368	3,236	1,201	1,793
Other countries	1,003	610	732	365
Total ..	7,220	4,302	6,201	2,676
	Rs.	Rs.	Rs.	Rs.
Amount of duty realised ..	49,34,000	14,86,000	45,74,000	10,05,000

Rates of duty on motor cars, etc., from April 1931 onwards.

Rate of duty.	Motor cars (including taxi cabs).	Motor omnibuses, etc.
	Per cent.	Per cent.
April to September 1931	30	20
October 1931 to December 1932	37½	25
January to March 1933—		
Standard rate of duty	37½	25
Duty on goods produced or manufactured in the United Kingdom	30	*17½

*Applicable only to Motor omnibuses, the rate for Motor vans and lorries being 25 per cent.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. In this connection the Chair would suggest to Honourable Members to use their discretion in deciding what ought to be a starred question and what ought to be an unstarred question. Questions Nos. 191 and 192 of Mr. Maswood Ahmad simply ask for the laying on the table of certain statements, and the Chair would suggest to the Honourable Member that such questions might be left as unstarred questions. (Applause.)

PERSONS IN JAIL IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT OR OTHER POLITICAL MOVEMENTS.

193. *Mr. M. Maswood Ahmad: Will Government be pleased to state the number of persons in jail in different provinces (each province separately) on the 30th June, 1933, in connection with the Civil Disobedience Movement or other political movements ?

The Honourable Sir Harry Haig: I lay a statement on the table giving the information in my possession relating to the Civil Disobedience Movement.

Statement showing number of persons (under ordinary law and central and provincial Acts) undergoing imprisonment.

Province.	Number of convicted persons undergoing imprisonment at the end of 30th June 1933.
Madras	480
Bombay	2,105
Bengal	830
U. P.	875
Punjab	116
Bihar and Orissa	716
Central Provinces	28
Assam	114
N.-W. F. P.	1,558
Delhi	26
Coorg	56
Ajmer-Merwara	11
Total ..	6,915

DETENUS KEPT IN DIFFERENT PLACES.

194. *Mr. M. Maswood Ahmad: Will Government be pleased to state the number of detenus kept in different places on the 30th June, 1933, with their nationality and community ?

The Honourable Sir Harry Haig: I lay on the table a statement giving the particulars required so far as they are available.

Statement of persons in jails or internment camps under (a) the Bengal Criminal Law Amendment Act, and (b) as State Prisoners under Regulations III of 1818 and XXV of 1827.

(a) The number of persons detained in jails or detention camps under the Bengal Criminal Law Amendment Act on the 30th June, 1933, was 1,407 all of whom were in Bengal except 97 in Deoli. These persons are all inhabitants of Bengal.

(*b*) The number of State Prisoners in jail was 35 as follows :

No. of State Prisoners.	Province of origin.	Province of detention.
1	Bombay	Bombay.
18	Bengal	8 in Madras. 4 in the Punjab. 4 in the C. P. 2 in the N.-W. F. P.
2	United Provinces	2 in Delhi.
9	Punjab	Punjab.
4	N.-W. F. P.	2 in the U. P. 2 in B. & O.
1	Delhi	United Provinces.
35		

GOLD EXPORTED FROM INDIA SINCE GREAT BRITAIN WENT OFF THE GOLD STANDARD.

195. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the total weight in tolas and the total value of gold exported from India since Britain went off the gold standard up to the 30th June, 1933 ?

The Honourable Sir George Schuster : 18¼ million fine ounces of gold were exported from India between the 22nd September, 1931, and the 30th June, 1933, of a value of approximately as 141½ crores.

Mr. S. G. Jog : In view of the large exports of gold, is it likely that there will be any change in the policy of the Government of India as regards putting a ban on the export of gold now ?

The Honourable Sir George Schuster : The answer is in the negative.

Mr. B. Das : Will the Honourable Member kindly tell us how much of this huge amount of gold exported is distress gold ? What proportion does it bear to the total quantity exported ?

The Honourable Sir George Schuster : Will my Honourable friend please give me a definition of " distress gold " ?

Mr. B. Das : What this side of the House understands by " distress gold " is gold that comes out of the sale of trinkets of the peasants and the distressed people of this country to pay the land revenue of the Government and the dues of the landholders and also to satisfy the gnawing hunger to which they are victims owing to economic distress.

The Honourable Sir George Schuster : I am afraid it is impossible to answer my Honourable friend's question, but I would refer him to the very full statement that I gave analysing the effects of the export of gold in my budget speech for the Budget of 1933-34.

Mr. B. Das : As far as I recollect, did not the Honourable Member say at the time that about £9 million came from distress gold ?

The Honourable Sir George Schuster : I think my Honourable friend will find that I was very careful not to use the expression " distress gold " at all.

Mr. Lalchand Navalrai : Might I know from the Honourable Member what is his definition of " distress gold " ?

The Honourable Sir George Schuster : I think that is clearly a request for an expression of opinion on my part.

DETENUS SENT TO THE DEOLI DETENTION CAMP.

196. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state how many more detenus were sent to Deoli Detention Camp in the month of July, 1933, and what are their names ?

The Honourable Sir Harry Haig : 97 detenus were sent to Deoli in July. I do not propose to publish their names.

Mr. M. Maswood Ahmad : Was the majority of detenus from Bengal ?

The Honourable Sir Harry Haig : Yes : all from Bengal.

FOREIGN COMPANIES DOING INSURANCE BUSINESS IN INDIA.

197. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state : (*i*) how many foreign companies are doing insurance business in India, and (*ii*) how much Indian capital has been invested in these companies ?

(*b*) What amount was paid as income-tax by these firms to the Indian exchequer ?

The Honourable Sir Joseph Bhore : (*a*) (*i*). 146.

(*ii*) The information is not available.

(*b*) The information is not available as we do not compile separately income-tax statistics for tax paid by foreign insurance companies.

DERAILMENT OF THE PUNJAB MAIL IN THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

198. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that some accident took place in Dinapore division, East Indian Railway, in the month of May, 1933, and the 2 Down Punjab Mail was derailed ?

(*b*) Is it a fact that 16 Down Express passed before that accident on the same line ?

(*c*) Is it a fact that the Divisional Superintendent, Dinapore, or some other officer of that division passed in a saloon by the 16 Down Express and he had some talk with the Station Master at Kiul Junction ?

(*d*) Will Government be pleased to lay on the table the list of the casualties on account of the accident ?

Mr. P. R. Rau : (*a*) Yes. At about 23-20 hours on the 2nd May, 1933, No. 2 Down Mail was derailed between Dumra and Burhee stations on the East Indian Railway.

(*b*) Yes.

(*c*) The Divisional Superintendent, East Indian Railway, Dinapore, was advised of the accident at Jasidih Junction while on his way to Calcutta on duty by 16 Down Express and returned from that station to the scene of accident by 1 Up Punjab Mail.

(*d*) The casualties were 5 killed and 13 injured.

Mr. M. Maswood Ahmad : Who was the officer who was travelling on this 16 Express ?

Mr. P. R. Rau : The Divisional Superintendent, East Indian Railway, Dinapore.

Mr. M. Maswood Ahmad : Did he feel any jerking when he was going by the 16 Express ? My information is that there was some jerking and that he asked the Station Master at Kiul : and so I want to know this.

Mr. P. R. Rau : I am afraid, I must ask for notice of that question.

SEPARATION OF ADEN FROM INDIA.

199. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that Government have recommended to the Secretary of State for India in Council the separation of Aden from India ?

(*b*) Will Government be pleased to state whether the different interests in Aden were consulted ?

(*c*) Will Government be pleased to lay on the table the opinion they have received and the correspondence which has passed between them and the Secretary of State for India on this matter ?

(*d*) Do Government propose to give some chance in this Session to discuss the question of separation of Aden on the floor of this House ?

Major W. K. Fraser-Tytler : (*a*) and (*b*). I have nothing to add to the information given in the communiqué issued by the Government of India on the 20th June of which I lay a copy on the table.

(*c*) It would not be in the public interest to comply with this request.

(*d*) Yes.

Government of India Press Communiqué, dated the 20th June, 1933.

His Majesty's Government have recently received representations from different communities among the inhabitants of Aden as well as from certain quarters in India expressing their various views in regard to transfer of the administration of Aden from the control of the Government of India to His Majesty's Government. The matter is one which is now receiving the consideration of His Majesty's Government and of the Government of India in connection with impending constitutional changes. Full opportunity will be given for discussion in the Indian Legislative Chambers at their next session and for all interests concerned to state their views. Meanwhile, His Majesty's Government think that it would be convenient that the considerations which suggest the desirability of a transfer of the administration and the conditions that would be entailed by such a transfer should be made known, so that the problem can be discussed with full knowledge of the facts. The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India ; that it would not naturally fit into the new federation ; that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control. If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established :—

(1) India would be relieved of the annual contribution of approximately £150,000 sterling or rupees twenty lakhs at present payable towards the military and Political administration.

(2) The right of appeal in judicial cases to the Bombay High Court would be maintained.

(3) His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. From their own point of view abandonment of this policy would clearly, in existing economic conditions, be financially unsound since the prosperity of Aden depends largely upon its transit trade.

(4) His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became in their opinion absolutely necessary.

(5) A proportion of Indian Service Administrative personnel would be retained in the Aden Service for some years after the transfer took place.

(6) No racial legislation or segregation would be permitted by His Majesty's Government.

Mr. Lalchand Navalrai : Might I know from the Honourable Member if the opinion of the public of India has been secured on this question ?

Major W. K. Fraser-Tytler : Yes ; the opinion of the public of India has been secured.

Mr. Gaya Prasad Singh : May I know whether the opinions of the different classes of people affected in Aden have been collected, and whether they will be laid before this House when the question of the transfer of Aden comes before us for discussion ?

Major W. K. Fraser-Tytler : Yes : I think I am right in saying that the opinion of the different communities in Aden has been received, and Honourable Members, during the discussion, will have an opportunity of inquiring what that opinion is, and will be informed.

Mr. B. Das : Will the Honourable the Leader of the House kindly give us an indication of the probable date on which the subject of Aden will be discussed on the floor of this House ?

The Honourable Sir Joseph Bhore : I am afraid I cannot give any information at this moment ; but when I am making an announcement as to the course of public business, I will in due course make mention of the date on which the Resolution will be taken.

Mr. M. Maswood Ahmad : Have Government received any representation from any one in India favouring the idea of the separation of Aden from India ?

Major W. K. Fraser-Tytler : No : I do not think we have.

RE-OPENING OF THE CELLULAR JAIL IN THE ANDAMANS.

200. *Mr. M. Maswood Ahmad : Is it a fact that the Cellular Jail in the Andamans has been re-opened for the deported political prisoners from India ? Are Government aware of the vehement popular feeling against this re-opening ?

The Honourable Sir Harry Haig : The Cellular Jail has never been closed. The amount of feeling aroused by the transfer of terrorist prisoners to that jail is a matter on which the Honourable Member and I would probably differ.

ILLNESS OF MR. DHIRENDRA CHANDRA KUNDU ROY, A DETENU IN THE DEOLI DETENTION CAMP.

201. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that Dhirendra Chandra Kundu Roy, B.A., detenu in Deoli, is suffering from insomnia, piles and other diseases ?

(*b*) Was any prayer for home internment at Munshigunj made by his father ?

(*c*) Is it a fact that his condition is taking a serious turn now and his life is in danger ?

(*d*) Do Government propose to give facilities to him to be treated in his home district by his family doctor ?

The Honourable Sir Harry Haig : (*a*) and (*c*). The detenu is suffering from insomnia and piles but not severely. He has been working hard for the Intermediate Law Examination and is neurasthenic. He was recently examined by the Chief Medical Officer in Rajputana and treatment was prescribed for him.

(*b*) and (*d*). Yes. The petition is under the consideration of the Government of Bengal.

GOLD AND SILVER RESERVES IN INDIA.

202. *Mr. M. Maswood Ahmad : (*a*) Have Government increased their gold reserves in India since England went off the gold standard, *i.e.*, from the 22nd September, 1932 ?

(*b*) Will Government be pleased to lay on the table a statement showing their gold reserves and silver reserves, in fine ounces or tolas in India and in England (separately) on the following dates :

(*i*) 31st March, 1931,
(*ii*) 22nd September, 1931,
(*iii*) 31st December, 1931,
(*iv*) 31st March, 1932,
(*v*) 31st December, 1932,
(*vi*) 31st March, 1933,
(*vii*) 31st July, 1933 ?

The Honourable Sir George Schuster : (*a*) and (*b*). A statement is laid on the table.

Statement showing the amount of gold and silver held in the Gold Standard Reserve and the Paper Currency Reserve on certain dates.

Dates.	Gold Standard Reserve.		Paper Currency Reserve.		
	Gold in India.	Gold in England.	Gold.	Silver coin.	Silver bullion.
	(tolas.)	(tolas.)	(tolas.)	(Rs.)	(tolas.)
(*i*) 31-3-31	3,921,908·86	1,351,206·84	12,170,013·25	1,17,86,15,363	63,603,518
(*ii*) 22-9-31	17,407,708·14	1,351,206·84	2,112,060·12	1,26,68.35,961	53,712,216
(*iii*) 31-12-31	17,374,749·34	1,351,206·84	2,149,165·75	1,15,04,41,687	72,823,140
(*iv*) 31-3-32	17,046,291·36	1,351,206·84	2,477,025·91	1,01,96,22,120	84,557,074
(*v*) 31-12-32	10,743,941·26	1,351,206·84	8,794,084·86	97,82,95,103	117,645,626
(*vi*) 31-3-33	7,298,647·90	1,351,206·84	12,239,040·01	96,33,82,488	142,256,454
(*vii*) 31-7-33	5,835,905·10	1,351,206·84	13,716,396·00	95,28,02,586	90,199,797

N.B.—Amounts are in fine tolas except in the case of silver coins which are in rupees.

Re. 1 = 8.47512 grains fine gold or 165 grains pure silver.

RESOLUTIONS PASSED BY THE PROVINCIAL CONFERENCE OF THE TRANSVAAL INDIAN CONGRESS HELD AT JOHANNESBURG.

203. *Mr. M. Maswood Ahmad : (*a*) Are Government aware of the resolutions passed by the Provincial Conference of the Transvaal Indian Congress held at Johannesburg on 24th and 25th May, 1933, under the Presidentship of Mr. C. K. T. Naidoo ?

(*b*) Will Government be pleased to lay on the table a copy of those resolutions ?

(*c*) Is it a fact that the Agent of the Government of India was represented by his Secretary ?

(*d*) What steps Government have taken in the matters referred to in the resolutions ?

Mr. G. S. Bajpai : (*a*) and (*b*). Government have only seen Press reports of the resolutions so far and are therefore unable to comply with the Honourable Member's request at present.

(*c*) The Secretary to the Agent in South Africa attended the meetings.

(*d*) Government have not been approached by the Congress to take any action, nor does the reported subject matter of the resolutions disclose that, where the Government of India have not already taken action, their Agent in South Africa would not be in a position to do whatever might be necessary.

Mr. B. Das : May I inquire if the Honourable Member has not received officially a copy of these resolutions from the Agent in South Africa ?

Mr. G. S. Bajpai : No : because it is the practice of the Agent to forward copies when he receives them from the Congress ; and he does not appear to have received official copies from the Congress.

Mr. B. Das : May I inquire if the Agent or his Secretary does not furnish the Honourable Member's Department week by week with the trend of events in South Africa ?

Mr. G. S. Bajpai : Certainly ; we get a fortnightly report from the Agent and a monthly report from the Secretary, but the question relates to resolutions passed by the Congress and not to the general trend of events.

BODIES IN TRANSVAAL REPRESENTING THE INDIAN INTERESTS.

204. ***Mr. M. Maswood Ahmad :** Is it a fact that there are two bodies in Transvaal representing the Indian interests, namely (*i*) Transvaal Indian Congress, and (*ii*) Transvaal Indian Commercial Asiatic Association ?

Mr. G. S. Bajpai : The answer is in the affirmative ; but the proper designation of the second body is the Transvaal Indian Commercial Association.

AMOUNT CONTRIBUTED BY THE GOVERNMENT OF INDIA TO DIFFERENT PROVINCES FOR THE BENEFIT OF AGRICULTURE.

205. ***Mr. M. Maswood Ahmad :** What amount have tre Government of India contributed to the different provinces (each province separately) for the benefit of agriculture ?

Mr. G. S. Bajpai : The Government of India do not give direct financial aid to provinces for the benefit of agriculture. They place a lump sum annually, for research work, at the disposal of the Imperial Council of Agricultural Research, which considers all schemes of all-India importance, including those submitted by Local Governments, and decides the measure of financial assistance to be given in each case. A statement showing the amounts placed at the disposal of various Local Governments since the Council came into being is laid on the table.

Statement showing the grants sanctioned and funds actually allotted for research schemes by the Imperial Council of Agricultural Research since its constitution in June, 1929, to July 31, 1933.

Serial No.	Provinces, Indian States or Central Institutes.	Total amount sanctioned to date.	Total amount allotted to date.
1	Madras	7,07,075	5,42,979
2	Bombay	7,51,993	7,51,993
3	Bengal	4,32,497	3,39,687
4	United Provinces	8,08,986	8,00,386
5	Punjab	4,45,152	4,07,924
6	Burma	1,22,518	1,22,518
7	Bihar and Orissa	5,49,576	4,59,586
8	Central Provinces	1,60,450	1,60,450
9	Assam	2,38,440	2,38,440
10	N. W. F. P.	50,000	50,000
		42,66,687	38,73,963

EXPORT DUTY ON RICE.

206. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware that the export duty on rice has affected the export of rice to a very great extent ?

(*b*) Are Government aware of any foreign country where there is export duty on rice ?

(*c*) Are Government aware that in foreign markets Indian rice cannot compete with the rice of other countries on account of the export duty ?

(*d*) Are Government aware of the cost of growing (including the cost of separation and polishing) rice in India and the average selling price of rice in India in 1932 and 1933 ?

The Honourable Sir Joseph Bhore : (*a*) and (*c*). Government have received representations containing statements to this effect.

(*b*) Export duties are levied in Siam and Indo-China—the two principal rice producing countries whose products compete with Indian rice in foreign markets.

(*d*) There are no reliable data on which to base an estimate of the cost of production of rice in India. A statement showing the average prices of rice at four different centres in India for the period January to June, 1932, and January to June, 1933, is laid on the table.

Statement showing the average prices of rice at four different centres in India for the period January to June, 1932, and January to June, 1933.

Centre.	Trade Description.	Average price January to June.	
		1932.	1933.
		Rs. A. P.	Rs. A. P.
1. Calcutta	Ballam No. 1	3 8 0	2 15 0
2. Rangoon	Small Mills special ..	2 13 0	1 14 0
3. Patna	Ballam No. 1	4 3 0	4 0 0
4. Bangalore	Delta imported ..	5 10 0	5 1 0

Mr. M. Maswood Ahmad : Are Government aware what are the rates of export duty in those countries ?

The Honourable Sir Joseph Bhore : No ; I have not inquired into that matter.

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to inquire and lay in due course this information on the table ?

The Honourable Sir Joseph Bhore : I shall certainly do so.

list of Chambers of Commerce recognised by the Government of India for the supply of official papers of commercial interest.

SEATS FOR MUSLIMS IN THE BIHAR AND ORISSA LEGISLATIVE COUNCIL.

213. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that according to the Premier's previous decision, 24 per cent. seats in the whole House were given to Muslims by separate electorate in the Bihar and Orissa Provincial Legislative Council ?

(*b*) Is it a fact that the combined Muslim seats in the Bihar Province and in the new Orissa Province compared with the total strength of the legislatures of both the provinces according to the Premier's second announcement are less than 22 per cent. ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*). The answer is in the affirmative, except that the decision in each case was the decision not of the Prime Minister, but of His Majesty's Government.

Mr. M. Maswood Ahmad : Do Government propose to inform the Secretary of State of this fact ?

The Honourable Sir Joseph Bhore : I should say that the Secretary of State is already aware of this " fact ".

Mr. M. Maswood Ahmad : He is so well aware that in the second award the percentage of Muslims has been decreased. Is that not so ?

The Honourable Sir Joseph Bhore : I have no reason to assume that His Majesty's Government were not aware of the full facts of the case before they came to their final conclusion.

Mr. M. Maswood Ahmad : Are Government aware that some of the facts may escape his notice, because, after all, the Secretary of State is also a human being ?

The Honourable Sir Joseph Bhore : I believe, Sir, that no relevant facts have escaped the notice of His Majesty's Government.

Mr. M. Maswood Ahmad : Are Government prepared to forward a representation containing full facts to the Secretary of State, if they receive one ?

The Honourable Sir Joseph Bhore : I shall wait, Sir, until we receive that representation.

Mr. B. Das : Is it not a fact, Sir, that one of the Muslim delegates raised this question in England ?

The Honourable Sir Joseph Bhore : I am not aware of that.

VALUE OF SERVICE STAMPS.

214. *Mr. M. Maswood Ahmad : Will Government be pleased to state whether the value of service stamps is shown in the income of the Postal Department ?

The Honourable Sir Frank Noyce : By " Postal Department ", the Honourable Member presumably refers to the " Posts and Telegraphs Department ". If so, the reply is in the affirmative.

1 P.M.

ACTION TAKEN ON THE RECOMMENDATIONS CONTAINED IN MR. K. M. HASSAN'S REPORT.

215. *Mr. M. Maswood Ahmad : (*a*) Have Government issued any order or circular on Mr. K. M. Hassan's report ?

(*b*) If the reply be in the negative, will they be pleased to state at what stage the recommendation of the Railway Board is pending ?

(*c*) Will Government be pleased to state when they propose to issue any circular on the recommendation of the Railway Board for Muslim representation in Railway services ?

Mr. P. R. Rau : (*a*) No.

(*b*) and (*c*). The whole question of the representation of the minority communities in the Services, including the Railway Department, is still under the consideration of the Government of India.

GOVERNMENT'S SHARE IN COMPANY-MANAGED RAILWAYS.

216. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to state what is the proportion of their share in the Bombay, Baroda and Central India Railway ?

(*b*) Will Government be pleased to state what is the proportion of their share in the Assam Bengal Railway ?

(*c*) Will Government be pleased to state what is the proportion of their share in the Bengal-Nagpur Railway ?

(*d*) Will Government be pleased to state what is the proportion of their share in the Madras and Southern Marhatta Railway ?

(*e*) Will Government be pleased to state what is the proportion of their share in the South Indian Railway ?

(*f*) Will Government be pleased to state what is the proportion of their share in the Burma Railways ?

Mr. P. R. Rau : It is presumed that the Honourable Member wishes to know Government's share in the capital of the six Railways named. I may explain that all these Railways are already the property of Government and one of them, the Burma Railways is managed by Government and the whole of the capital is Government capital. In regard to the other five Railways, the information required by the Honourable Member is contained in Accounts Nos. 25 and 25-A of the Finance and Revenue Accounts of the Government of India, copies of which are in the Library, but I place a statement on the table giving in each case the Government capital outlay, the share capital and debentures found by the managing company and capital contributed by other parties, *e.g.*, Indian States and District Boards.

QUALIFICATIONS FOR APPOINTMENT AS CHIEF CLAIMS CLERK IN THE OFFICE OF THE DEPUTY CHIEF COMMERCIAL MANAGER, EAST INDIAN RAILWAY.

207. *Mr. M. Maswood Ahmad : (a) Is it a fact that qualifications required for appointment as Chief Claims clerk in the office of the Deputy Chief Commercial Manager, East Indian Railway, Calcutta, are special aptitude for commercial work, intelligence and education with ability to guide, direct and control the staff subordinate to him ?

(b) Will Government be pleased to state what is the test for the qualifications mentioned in part (a) ?

Mr. P. R. Rau : (a) Yes. My Honourable friend is apparently quoting from a reply I gave in this House in February last.

(b) Obviously these qualifications will be judged by the past record of the clerks from among whom a selection is made.

PASSES OF DIFFERENT CLASSES ALLOWED TO RAILWAY EMPLOYEES.

208. *Mr. M. Maswood Ahmad : Will Government be pleased to state the principle according to which passes of different classes are allowed to Railway employees ?

Mr. P. R. Rau : Gazetted Officers (including those holding honorary rank) get first class passes ; as regards subordinates the class depends on the pay drawn and the classification is not exactly the same on all railways ; but generally persons drawing over Rs. 125 get second class passes and those drawing less than Rs. 50 get third class passes. The others get intermediate class passes.

Mr. M. Maswood Ahmad : Is it a fact that teachers of the Oakgrove School do not get first class passes apart from this rule ?

Mr. P. R. Rau : I think, Sir, my Honourable friend has another question on the paper regarding that.

ISSUE OF RAILWAY PASSES TO GOVERNMENT SERVANTS INSTEAD OF GRANTING TRAVELLING ALLOWANCE.

209. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state the principle according to which first and second class fare is allowed to the Government servants other than Railway employees ?

(b) Do Government propose to allow passes to all the Government servants instead of allowing them Railway fare for travelling allowance ?

The Honourable Sir George Schuster : (a) Government servants of the first and second grades are allowed 1½ first class or second class fares respectively when on tour in order to cover the cost of their own transport as well as inevitable incidental expenditure.

(b) No.

Mr. M. Maswood Ahmad : Are Government aware that issuing of passes would lead to decrease in expenditure ?

The Honourable Sir George Schuster : I am not in possession of any information which leads me to suppose that Government will gain anything. The proposal was considered very carefully some time ago,

and the change in procedure would involve considerably increased amount of accounting work, and it was rejected on that ground.

Mr. M. Maswood Ahmad : Was the question of issuing passes discussed ?

The Honourable Sir George Schuster : Yes.

PERSONS DETAINED IN DIFFERENT DETENTION CAMPS IN INDIA.

210. *Mr. M. Maswood Ahmad : Will Government be pleased to state the total number of persons who are still detained in different detention camps ?

The Honourable Sir Harry Haig : Up to the end of July, 1933, which is the latest information I have, there were 1,139 persons under detention in detention camps including those confined in the Deoli Detention Jail.

FIRST CLASS RAILWAY PASSES ALLOWED TO THE HEAD MISTRESS OF THE OAKGROVE SCHOOL.

211. *Mr. M. Maswood Ahmad : Will Government be pleased to state whether the allowing of First class passes to the Mistresses of Oakgrove School was a personal concession to the Head Mistress who was in service in the time of the late Board of Directors of the East Indian Railway Company or was it personal for all the Mistresses of the Oakgrove School ?

Mr. P. R. Rau : The privilege of allowing first class passes to the teaching staff of the Oakgrove School has been treated as personal to the present permanent incumbents and it has been decided that it will not apply to their successors.

Mr. M. Maswood Ahmad : Do Government propose to discuss this question of issuing passes to mistresses and other teaching staff of the Oakgrove School at the next meeting of the Central Advisory Committee for Railways, because this school is intended for two Railways, the N.-W. R. and the E. I. R. ?

Mr. P. R. Rau : I am not sure, Sir, what question the Honourable Member wishes to discuss. I have already informed the House that it has been decided that this privilege will not be continued to the successors of the present staff.

EXTENSION OF CERTAIN PRIVILEGES TO THE BIHAR AND ORISSA AND CALCUTTA MUSLIM CHAMBERS OF COMMERCE.

212. *Mr. M. Maswood Ahmad : (a) Is it a fact that the question of extending the privileges to the Bihar and Orissa Muslim Chamber and the Calcutta Muslim Chamber of Commerce which are usually extended to recognised Chambers of Commerce, has been under consideration ?

(b) Will Government be pleased to state what is their decision in the matter mentioned above ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) Both the Bihar and Orissa Muslim Chamber of Commerce and the Muslim Chamber of Commerce, Calcutta, have been included in the

in the United States of America normally connotes the indigenous North American Indian.

Mr. M. Maswood Ahmad : Are Government aware that the term " Hindus " for Indians has misled many people in that country ?

Major W. K. Fraser-Tytler : No, Sir ; I am not aware of that.

Mr. M. Maswood Ahmad : Are Government aware that in India there are many classes of people who call themselves Hindus, Muslims and Sikhs, and, that therefore, is it not better that instead of calling them Hindus the term " Indians " should be used for all of them ?

Major W. K. Fraser-Tytler : In that case apparently there will be some difficulty in the United States of America in distinguishing them from the North American Indian.

Mr. S. G. Jog : Is it not a fact, Sir, that Mussalmans there are called Hindus ?

Major W. K. Fraser-Tytler : Yes.

EXAMINATION FOR RECRUITMENT OF ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

220. ***Mr. Lalchand Navalrai** : Have Government's attention been drawn to a letter by a candidate, published on Tuesday, 4th July, 1933 in the *Sind Observer* in connection with the competitive examination to be shortly held by the Public Service Commission for appointment of Assistants and clerks in the first and second divisions of the ministerial establishment of the Government of India Secretariat and attached offices ?

(*b*) Is it a fact that in the notice inviting applications no idea was given as to how many appointments had to be filled up from amongst the candidates appearing for the examination ?

(*c*) Is it a fact that the number of seats reserved on the communal basis and the number of seats for general competition were announced so late as only about a week before the date of the examination ?

(*d*) Is it a fact that only six appointments were intended to be filled up by general competition ?

The Honourable Sir Harry Haig : (*a*) and (*b*). The replies are in the affirmative.

(*c*) The examination referred to was held on the 3rd July, 1933, and the notice announcing the number of vacancies expected to be available for the examination was issued on the 22nd June.

(*d*) Six appointments were offered for open competition, and six to be filled by competition among members of minority communities. The vacancies announced are those that were reported to the Public Service Commission at the time of the issue of the notice. As vacancies that may occur up to the 30th September, 1934, are under the rules, to be filled on the results of the examination in question, the number of vacancies announced is not necessarily the maximum. I understand that some additional vacancies have since been reported to the Public Service Commission.

Mr. Lalchand Navalrai : Is there any difficulty in giving the approximate number of candidates that would be taken up so that many candidates may not apply ? Will it be difficult for the Honourable Member to advise the Public Service Commission to always state the approximate number of candidates that would be appointed ?

The Honourable Sir Harry Haig : The difficulty, Sir, arises out of the fact that the examination is held not only for a certain number of vacancies that have already occurred, but for those that will occur apparently during the next year.

Mr. Lalchand Navalrai : It is, therefore, that I have used the word " approximate ".

The Honourable Sir Harry Haig : It is very difficult to give an estimate of the number of vacancies that will occur during the coming year.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to enquire from the Public Service Commission whether the course that I am suggesting would be very difficult or impossible ?

The Honourable Sir Harry Haig : I am not quite sure what the suggestion of the Honourable Member precisely is.

Mr. Lalchand Navalrai : The suggestion is, will it be very impossible for the Public Service Commission to gauge how many candidates have to be appointed ? Could they not know the approximate number of vacancies likely to occur ?

The Honourable Sir Harry Haig : As far as possible, the Public Service Commission do carry out the procedure suggested by the Honourable Member, that is to say, they make enquiries from the various Departments as to the number of vacancies which may be regarded as certain and they do announce those, but that is not necessarily the maximum.

Mr. Lalchand Navalrai : What I wanted to know was whether they give in the notice the approximate number of vacancies that are likely to occur ?

The Honourable Sir Harry Haig : It is obvious that the later that information is collected the more complete it is likely to be.

Mr. Lalchand Navalrai : May I request the Honourable Member to issue instructions to the Public Service Commission that they should consider the advisability of giving the approximate number of vacancies in their notice ?

The Honourable Sir Harry Haig : I am not sure what the Honourable Member means by the notice.

Mr. Lalchand Navalrai : I mean the notice published in the papers that the Public Service Commission is going to hold an examination. In that notice they do not say how many candidates are going to be appointed, at least approximately, so that people may know. If there are only six vacancies, 1,500 people will not apply as at present. What I am suggesting is that the Public Service Commission should be instructed to mention in the notice the approximate number of candidates that they are going to take up.

The Honourable Sir Harry Haig : If the notice to which the Honourable Member refers is published a long time before the examination, as I have explained, the estimate would be likely to be far from accurate, but I am perfectly prepared to pass on the Honourable Member's suggestion to the Public Service Commission for their consideration.

Statement showing distribution of Capital outlay in State-owned, Company-managed Railways as at 31st March, 1932.

Railway.	Government Capital outlay.	Capital found by Companies.			Capital contributed by other parties.	
		Share Capital.	Debenture capital (cash received).	Total (converted into Rupees at contract rate).	Indian States.	District Boards.
	Rs.	£	£	Rs.	Rs.	Rs.
Assam Bengal ..	19,90,36,603	1,500,000	728,992	3,60,87,021	..	..
Bengal Nagpur ..	66,24,11,964	3,000,000	4,119,763	10,53,13,386	..	..
Bombay, Baroda and Central India.	68,09,28,839	2,150,750	959,364	4,64,00,464	86,85,000	..
Madras and Southern Mahratta.	42,42,37,848	5,000,000	2,692,804	10,68,24,944	..	..
South Indian (including Coonoor Ootacamund Tinnevelly Quilon Railways).	38,33,63,076	1,000,000	2,691,494	5,56,51,423	..	80,46,952

MURDER OF ONE SARDAR SHER SINGH IN CALIFORNIA, UNITED STATES OF AMERICA.

217. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that one Sikh, Sardar Sher Singh Sathi, who was a member of the Sikh community in the United States of America, was murdered at Elcentro in California ?

(*b*) Are Government aware of the number of Indians in California and in the whole of the United States of America ?

(*c*) Are Government aware of any *Ghadar* party in California ?

(*d*) Is it a fact that the late Sardar Sher Singh was murdered in connection with the *Ghadar* party ?

(*e*) Will Government be pleased to state the information which they are in possession of about the *Ghadar* party ?

(*f*) Is it a fact that three more victims during the past 18 months in the United States of America, were Sant Ram Pandi, Ram Dhani and Lal Singh ?

Major W. K. Fraser-Tytler : (*a*) and (*d*). The Honourable Member is referred to my answer to Mr. Gaya Prasad Singh's question No. 155.

(*b*) 1930 Census shows 2,233 Indians resident in California and 5,850 in all in the United States of America.

(*c*) Yes.

(*e*) The Honourable Member is referred to the judgment in the Lahore Conspiracy Case of 1915 and the complaint in the Mandalay Conspiracy Case of 1915 which gave the origin object and the activities of the Ghadar party. That party is known to be still in existence but it will not be in the public interest to disclose Government's information of its present activities.

(*f*) According to the information received by the Government of India, Lal Singh was murdered on the 26th November, 1931, by one Achal *alias* Bhagat Singh, in California, who when arrested was wearing the pin of membership of the Hindustan Ghadar party. Government have no information about the murder of Sant Ram Pandi and Ram Dhani.

Mr. M. Maswood Ahmad : Is there a copy of that judgment, to which the Honourable Member refers, in the Library of the House ?

Major W. K. Fraser-Tytler : I do not know. I should think it probably is. I am not certain.

Mr. M. Maswood Ahmad : If that copy is not in the Library, will the Honourable Member please see that a copy is placed there so that we may refer to it ?

Major W. K. Fraser-Tytler : Certainly, Sir.

REPORTS OF MR. I. M. PEKHAM, UNITED STATES ATTORNEY, ABOUT THE *Ghadar* PARTY MAGAZINE.

218. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that the United States Attorney, Mr. I. M. Pekham, in a report says :

"All Hindus, though but few of them can read, are forced to subscribe to "Kirti" the *Ghadar* party magazine at five dollars a year. So fear-striken and benighted are the *Ghadar* that they dare not refuse the demands for money which they are told is in payment for bringing them into the United States and keeping them here. Two thousand dollars from the war chest was recently sent to Lahore to defend bombers who killed a high British officer" ?

(*b*) Are Government in possession of all the four reports of the Attorney, Mr. I. M. Pekham, in this connection ?

Major W. K. Fraser-Tytler : (*a*) Government have seen the report which was published in the *San Francisco Chronicle* of April 25, 1933. If the report is correct the answer is in the affirmative.

(*b*) No, Sir.

CALLING OF INDIANS AS HINDUS IN THE UNITED STATES OF AMERICA.

219. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that Indians are called Hindus in the United States of America ?

(*b*) Do Government propose to draw the attention of the authorities in the United States of America through their representatives there to mention Indians in official records as Indians and not as Hindus ?

Major W. K. Fraser-Tytler : (*a*) While Indians are generally called 'Hindus' in the press, the term "East Indian" is understood to be normally used in official circles.

(*b*) Government do not consider that any useful purpose would be served by making such representations, especially as the term "Indian"

Mr. Lalchand Navalrai : I thank you very much.

Bhai Parma Nand : May I know from the Honourable Member what he means by the minority community in Sind ?

Some Honourable Members : There was no question like that.

The Honourable Sir Harry Haig : I do not think that there was any reference to Sind.

Bhai Parma Nand : My question is whether Sikhs are regarded as a minority.

The Honourable Sir Harry Haig : I referred to all minority communities.

Mr. Muhammad Anwar-ul-Azim : Will the Government of India tell us whether it is a fact that last time when candidates were called for by the Public Service Commission, the Government earned about Rs. 50,000 by that process and ultimately it was found that there were only six vacancies ?

The Honourable Sir Harry Haig : The next question on the paper relates to that matter.

ADMISSION FEE FOR THE EXAMINATION FOR RECRUITMENT OF ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

221. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state how much admission fee for the Public Service Commission examination for the First and Second Divisions of the Government of India Secretariat was levied from each candidate and how much in aggregate was gathered ?

(*b*) How do Government justify so large an amount being recovered ?

(*c*) Is it a fact that about 1,500 candidates have been admitted for six appointments only ?

(*d*) Do Government propose to reduce the admission fees for such examinations, especially when the number of candidates is likely to be so large and the number of appointments to be filled so small ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) The fee fixed for admission to the examination was Rs. 20 per candidate. The total amount of fees realised was Rs. 26,580.

(*b*) and (*d*). The Government of India do not consider that there is justification for reducing the fees for this examination which are not excessive in themselves.

(*c*) 1,278 candidates were admitted.

Mr. M. Maswood Ahmad : What was the cost which was incurred by the Government of India on this examination ?

The Honourable Sir Harry Haig : I doubt whether it will be possible to calculate the cost precisely, because it depends on the work of a permanent staff.

Mr. Lalchand Navalrai : How do the Government justify the appropriation of so much money when only six persons were to be appointed ?

The Honourable Sir Harry Haig : It is not intended to be a commercial transaction. (*Some Honourable Members* : " Oh, it is ".) It is necessary to fix a definite examination fee and the Public Service Commission feel very definitely that there would be practical disadvantages in lowering that fee, because it would only result in an unmanageable number of candidates coming forward. As it is, they regret the fact that a large number of candidates, who have no possible chances of success, insist on entering and paying that Rs. 20.

Mr. Lalchand Navalrai : So much money has been recovered and only a few candidates have been successful, and will the Honourable Member consider the question of refunding the fees to the unsuccessful men ? (Laughter.)

Mr. K. C. Neogy : Does not the Honourable Member recognise in this large number of candidates for a small number of appointments an index of the unemployment that prevails among the educated young men of the country ?

The Honourable Sir Harry Haig : Yes, I think it certainly is an index, but at the same time one has got to bear in mind that apparently a large number of candidates who, as I say, have no possible chance of success, because their qualifications are obviously inadequate, still enter imagining that they may have some chance.

Mr. K. C. Neogy : Having regard to the fact that the Honourable Member recognises that this state of things reflects a serious condition of unemployment among the young men of the country, what action do the Government of India propose to remedy the situation ?

The Honourable Sir Harry Haig : That, Sir, is not a question, I am afraid, that should be addressed to me.

Mr. N. M. Joshi : May I ask whether this system of imposing fees does not lead to Government jobs being given only to those people who can gamble away with the amount of the fee ?

The Honourable Sir Harry Haig : It would if the rate of fee were very high, but the fee is only Rs. 20.

Mr. K. C. Neogy : Does the Honourable Member consider it to be compatible with the moral principles observed by Government, to allow the Public Service Commission to earn a dividend for the Government of India ?

The Honourable Sir Harry Haig : Well, Sir, the Government would be very pleased if the Honourable Member could suggest to us some means whereby the number of candidates can be reduced.

Mr. K. C. Neogy : I thought the Government of India could be expected to have a policy of their own in regard to reduction of unemployment in the country. I am not the Government of India.

The Honourable Sir Harry Haig : No, Sir. I thought the Honourable Member's suggestion was that the Public Service Commission were in some way responsible for deriving undue revenue from these fees. I maintain that that is not so, and, so far as the Public Service Commission is concerned, they would be very glad if the number of candidates could be strictly limited to those who really have a chance of passing the examination.

Mr. K. C. Neogy : Would it not be true to say that the Government of India are trading upon the distress of the unemployed in the country in this particular fashion ?

The Honourable Sir Harry Haig : No. It certainly would not. I have to repeat for the third time that the majority of these fees come from persons who, whether there was unemployment or there was not unemployment, could not possibly succeed in the examination.

Mr. Gaya Prasad Singh : Will Government seriously consider the question of asking the Public Service Commission to mention in their notice the approximate number of appointments that are likely to be offered ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. That question has been asked and answered.

Mr. T. N. Ramakrishna Reddi : Will Government seriously consider the question of closing down many of the arts colleges which are turning out so many educated people without any employment in Government service, and opening technical and commercial institutions so that students may find employment elsewhere by taking to trade and commerce ?

The Honourable Sir Harry Haig : That again, I think, is a question which might be addressed to one of my Honourable colleagues.

Mr. C. S. Ranga Iyer : Is there not a danger, if the fee is lowered, of the number of unqualified or incompetent candidates increasing abnormally.

The Honourable Sir Harry Haig : That is precisely the point. I entirely agree.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the House that under Rule 3 (1) of the Indian Legislative Rules, I nominate Mr. H. P. Mody, Mr. K. C. Neogy, Sir Leslie Sewell Hudson and Sir Abdulla-al-Mámún Suhrawardy on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have also to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions :

Sir Leslie Sewell Hudson.

Mr. B. Sitaramaraju.

Mr. Gaya Prasad Singh.

Kunwar Hajee Ismail Ali Khan.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table the information promised in reply to starred question No. 1190 asked by Mr. B. N. Misra on the 10th April, 1933.

MOTOR DRIVERS OF POLICE OFFICERS IN DELHI.

*1190. The posting of personal orderlies to gazetted officers of Police is sanctioned by the Punjab Police Rules which apply to the Delhi Police. Provided that the sanctioned scale of orderlies is not exceeded officers are allowed to employ an orderly as motor driver and cleaner, but they are not allowed to employ a police constable on this duty over and above the sanctioned scale of orderlies.

Major W. K. Fraser-Tytler (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 275 asked by Mr. Lalchand Navalrai on the 8th February, 1933.

COMPLAINTS AND HARDSHIPS OF INDIANS IN THE PANAMANIAN COUNTRIES, AMERICA.

*275. (*a*) and (*b*). Government have no precise information which would enable them to reply to the Honourable Member's question. The number of Indians in Panama in 1931 was stated to be approximately 1,000, the majority of whom were interested in business.

(*c*) Government have no reason to suppose that British Indians in that country are treated less fairly than any other class of foreigners. Panamanian law requires that the employees of all business establishments operating in the Republic shall consist to the extent of at least 75 per cent. of Panamanian nationals. This obligation rests upon all such establishments, whether they be owned by Panamanians or by foreigners. In the case of British Indian firms, however, the proportion of Panamanian employees to be engaged by them will, for special reasons and as a special concession, amount to no more than 50 per cent. up to December 19th, 1935, after which date the full quota of 75 per cent. will be applicable.

(*d*) His Majesty's Minister, Panama, knows of no such restriction.

(*e*) Government have no information on this subject.

(*f*) Some scurrilous circulars have been distributed, it is suggested, at the instigation of native labour organisation. But there is nothing to indicate that the Panamanian authorities approved of such distribution or that they were in any way privy to it. The circulars do not appear to have attracted much attention.

(*g*) Government have no information about this. If however the Honourable Member is referring to Immigration laws it is understood that no special restrictions are now placed on the entry of British Indians into Panama.

(*h*) There is a British Minister at Panama.

(*i*) and (*j*). The case of British Indian merchants in the matter of the employment of Panamanian nationals was duly presented by His Majesty's Minister to the Government of Panama from which it received the fullest measure of sympathetic consideration possible in view of the stipulations of the law.

(*k*) Government will again bring to the notice of His Majesty's Minister at Panama any further complaints which Indians in Panama may have to make.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 789 asked by Mr. Gaya Prasad Singh on the 20th March, 1933 ; and

(*ii*) the information promised in reply to starred questions Nos. 1206 and 1207 asked by Mr. Uppi Sahib Bahadur on the 10th April, 1933.

CLOSING TO THE PUBLIC OF THE VICTORIA PARK IN QUEEN'S GARDEN, DELHI.

*783. The so-called Victoria Park is a grass plot, 1,433 sq. yds. in area, which has not been open to the public for some years mainly to protect the lawn and thus provide an appropriate setting to the statue of Queen Victoria which it surrounds.

PROTECTORS OF HAJ PILGRIMS AT KARACHI.

*1206. (*a*) Khan Sahib Abdul Kadir Umar Khan.

(*b*) A clerk in the Office of the Commissioner in Sind and then Mukhtiarkar and Mir Munshi to the Commissioner.

(*c*) Sixty-six years.

PROTECTORS OF HAJ PILGRIMS AT KARACHI.

*1207. (*a*) and (*b*). The local authorities from whom enquiries were made have stated that the Khan Sahib is fit for the post, both physically and mentally, and that he has been performing his duties to their complete satisfaction.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 389 asked by Rai Bahadur Lala Brij Kishore on the 21st February, 1933 ;

(*ii*) the information promised in reply to starred question No. 997 asked by Mr. N. M. Joshi on the 28th March, 1933 ;

(*iii*) the information promised in reply to starred question No. 993 asked by Mr. Nabakumar Sing Dudhoria on the 28th March, 1933 ;

(*iv*) the information promised in reply to starred question No. 1096 asked by Rai Bahadur Lala Brij Kishore on the 1st April, 1933 ;

(*v*) the information promised in reply to parts (*a*) and (*c*) of starred question No. 1218 asked by Mr. B. N. Misra on the 12th April, 1933 ; and

(*vi*) the revised information to be substituted for the information laid on the table of the House on the 7th April, 1933, in reply to starred question No. 964 asked by Mr. B. N. Misra on the 28th March, 1933.

LEVEL CROSSING ON EITHER SIDE OF THE RAILWAY STATION AT UNAO.

*389. (*a*) Yes.

(*b*) 16 Up and 16 Down trains.

(*c*) Yes, but this refers particularly to the gate at the West end of the station.

(*d*) It is understood that, with the recent introduction of cabin interlocking at Unao and the construction of the Unao-Madhoganj line, delays to vehicular traffic at these level crossings have increased in duration.

(*e*), (*f*) and (*g*). The Railway Administration reports that complaints have been made by the public regarding the inconvenience caused at the level crossings, and the question of minimising the inconvenience has been receiving the careful consideration of the Administration. Arrangements are being made to provide—

(1) additional platform starters for broad gauge lines at the West end of the station,

(2) a sand dead end siding at the West end of the station to permit of two broad gauge trains being crossed more readily, and

(3) barrier type lifting gates at the West end to admit of quicker manipulation.

(*h*), (*i*) and (*j*). It is expected that the steps which are being taken will considerably minimise the present detentions. The cost of providing a sub-way or overbridge has not been estimated, but such a project is bound to be very expensive and may not be feasible, due to the close proximity of residential buildings.

PROMOTIONS OF THE OLD OUDH AND ROHILKHAND RAILWAY STAFF TO VACANCIES OF THE OLD EAST INDIAN RAILWAY STAFF.

*997. (*a*) No.

(*b*) Does not arise.

(*c*) No.

ALLEGATIONS AGAINST A RAILWAY OFFICIAL OF THE DINAPORE DIVISION.

*993. (*a*), (*b*) and (*d*). The Agent, East Indian Railway, reports that he has no knowledge of any such occurrence.

(*c*), (*e*) and (*f*). Do not arise.

(*g*) No.

PROMOTION OF INDIAN ASSISTANT STATION MASTERS TO THE POSTS OF PLATFORM ASSISTANTS ON THE EAST INDIAN RAILWAY.

*1096. (*a*) and (*b*). It is not a fact that Indian Assistant Station Masters are debarred from promotion to the grade of Platform Assistants at big junction stations.

There are four grades of Assistant Station Masters, *viz.*,—

(1) Rs. 40—4—68.
(2) Rs. 70—5—95.
(3) Rs. 100—5—110.
(4) Rs. 260—10—280.

Intervening between grades (3) and (4) above are the following grades :

Station Masters—
(1) Rs. 78—4—90.
(2) Rs. 95—5—120.

Controller, grade II—
Rs. 85—10—145.

Guards, grade I—
Rs. 90—10—180.

Relieving guards—
Rs. 210 (fixed).

Platform Assistants—
Rs. 200—10—240.

Four of these grades intervene between the grade of Assistant Station Master (Rs. 100—5—110) and Platform Assistant's grade (Rs. 200—10—240). The reason why the promotion to the Platform Assistant's grade (Rs. 200—10—240) is normally made from the Relieving Guard's grade (Rs. 210) is because this is the normal channel

of promotion to the next higher grade. The Controller's grade II (Rs. 85—5—145) is open to all Assistant Station Masters and thereafter the Guards grade I and the Relieving Guard's grade (Rs. 210) are also open to them.

No Indian Assistant Station Master has yet been promoted to the grade of Platform Assistant for the reason that none have so far passed through the intervening grades, but they may advance in time to the grade of Platform Assistant on their individual merit as vacancies occur.

RE-ORGANISATION OF THE RAILWAY SCHOOL AT CHANDAUSI, EAST INDIAN RAILWAY.

*1218. (*a*) Yes.

(*i*) Yes.

(*ii*) I am not aware that the Court of Enquiry made any such recommendation. The standing instructions of Government are that when it is proposed to effect a comparatively large reduction of staff—say 100 employees or more, the recognized trade union should be informed.

(*iii*) It is understood they will not be discharged but arrangements will be made to absorb them elsewhere as opportunity offers.

(*c*) The present Superintendent has not previously held charge of a school but the Agent reports that he is fully trained in all technical and administrative matters and competent to hold the post.

DENIAL OF HILL ALLOWANCE TO THE RAILWAY-STAFF STATIONED AT DEHRA DUN.

*964. Owing to the unhealthiness of and higher cost of living on the Hardwar-Dehra Dun Section, the staff stationed there are granted an allowance. This allowance is not paid to subordinate staff stationed at Dehra Dun, in whose case the allowance is included in their rates of pay. They are, however, granted a house allowance at Rs. 5 per mensem, if not provided with railway quarters. The inferior staff at Dehra Dun receive an allowance of Rs. 2 per mensem.

Mr. P. R. Rau : In this connection I have to apologise to the House for the wrong information supplied which on further investigation was found to be inaccurate.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the motion moved by the Honourable Sir Joseph Bhore that the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, be taken into consideration, together with the two amendments, one for circulation and the other for re-committal to the Select Committee.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, as a member of the Opposition, I do not feel called upon to support the Government in a measure of this kind, but as one who was a member of the Select Committee and had a large share in shaping the Bill in its present form, I owe it to myself and to the House to explain what we did in the Select Committee and what were the reasons that actuated us to recast the Bill in the manner we did. Sir, what the House should remember at this stage is that, by its first reading, it has committed itself to the principle involved in the Bill, namely, that of allowing certain railways to start schemes of motor and other means of transport. What we in the Select Committee were asked and expected to do was to make it as acceptable as possible to the popular demands. It was in that light that we entered the Select Committee and I may say that in our humble way we have done our best. We were supplied with literature of all kinds including the opinions collected on the subject and we very carefully went into the whole of it and tried our best to meet all the points that were raised. I may say that the present Bill is not only an improvement on the old Bill, but it has been recast in such a manner that every possible objection has been satisfactorily removed. It is due to the Government that we should acknowledge that they accepted all the suggestions that were put forward by the non-officials, and, if the Bill is not more acceptable to the popular demands, the fault is perhaps, if I may say so, on our side and not on the side of the Government.

So far as I could understand, the chief objections to the Bill were, (1) that these railway companies, without confining themselves to their own tracks, are making an encroachment upon the public roads : (2) that with the enormous resources at their back they will crush all the private enterprises : (3) that as many as 45,000 bus owners in the country will suffer, and (4) that if this Bill is passed into law, about 90,000 people, depending on this service, will be thrown out of employment. These, Sir, were the chief objections which, so far as we were able to see, we had to deal with as contained in the literature that was supplied to us. With regard to the objection that the railways were encroaching upon the public roads, I would say that though it was a question of principle on which the House has already given a decision, it is not all the great railways, such as East Indian, Great Indian Peninsula and North Western Railways, that are invested with the right of starting motor services, but only the light railways and the feeder railways. I will present one aspect of the question. You know, Sir, that in the Presidency from which you and I come, the District Boards are the owners of these feeder railways and it is out of the money paid by the tax-payers in the shape of a special cess that these feeder railways were started. It is our duty to protect and safeguard the interests of the tax-payers and as such it is highly necessary that these District Boards ought to be allowed to start motor services over the roads which they themselves built if they would thereby be able to keep them up. The other light railways stand more or less on the same footing. With regard to the second objection, namely, that the railways have enormous resources and they would soon crush the private enterprise, it does not apply to this class of railways. They are very impecunious and, it is because of their impecuniosity, that they have been forced to approach the Legislature to get permission to start schemes of this kind.

With regard to the apprehension that special privileges are sought to be given by this measure, if Honourable Members will kindly read the present Bill, particularly sub-clause 4, it will be apparent that railways are allowed to work only on level terms with other services and subject to all rules and regulations. How this will act prejudicially to the railways I will show later on. With regard to the fourth objection, namely, that a large number of bus owners and people who eke

[Mr. K. P. Thampan.]

out a livelihood from them will suffer, unfortunately the official report with regard to rail and motor controversy does not specifically mention the number of buses that will be affected if this Bill is passed. The figure 45,000 is for the whole of India and not the number that is going to be affected. I am sure, there will be only a very small number of buses and people depending upon them that will suffer, because it is only here and there that these services will be started. With regard to the complaint that it will work as a hardship to private owners and other vested interests, we thought the very fact that roads and communications, being transferred subjects, are administered by the popular Ministers in the provinces was sufficient guarantee. These Ministers are responsible to the people at large and as all those people who have got buses have their own votes in their capacity as tax-payers they will be in a position to dictate the policy of Local Governments in this respect. So, if there are local interests and parties that are going to be affected and aggrieved, the Ministers of Local Governments will see that such special interests are duly considered before permission is given to open these schemes. As a matter of fact, we have provided that no scheme can be launched upon without the permission of the Local Government. The clause specifically provides for that. Now, Sir, even with regard to the so-called level terms, I must say that the balance of advantage is on the side of private bus owners. I shall explain myself. A private owner has not got to apply to the Government of India or to the Local Government before he starts a service. He has only to pay the money to the District Board and get a permit. They are bound to give him a permit. There was recently a case in Madras where it was decided that the District Boards were bound to give a permit for running a motor service in any line whenever a party applies for it. They are not competent to go into the question whether conditions in the particular line justifies the grant or not. The only thing necessary is payment of money. But, according to this Bill, if a railway wants permission to introduce a scheme, they have to apply to the Governor General in Council who will refer to the Local Governments which mean the Ministry who will in turn consult the local boards concerned. It is a long and tardy process and finally sanction might be refused. A private owner has not got to do anything like that. He has only to go to a District Board, pay the money and get the permit and start the service straightaway. Further, there is a provision for the withdrawal of sanction or modification of the terms if any Local Government thought that a particular service was acting prejudically to the local interests. A private bus owner has nothing like that to face. What I maintain is that though the terms are said to be on a level basis, the weightage of restrictions is very much against the railways. With regard to the utility of this Bill, I must confess I have my doubts. A Railway can never compete with private service. We have seen in Madras the electric tramway company once tried bus service and lost a good deal. There were similar cases elsewhere. These public bodies have got to maintain an expensive staff of conductors, drivers, cleaners, and so on. In the case of the private owner, the owner himself is a driver, conductor, cleaner and also a mechanic, with the result that private service can be done on very cheap basis as compared with a railway company or an electric tramway company who has to meet heavy expenses on staff and overhead charges. As a business proposition, I am afraid, this Bill is not going to be utilised by any railway. My own fear is that it will remain more or less a dead letter. For these reasons, I think there is no need either to re-circulate this Bill or remit it back to the Select Committee. If the Government are anxious to proceed with this measure, there is no harm in allowing this Bill to go through. That is my considered opinion.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : As one who did not give a very enthusiastic reception to this measure when it first came up for consideration, I owe it to this House to acknowledge the great improvement that has taken place in the Select Committee in the measure as originally introduced. My Honourable friend, Mr. Thampan, need not have stated that he was largely responsible for the improvements that we find in the measure before us. I, for one, know it full well that when Mr. Thampan is on any Select Committee, he can be depended upon to see to every possible improvement of an obnoxious measure. But the Bill has been so much improved that that itself is a ground for supporting my Honourable friend, Dr. DeSouza's motion. As Honourable Members will note, if they compare the Bill, as it was originally introduced, and the Bill, that has subsequently emerged from the Select Committee, the only passages common to both are the title and the preamble of the Bill. I entirely agree that the Select Committee did their best to improve the measure, but then my quarrel with the Select Committee is that, in spite of the drastic changes that they have made in this measure, they thought that the changes were not of such a character as to warrant the Bill to be recirculated. The expression " blank cheque " has been used by a previous speaker in characterising the original Bill. If the original Bill was a blank cheque, it was a blank cheque demanded in favour of the railways of a certain category from this House ; and the only distinction that has been brought about in the present amended measure, as far as I can see, is that that blank cheque is now demanded of this House in favour of the Government. Government say : " Depend upon us. We will fill in the details, the amount, the name of the company to whom it should be endorsed. Leave everything to us." So it is still a blank cheque, the only distinction being that the cheque will be drawn in favour of Government instead of being drawn in favour of a large body of unknown railways which are governed by this Act I do not think that such a measure can be given support by any Legislature in the world with the possible exception of this.

An Honourable Member : Why this ? You are here.

Mr. K. C. Neogy : I know my strength and it will be ascertained when the matter goes to division. The position is indicative of the helplessness of the Legislature in India and it is indicative of the place that the Legislature occupies in the Government of the country. I have had occasion to go through various measures of British legislation which have been passed to secure more or less the same object as is aimed at under this Bill, and I found that all possible details were provided by legislation there. Nothing was left beyond some very petty details to the Government to determine either by way of framing rules or by way of the exercise of their executive discretion. Now the Honourable Members opposite will say, as has been said by my friend, Mr. Thampan, that, when we make it obligatory upon the Government of India to consult the Local Governments, they can-

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tainly will do all that is needed for the purpose of ascertainment of public opinion in the matter.

Now, Sir, the problem unfortunately is not a very simple one and it has got to be faced as a comprehensive question which will be beyond the competence of any single provincial Government to deal with effectively. That indeed was recognised by the summoning of the Road Rail Conference that met here in April last ; and any one who has cared to go through the proceedings of that Conference will bear me out when I say that the problem, as disclosed there, is a very complicated and a very complex one, and it is not right to attempt to find a partial solution of that problem by a piecemeal legislation of this character. Now, Sir, it has been said that the scope of the present Bill is very much restricted in so far as the Indian Railways Act deals with a particular category of what I may call the smaller railways, and that the State Railways are under no statutory disability, and they are in a position at the present moment to have their own road services if they like, and further that it is not intended at the present moment, at least by the present Honourable Member in charge of the portfolio, to suggest any amendment of the corresponding British Statute. I am very glad to have that assurance from the Honourable gentleman, because several other authorities, including his immediate predecessor, thought differently, at least to my mind, on this particular point.

Now, Sir, I am not quite clear,—I may be exposing my ignorance,—but I am not quite clear as to how it is that the State Railways enjoy this privileged position. I had a cursory look at the Railways Act and, to my mind, the particular section of the Railways Act does not make any distinction in favour of the State Railways ; and although it uses the expression " railway company ", when we turn to the definition of that expression, I for myself cannot make out whether it is intended by the Act to make any distinction in favour of the State Railways. However, as I say, I may be disclosing my own ignorance and I am perfectly open to conviction in the matter. Whatever that may be, assuming that the State Railways are under no statutory disability, can it be imagined for a moment that the State Railways would be allowed by the Government of India and by the Railway Board to take to the road, as they say, while the company lines suffer from this kind of disability ? Therefore, I say, Sir, that even though theoretically it is possible for the State Railways to have their own road services, from the practical point of view, unless this House endorses this policy in this particular measure, the State Railways are going to do nothing of the kind ; and that similarly the disability imposed by the British Statute cannot be removed so long as the corresponding disability imposed by the Indian Act continues in the case of the particular category of railways to which it relates. Therefore, although in a sense, this particular measure has a restricted scope, the problem which it presents to us for consideration is a very comprehensive one and we cannot do justice to that comprehensive and complex problem by merely trying to find a tentative solution for a particular category of the less important railways. This problem, Sir, is not confined to India. Indeed it is a far more serious problem in other parts of the world, and everywhere legislatures and public men have striven to find a proper solution of this problem, not in this summary fashion, but by trying to tackle with the very fundamental facts that go to constitute the particular problem. In England they had to appoint a Royal Commission to go into this question. Then the Royal Commission

was followed by a Conference called the Salter Conference, and they had to enact detailed legislation to tackle with the different aspects of the problem. They have tried to find a solution in that blessed word " co-ordination ", and not merely co-ordination but rationalisation and even " nationalisation " of all forms of transport which alone, according to some, perhaps including my Honourable friend, Mr. Joshi, would provide a real and abiding solution for this problem. Similarly, the Conference, that met in Simla in April last, in a series of Resolutions, began by saying that the time had come for increased co-operation and more intelligent co-ordination, etc.,—that is the first Resolution,—and they end by saying that suitable machinery should be established in the centre and in the provinces to ensure adequate co-ordination between all forms of transport and their future development. I should like to know from the Honourable Member in charge as to how far the spirit of those Resolutions can possibly be carried out under the provisions of this particular enactment The Honourable Member is merely going to authorise a few of the less fortunate railways,—I will at once admit,—to operate their own road transport services just as a measure of self-defence. But what about the poor competitor who is already in the field ? You cannot possibly penalise him. So long as the disability stood as it does, under the Railways Act, in respect of railways, it was perfectly open to private enterprise to come and capture the road. Now, as we are called upon to undertake a deliberate amendment of that measure, we should see to it that the legitimate interests of the people, who were not at all at fault in this matter in having captured the road, are protected in an adequate manner. My Honourable friend desires, —intensely I take it,—that this measure would prove a success so far as safeguarding the interests of the smaller railway companies is concerned. If he wishes them success, is he not at the same time wishing that failure should overtake the competitor who may be already in the field ? As far as I have been able to see, the Mitchell-Kirkness Report proceeds on the assumption that in many instances, if not in all, the private road services are being run at uneconomic rates. Therefore, Sir, there being no further field for reduction in the rates, the only effect of putting a comparatively powerful company on the field will be to crush its smaller competitors out of existence. Now, Sir, I daresay, that is not the intention of Government. The discussions of the Road-Rail Conference go to show that that was never the intention of Government. They have put forward a very elaborate scheme as to how far the needs of the country as a whole would be met by a better balancing, as they said, of the transport system. I take it the intention of Government is to see the interior of the country developed as much as possible, and that the private bus owner, if he must be diverted, should be diverted to the new roads that might spring up for the purpose of serving the interests of the interior of the country so far undeveloped. I also assume that, in so far as the railways are being hit by the motor competition at the present moment, the intention of Government is to see to it that the road services to be operated by the railways were confined more or less to competitive roads and not that they should be diverted to the new roads that are in contemplation and which will open up the country as desired at the Road-Rail Conference. Therefore, unless and until something has been done in regard to the development of these supplementary road schemes in the provinces, what is going to happen to the poor bus driver who will have to meet with stern competition from a powerful rival ? Therefore, I say,

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that unless and until we have a comprehensive programme of balancing the traffic system of the country and of providing feeder roads and making them suitable for motor transport, it is not right that we should be placing a particular party in an advantageous position, because it has got to be admitted that inspite of the disabilities, to which reference has been made by my friend, Mr. Thampan, which attach to the railway companies in the matter of operating a bus service, they are certainly in a position to command capital far better than the average bus owner whom we know, who is also very often the bus driver and a man of very limited means. Therefore, I do not like the haste with which this House is being asked to give this large power to this particular category of railways. At least I should have liked to hear from the Honourable Member in charge of the Department of Industries and Labour as to what progress has been made with regard to the other items of the programme which was laid down at the Road-Rail Conference over which he presided. Now, my Honourable friend, Mr. Aggarwal, was filled with consternation at seeing the Honourable Member in charge of the Department of Industries and Labour occupying a seat next to that of the Honourable Member in charge of the Railways.....

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : I am not an untouchable ! (Laughter.)

Mr. K. C. Neogy : You would be under the statutory railway authority. I do not share that consternation of my Honourable friend. As a matter of fact, one point on which I wanted to have information was as to when this amended Bill refers to the Government of India, whether both the Departments which are represented on that particular Bench will put their heads together in considering the scheme, or whether it will be the Member in charge of the Railways alone who will determine.....

The Honourable Sir Joseph Bhore : My Honourable friend may take it that any decision that may be come to in connection with or arise out of the administration of this Act will certainly be come to after the fullest consultation between the Department of Industries and Labour and the Railway Board.

Mr. K. C. Neogy : I am very pleased to have that assurance from the Honourable gentleman, because I feel that if anybody in the Government of India is responsible, to a certain extent, for having encouraged private bus service, that gentleman is sitting next to my Honourable friend who has just spoken, because, in so far as my Honourable friend's Department has a voice in the determination of the application of the allotment from the road funds towards the improvement of the provincial road system, the Honourable gentleman has indirectly encouraged the private bus system to compete with the railways, because, as far as I know from the experience of my province, the roads on which the choice of my Honourable friend's Department has fallen have been almost invariably the very roads along which it is possible to compete with the railways.....

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : The condition is the same in regard to Madras.

Mr. K. C. Neogy : I am assured by my Honourable friend that the same remark applies to Madras. Therefore, if anybody is responsible for having brought about this state of affairs, so far as the Government of India is concerned, it is my Honourable friend, Sir Frank Noyce.

The Honourable Sir Frank Noyce : May I remind the Honourable Member that my Honourable colleague on my left was Member in charge of the Industries and Labour Department before I was ?

Mr. K. C. Neogy : There ought to be really an internecine quarrel between the two gentlemen, if not also between Sir Joseph Bhore, the Labour Member and Sir Joseph Bhore, the Railway Member.

Now, in all these discussions in Conferences and Committees and in the discussions here, I have not so far found any Member on behalf of the Government acknowledging the necessity of the railways themselves to improve their services. That is a point that has not been touched upon by any Honourable Member sitting opposite ; and although the cartoonist has made us familiar with a portrait of Sir Frank Noyce holding the scales even between Mr. Joshi and Mr. Mody, I find that, at the Road-Rail Conference, the way the discussions went compelled my Honourable friend to give a stern reminder to no less a person than the Honourable Sir Jogendra Singh that the Conference was not entirely in the interests of the railways and Sir Jogendra Singh had to exclaim : " I see ! " Now, that is the spirit in which all the discussions that have gone on in this House and elsewhere have been conducted, so far as the Government are concerned. Nowhere do we find any single word proceeding from any responsible Member of the Government in which it has been recognised that there is something to be done by the railways themselves by way of improving the facilities that they offer to their customers ; and yet what a strange contrast it is when I turn to the Report of the Royal Commission on Transport where, in the Final Report, in paragraph 141 and paragraph 142, they have discouraged the anxiety of the railways to-have their own motor service on the roads. This is what they say in one sentence.

" On the general principle of the policy now being followed by the railway companies "

—they are referring to the policy of the railway companies acquiring large interests in the road transport services in England and getting more or less a kind of controlling voice over the private road services,—

" on the general principle of the policy now being followed by the railway companies, we cannot refrain from expressing a feeling of doubt whether it is wise for companies to expend large capital sums for the purpose of establishing services which may be in direct competition with their business as railways ".

Then, Sir, I find that, in a later publication, the Chairman of that Royal Commission has put the matter far more clearly. He summarised the conclusions of the Commission over which he presided, and he said that the Commission held that the Railway Companies must " take every possible step themselves to render their services efficient and attractive to the public, and that this was the way by which lost traffic should be recovered ".

Then, further on, he says :

" They appear to be more anxious to get on to the roads themselves, and in some cases actually to compete with their own rail services than to improve the latter. "

[Mr. K. C. Neogy.]

Now, Sir, there is one particular suggestion of a very small character that occurs to my mind and which I should like to present to the Government for their consideration. We are aware that, so far as the larger railways are concerned, they have Advisory Councils attached to their administrations which furnish a point of contact between the railway companies and their customers. As far as I know, none of the light railways has got an Advisory Council for that purpose, and I should request my Honourable friend, apart from the subject matter of this legislation, to take up this point and pursue it for the purpose of bringing about uniformity in regard to the facilities which the public at large have in connection with the larger railways for putting forward their grievances.

Now, Sir, I have in my hand copies of certain correspondence that has passed between a railway concern and its principal customer. I do not want to divulge the names of the parties, because it may not be altogether fair to do so, but if my friend gives me an opportunity of going into this matter informally with him, I will certainly give him the papers that I have in my possession. Now, here is an instance of a light railway which, under the curious process of sub-infudation that is permitted in the matter of railway administration in this country, is owned by a company with a second company as managing agents which get an allowance for simply not managing the railway, and the railway management is actually conducted by a third company. Now, in the process of the division of the profits of such a concern, the original shareholders of the company owning the railway come in for a very small share, with the result that in this particular case when I met the principal shareholder of the company he had not a single word of sympathy for this railway. He had his grievances regarding very many matters, particularly in regard to the high rates prevailing on that particular light railway, and he told me that he was prepared to put on the road a competitive service himself, a person who should be more than anybody else interested in fighting for the railway in which he happens to be the largest shareholder. Then, Sir, when I met the representative of what I have already described to be the largest customer of this particular light railway, a British gentleman, belonging to a first class firm in Bengal, and it was he who placed these papers in my possession,—he also made a similar complaint that he was finding that, as a result of a recent change in the policy, the rates that were being quoted for the carriage of sleepers were so high as not to enable him to compete in the market. And that particular firm, a first class firm, addressed a letter on the 29th of November, 1932, to the company concerned drawing their attention to this particular position. When I inquired as to whether any reply was received, this is what they wrote : " I would inform you that no reply was received by us ".

This is dated the 5th of August, 1933. About 8 months later, they say that no reply was received by them from so and so " barring a postcard acknowledgment ". Now, I ask, is that the way to treat your principal customer ? Now, Sir, in this case also, this particular firm, at least the representative of that firm who saw me in this connection, said that he would be happy to see a road service started with powerful lorries which might carry his sleepers. Here we have an instance in which the principal shareholder and the principal customer of a particular light railway are agreed in thinking that they are not getting the attention that they deserve at the hands of this light railway, and both are thinking of having a competitive road transport organized. What are we to do to help concerns like these who are absolutely oblivious to their own interests, who have so far followed the policy of " take it or leave it " having been in the position of monopolists ? And now that they are confronted with some kind of competition, they come up to my Honourable friend and he readily obliges them with this kind of legislative protection. Sir, I support the motion that has been so ably moved by my friend, Dr. DeSouza.

Mr. E. Studd (Bengal : European) : Sir, I have listened with considerable interest to the speech of my Honourable friend, Mr. Neogy, and to quite a number of other Members who have spoken in the same strain. It seems to me that one of the main arguments they tried to use in support of the circulation of this Bill has been that, because there is admittedly a very large problem to be tackled in connection with road and rail transport throughout the country, it is quite wrong to attempt to introduce what they were pleased to term a sort of piecemeal bit of legislation of this kind. I confess, Sir, I cannot see that their argument holds any water. Surely, if you are losing money, and you realise that something has got to be done to re-arrange your finances, and amongst other things you find that you have a hole in your pocket, you do not refuse to mend the hole, simply because that is only one of the various measures which you have got to take. My Honourable friend also complained that they were being asked to give a blank cheque to the Government. He seemed to suggest that it was a very dangerous process. He admitted that the cheque was not quite as blank as he originally thought it was going to be, but I submit to him that unless you are prepared to have a certain amount of trust in the people you are dealing with, you will never draw a cheque at all, you will never enter into any sort or kind of business negotiations.

Now, Sir, a good deal has been said as to the injury and the injustice that would be done, it is alleged, to the private bus owner or lorry owner, if this Bill is passed, but no one, as far as I have heard, has referred to the position of the railways, particularly the light railways which for years have been working with their hands tied behind their backs, which years ago foresaw that this competition was going to come, and, that unless they were allowed to run some kind of motor service of their own, this competition would inevitably take away a great deal of their income. If I have any complaint with regard to this Bill, it is only that the Government have taken three or five years too long to introduce it, and I am perfectly convinced that if this measure had been introduced and passed into law five years ago, there are a number of light railways which are now making losses for which the Government have every half year to produce a large cheque in order to pay the guaranteed dividend to shareholders—which would not be making the losses, but would be earning sufficient to pay that dividend themselves. I confess that it has surprised me somewhat that a House, which, in my comparatively short experience of it, has always been jealous of the interests of railways and

[Mr. N. M. Joshi.]

vehicles. If Government are going to do that also, then why should they not themselves manage the whole transport system ? If Members really believe that the whole transport system should be left to private people, I can understand it, but they are not prepared to do that. Whenever any party suffers a loss, it goes to the Government and says : "I am suffering loss. Therefore we should control only that matter on account of which I suffer a loss ". I, therefore, feel that the evil which has arisen on account of the whole system being based on a wrong principle cannot be remedied by what my Honourable friend, Mr. James, said was only a patchwork, a reform by bits. I agree with him there. If you want to remove these evils, it is wrong to take up these measures bit by bit. Let us deal with our transport system as a whole and then, I am sure, a large number of the difficulties which have arisen will disappear. We are undertaking by means of this Bill to do something by which I have absolutely no doubt a monopoly will be established on the high roads of this country. If the railways decide to compete with small bus companies or private owners, the railways are bound to beat the private bus owners and the small companies. They are going to establish a monopoly on those roads which are near the railway track. Now, I am not against a monopoly if that is run in the interests of the public. But I am certainly against a monopoly being established by a private railway company and I do not understand why Government should do anything by which any private company will be able to establish a monopoly. I now wish to say a few words on the second defect which I mentioned appears in the management of our transport system, namely, want of forethought. The question which I would like to ask the Member in charge of this Department is this. If there is an evil now on account of roads running parallel to the railway and being used competitively by buses, whose fault is it ? Who made the roads—not any private people. These roads were made either by Provincial Governments or by statutory bodies. Why did it not occur to the Government that when these roads were made, they should not be made parallel to the railway line. I am not suggesting that under no circumstances should any road run parallel to the railway line, but certainly if competition arises to such a dangerous extent, it would have been better if the roads had not been made to run parallel to the railways, wherever this could be avoided.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I do not want to interrupt the Honourable Member, but he will find from the Mitchell-Kirkness report that the majority of the roads were there and the railways were built later on.

Mr. N. M. Joshi : I have no desire to blame any one party. My point is that there was no forethought.

Mr. Gaya Prasad Singh : On the part of the railway.

Mr. N. M. Joshi : I do not suggest on the part of anybody in particular. My object is not to blame any one party. My object is to show that there was no forethought. It is wrong to allow your roads to run parallel to your railway tracks or to make the railway run among parallel roads. I quite realise that all the objects of the road cannot be served by the railway, nor can the roads serve the purposes of the railway. There are certain things which the railways alone can do and there are certain things for which the buses are more suitable, but, at the same time, it will also be recognised that if your roads and rails run parallel, you are bound to have competition with which you would have to deal with. I, therefore, think that some of the evils could have been avoided if there had been forethought in the management of our transport system. That has been the fault of this Government, not only in the management of our transport system, but in the management of every affair. Take, for instance, our development of industries. If we had taken sufficient care to see, while we were developing industries, that there should be no slums, no money would have been necessary for slum clearance. Similarly, if we had taken care to see that there should be no competition as far as possible between these two systems of transport, we could have avoided some of the difficulties with which we are faced now.

Then, Mr. President, there is the third point on which I wish to speak. Some of the difficulties that we have to face today are due to want of co-ordination. In the first place, it is much better that the whole transport system should be controlled centrally. That is my view. There must be the ultimate control with the Central Government for the whole transport system if you want to avoid wasteful competition. But even if you do not agree to that principle and if you decentralise your powers over the roads as well as the railways, you must take care to see that there is some co-ordination. If you do not want centralisation, if you believe in decentralisation, at least take care to see that there is co-ordination. There are going to be buses, there are going to be railways and there are going to be tramways and, unless you co-ordinate all these means of transport, you are going to have competition and you are going to have evils. It is, therefore, much better that the Government, showing some forethought, should always take care to see that there is some means by which there will be co-ordination between the roads, the railways and the other methods of transport.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

My friend, Mr. Neogy, dealt with what has been done in England. He said, there was a Royal Commission and they recommended certain things. Here I wish to suggest that what England had to do, after suffering a great deal, let India do without suffering those losses. For instance, in England, especially in London, they had buses, tramways, underground railways and surface railways, and on account of these various systems, everybody began to suffer a loss. Then they appointed a Royal Commission and now they have formed what is called the London Transport Board. I suggest to the Government of India and to this Legislature that instead of waiting to see all these evils crop up, let Government wake up now and devise a bold scheme covering all these systems of transport, so that there will be co-ordination among them. There will be no waste caused and the public also will get benefit from the right principle on which our transport system will be based from the forethought which the Government will show and from the co-ordination of all these systems. So far as this Bill is concerned, I am not interested either in delaying or in passing it at this moment.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I was not a member either of the Select Committee or of the Road Board Committee and, therefore, I can speak with an unbiassed mind. The present Bill is for authorising railway companies to start competitive services on the roads on which the bus service has been running and depriving the railway companies of their profits. It is said that the companies that were registered under a charter will not be authorised under this Bill and that the present Government of India have no intention of applying to get those charters amended by getting the Parliamentary Sanction.

The Honourable Sir Joseph Bhore : This is not what I said, but I shall refer to it in my reply.

Mr. B. V. Jadhav : Whatever that may be, it is a fact that the bus service at present is competing with the railway services and on that account the earnings of the railways have suffered a great deal. If a shopkeeper in a street A builds up a great clientele simply for the reason that there was no competitive shop, and then after some years he finds that another shop dealing with similar commodities has been opened in an adjacent street, he need not think of starting a rival shop in the next door premises of his rival's shop, but he ought to see why his hitherto customers were attracted by the other shop. The railway companies have suffered because their passengers have now taken to the road ; they are taking advantage of the buses that are running and the companies are suffering losses. But then the companies ought to see what better facilities are offered by the rival bus service. The companies are not examining their own deficiencies. The companies hitherto have enjoyed a monopoly and, as such, they were as a rule callous and indifferent to the comforts of the travellers. The railway trains were not suitable in their timings; the overcrowding was not attended to. If complaints were made, they were not promptly heard. The railway companies attended very indifferently to their patrons. When their patrons found a new method of getting better comforts and better service and have left the original companies, they now come forward to open up other similar service to that which is competing with them. The best course for the railway companies will be to study the requirements of their customers. The narrow gauge and feeder railways have suffered the most, and why ? They have not been properly managed, their speed never exceeded 15 miles an hour, perhaps on the average it was about 10 miles ; so if the people complained that time was wasted on the route, they were not wrong. Now, the worst bus goes at a speed of at least 20 miles an hour. So the ordinary traveller finds that it is more speedy to go on the bus than by the railway. The timings of these feeder railways were fixed up with a view to the convenience of long distance passengers and the short distance passengers were never even thought of. The trains started at 3 or 4 o'clock in the morning and the conveniences of the people were never consulted. So, the short distance passengers naturally took to the bus when they found it gave a better service and a speedier service and a service which cared for his conveniences. It is for the small feeder railways, if they want to secure their clientele, to study the wants of the passengers. The best advice that could be given by Government is to start a rival bus service on the railways and not

on the roads. They should have railway trains at convenient times and at good speed running between two stations, so that those passengers who now patronize private buses will be attracted to the rail buses. I would give an instance from my part of the country. Kolhapur and Poona is a distance of 190 miles by railway and 146 miles by road. Three companies have been running regular motor services and the M. & S. M. Railway Company found that their traffic was dwindling. So they studied the wants of the people and what they have now done is that they have reserved two special bogey cars, one containing first, second and third class compartments and another bogey car for third class passengers only to be attached to the mail train from Miraj to Poona. In that way a passenger leaving Kolhapur at about 7 P.M. in the evening reaches Poona comfortably at 6 A.M. and, ever since this through arrangement was made, nearly 100 passengers have been taken by these two cars from Kolhapur to Poona. Had this arrangement not been made for the convenience of the passengers, at least half of them or about 60 per cent. of them would have gone by the buses. So the railway company woke up in time and they saw that, in order to compete with the bus service, they must offer better service for the convenience of travellers. So they are now running a through train from Poona to Kolhapur in order to preserve their passenger traffic. A man starting from Bombay at 8 A.M. in the morning can easily reach Kolhapur in the evening at 10 P.M. in about 14 hours and, on the return journey, he can leave Kolhapur early in the morning at 6 A.M. and reach Bombay at about 7 P.M. in the evening. So you will see that this railway company studied the convenience of their passengers and found out why their passengers were leaving them and thus they were able to retain their old passengers. If other railway companies would copy the example of the M. & S. M. Railway, they will prosper. If the M. & S. M., on the other hand, had resolved to start a competitive bus service, they would have ruined themselves in competition with the bus service. It is well known that the present bus owners are able to run their service at very cheap rates, because their expenses are very low. If a railway company starts a bus service, it will have to incur heavy expenditure not only in rolling stock but also in repairs and also in inspectors, checkers and ticket collectors, and so on. But a private bus owner is one and all and he does all the work himself and, therefore, it is very difficult, I may almost say impossible, for a railway company to compete successfully with a private bus owner. I fear even if this Bill is passed and the feeder railways are allowed to start a competitive service, they will not be able to gain much. They will have to invest a heavy amount in this competition and, if the competition is fairly carried on, their gain will be nil. What I mean to say by fair competition is that the private bus owners should not be unnecessarily harassed by the law and police authorities should pass their cars and supervise them with a view to see that they are running in a safe and sound manner. Sometimes it happens that zealous police officers are very strict and unnecessarily harass bus drivers and owners and in that way many a time unnecessary prosecutions are launched against them and the magistrates fine them very heavily. If this is carried on in the interest of the railways, and the people fear that the police and the magistracy will be on the side of the railway companies, then of course the competition will not be fair and the bus owner will be handicapped and in that way the bus

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traffic is likely to be killed. So I say that the railway companies ought not to be allowed to start competitive bus services. If they want to regain their old traffic, it is in their own hands. The railways were constructed for the purpose of affording cheap transport for goods and for passengers. If they have now lost custom and the passengers are taking to the buses, then the fault does not lie with the buses, but it lies with the railway companies who up to this time neglected the convenience of their patrons. In the case of goods traffic also the indifference of the railway services has led to the diminution of this traffic also. I will give one instance again on the M. & S. M. In the Bombay bazars, vegetables and fruits are brought from Sasvad Road on that railway. A new station master claimed a certain share of perquisites and he asked the vegetable dealers to give him one anna per basket which was exorbitant and the dealers refused. He also refused to book the vegetables, and the poor merchants were at a loss as to what to do. Then the bus owners came to their rescue and they loaded the baskets of vegetables at Sasvad Road and took them to the Crawford market in Bombay. In about two weeks time, the railway companies, the M. & S. M. and the G. I. P. saw that it was a serious loss to their revenue, and they opened up negotiations with the merchants. The merchants simply thanked them for their good wishes, but were unwilling to give up their patronage to the bus services for the simple reason that the bus service studied their requirements better. The baskets were loaded actually at the gardens and they were unloaded actually at the market. Transport by railway required loading at the railway station and, therefore, the merchants could not have the facilities of loading them at their gardens and, in the case of the railway, the merchants had to transport the baskets from the narrow gauge to the broad gauge and again unload them at the Victoria Terminus station to be taken to the bazar. So the bus owners served their clients much better and they have taken away that custom. There are many such instances which can be multiplied. All I can say is that the railway companies should afford facilities to their clients and study how to get rid of their inconveniences. A rival motor service may be paying for a short time, but, I am afraid, if the competition is fairly carried on, the railway bus service has not got much chance of a success against the road motor service conducted by private owners. So the best advice that should be given to the railway companies is to improve themselves and, if this is done, I do not think there is any necessity for this Bill. It would be much better for Government to withdraw this Bill.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, the main purpose of this Bill appears to be to safeguard the light railways which, as I understand it, are mostly owned by the local bodies or by small shareholders. Mr. Joshi has spoken at some length for co-ordinating the transport services meaning thereby the nationalisation of transport services, but avoiding the use of that word. I think as the arrangement regarding all the Indian railways is that the State is to purchase them after their leases expire, the nationalisation of the railways will automatically be attained. It is only a question of time. In some cases, when the time has actually arrived

4 P.M.

to purchase a railway line, the State does not find itself financially strong enough to acquire it. So there is no lack on the part of the administration or unwillingness on its part to nationalise the transport services as far as they can. The road services at present are, as we all know, running at very uneconomic rates, and if the railways which are already losing are prepared to lose more by running their transport services on the road also, let them try it ; there is no harm, because as at present the lorry owners are not making much out of it, the railways cannot be expected to make much out of it either. The roads being parallel to the railway line is not the fault of the Government, because the roads were in existence long before the construction of the railway lines and it is only on the main lines or on the trunk lines where the roads generally run parallel to the railways. And there is some advantage in that too. They are more or less useful for strategical purposes and, if, at a time of emergency, the railways break down, the road can be resorted to. The Bill was examined by the Select Committee in all its details and they have given a very good report which is signed unanimously,—that speaks very much in favour of the Bill. All interests and all provinces appear to have been represented on that Committee, and, it having been so minutely examined and reported upon, there does not appear to be much useful purpose to be served by delaying the passing of this Bill. It is always open to the Legislature, if afterwards it finds that the Act has not worked successfully, to repeal it. At present a very good case appears to have been made out for allowing these light railways to run their own bus services in places where it appears necessary or desirable. The Local Governments have been given sufficient powers to safeguard the interests of the public in those areas when it has been provided that the Governor General in Council will consult the Local Government before giving permission to a light railway to operate a service on the roads. Provincial autonomy being almost in sight and, even at present, this Department being a transferred Department in the provinces where the Ministers, who are under the control of the Legislatures, administer this Department, we can safely rely upon them to safeguard the interests of their constituents and of the public in those provinces. Therefore, I feel that no useful purpose is likely to be served by circulation and that the Bill may be passed as reported unanimously by the Select Committee. With these few words, I support the consideration of the Bill and oppose the circulation motion.

Several Honourable Members : The question may now be put.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is that the question may now be put.

The motion was adopted.

The Honourable Sir Joseph Bhore : Sir, I will apply myself first to the motions for circulation. I regret that my Honourable friend, Dr. DeSouza, should have thought fit to bring forward a motion which, I submit, is purely dilatory in character. The only ground on which the motion could have been supported was the ground that the Bill has been so entirely changed in Select Committee as to make it for all intents and purposes an entirely new measure. Now, Sir, that point has been already met by the remarks of the Select Committee ; but I would add another argument. Most, if not all, of the changes that have been made by the Select Committee have been made in order to meet the criticism

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which was elicited during the first circulation of the Bill and during the discussion of the measure in this House. I submit, Sir, that it is wholly unreasonable that changes which have been made as a result of circulation should themselves be circulated for eliciting further opinion. But, Sir, if I remember rightly, that was not exactly the ground upon which my Honourable friend, Dr. DeSouza, moved his amendment. He desired that the Bill should be recirculated for opinion in the light of the Mitchell-Kirkness Report and of the Resolutions passed at the Rail-Road Conference. Be it remembered, Sir, that at the Rail-Road Conference, Ministers from every province were present and they were in possession of the Report to which my Honourable friend has referred. Now, Sir, the Report of that Committee as well as the relevant Resolution to which he refers are entirely in favour of the principle of this Bill. Does my Honourable friend wish for circulation to cast discredit on the Report and the Resolution referred to ? Or does he desire that public opinion should be given an opportunity of changing as a result of the perusal of the Report and the Resolution ? If the former, I can say that the reference is wholly irrelevant for our present purpose, and, if the latter, it is totally unnecessary. If my Honourable friend had asked that the House should be invited to consider this measure in the light of the Report and the Resolution referred to, I should have been entirely with him. I would ask the House, Sir, to reject this motion as a pure waste of time.

I need not deal with the amendment of my Honourable friend, Mr. Sadiq Hasan. It has received, if I may say so, no support at all in this House, and I may allow it to die a natural death.

I will refer now, Sir, to some of the criticisms that have been levelled by Honourable Members in discussing this Bill. I would like once more to state my position in regard to Parliamentary legislation in respect of those companies which require it. I should like to make it clear that what I said was that I do not personally intend to initiate any action in this direction until this piece of legislation has been in operation for a sufficiently long time to enable us to gauge its consequences on all the interests involved.

Next, Sir, let me turn to what fell from my Honourable friend, Mr. Neogy. He described this as a partial solution of a very big problem and he deprecated its being dealt with by piecemeal legislation. I would point out that a great deal is to be gained by this so-called partial legislation. For one thing it will give us most invaluable experience in dealing with the wider problem when it comes before us. My Honourable friend suggested—and on this point I am in agreement with him—that an Act of this nature cannot by itself save railways which are suffering from competition with motor services. I entirely agree that railways must make their services more attractive and that they must endeavour to meet competition by the provision of greater amenities ; but I do not admit that our railways are not fully alive to this. In the present case, what this Bill does is that it merely removes a disability and this removal, I hope and believe, will be of considerable help and assistance. It does not confer an advantage : it removes what I take to be an unjustifiable disadvantage.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Then, my Honourable friend, Mr. Neogy, suggested that the light railways might well consider the appointment of advisory committees in order to enable them to get into closer and more intimate contact with the public which they serve. I am quite ready to pass on that suggestion to these railways, though, as he will recognise, I have no authority to enforce it, and I can do no more than make the suggestion.

Mr. James and, I think, also Mr. Neogy wished to know what action was being taken on the Resolutions which were passed at the Rail-Road Conference. I may assure this House that these Resolutions are at the moment receiving most careful examination in consultation with Provincial Governments. My Honourable friends will realise that the constitutional position being what it is we can only proceed by reason and argument, and that before securing general agreement considerable time may elapse. My Honourable friend, Mr. Joshi, delivered himself of a speech which left me in doubt, until the last sentence, as to whether he was supporting or whether he was opposing this measure. My Honourable friend said he did not understand what was meant by uneconomic competition. Let me give him an example, which was cited by an official at the Rail-Road Conference—an official from Madras : he told us of a case in which private bus owners had offered to carry passengers free, and, in addition, to present them with an umbrella and a handkerchief or a loin cloth, I forget which ! (Laughter.) I would say that that was uneconomic competition.....

Mr. N. M. Joshi : It would pay them to do so ; afterwards they would recoup that expense !

The Honourable Sir Joseph Bhore : My Honourable friend complained that more forethought and planning was not exercised in our road and railway schemes. As my Honourable friend knows, these began to come into existence probably more than half a century ago, and I can only express regret that my Honourable friend was not born 75 years ago ; for, then, he might have saved us all this trouble.

I must confess to a total inability to understand the reason for the opposition to this measure. Of course I know that vested interests outside this House are averse and very naturally so to further competition. Such further competition, as might result from the institution of services by railway companies, must surely be in the interests of the public and it is a little difficult to understand the solicitude for the interests of private bus owners and the entire ignoring of the interests of the public. It has been assumed that as soon as the bar which at present exists to railway companies running motor services is removed, they will at once embark upon cut-throat competition, that with their superior resources they will ruin their poorer rivals, and, as soon as they have eliminated all competition, they will then dictate their own terms to the public. I do not for one moment believe that this sequence of results can or will result from the removal of what I hold to be an unjustifiable inhibition. My Honourable friend, Mr. Neogy, threw some doubts upon the suggestion that we have always put forward that State Railways are free to run their own motor services. I have great respect for the legal acumen and experience of my Honourable friend. When I retire into private life, I should like to come to him with my legal difficulties provided, of course, he tempers his charges to the shorn *ex*-civil servant. But, with all due regard to my Honourable friend, I can only say that such advice,

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as is at present available, seems to justify us in this opinion ; and it is upon that opinion that we have proceeded. But holding that view, my point is that no State Railway has up to the present instituted such services. As regards monopoly, I myself hold that it is wholly unlikely. It may be that railway motor services once established may cut fares, but I suggest that there can never be anything like monopoly, because the moment they raise their fares, competition is bound to reappear. I do suggest to those who are afraid of monopoly that the ever impending threat of possible competition will be a salutary safeguard so far as unfairly high rates are concerned.

Then the assertion has been made over and over again in this House that private bus owners can run their services far more cheaply than any railway company can do. Well, Sir, I consider that there is a great deal of truth in those assertions ; but, Sir, if those assertions are true, then where is the difficulty ? My friend, Mr. Jadhav, just now said that he is satisfied that railway companies will ruin themselves if they compete with private buses. If that is so, then why should there be any objection to allowing railway companies the pleasure of ruining themselves ?

Mr. K. C. Neogy : We do not want to help them to commit suicide.

The Honourable Sir Joseph Bhore : My own view of the case is rather the view that was expressed by Mr. Hoon the other day. I believe that private buses will provide a cheaper service, but, on the other hand, I believe that railway companies will provide a safer, more comfortable and more regular, if a costlier service. Now, Sir, if there are sections of the public who desire such a service and are prepared to pay for it, why on earth should they be denied it ? Apart altogether from the question of greater safety, greater comfort and greater reliability, I personally, Sir, would prefer to travel by a service which is owned by an authority from whom, in the event of an accident, I should be able to recover damages.....

An Honourable Member : God forbid.

The Honourable Sir Joseph Bhore :.....or from whom in the event of fatality my heirs would be able to recover compensation even if I had to pay higher fares. On the other hand, there are many others who may prefer immediate economy to safety, why should both types of clients not be catered for ?

Then, as regards the possible abuse which, as is feared by certain Honourable Members in this House, might result from the railway companies being allowed to run services, I would only point out that the new clause which has been inserted in this Bill gives the Government very wide powers even to the extent of actually stopping such services. I believe, Sir, that the apprehension entertained in this House was largely due to the fear that, if railway companies were allowed to operate their own services, they would be placed in some sort of privileged position as compared with private bus owners. I attempted on the last occasion to make it perfectly clear that that was not our intention, but now, Sir, that the relevant clause of the Bill makes this clear beyond all possibility of doubt or misunderstanding, I hope that the opposition to this measure will also disappear.

Sir, only a few words more and I have done. I think Honourable Members opposite will admit that I have gone very far,—I went very far in the Select Committee, to meet them in this matter. In fact, I went so far, Sir, that I could not possibly go any further without scrapping the Bill. I want to make the position perfectly clear so that any support that I may get may not be under any misapprehension. I propose, Sir, to oppose the amendments that have been tabled. I do submit that the Bill, in its present form, meets all reasonable objections that have been taken, and I would ask Honourable Members of this House to accord their approval to the Bill in the form in which it has been recommended by the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The original question was :

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, be taken into consideration."

Since which an amendment has been moved :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934",

and a further amendment has been moved :

"That the Bill, as reported by the Select Committee, be re-committed to the Select Committee."

The question that I have now to put is :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon from the public, including the District Boards and Automobile Associations, wherever they exist, in the light of the decisions taken at the recent Rail and Road Conference and the Mitchell-Kirkness Report, by the 30th June, 1934."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question that I have now to put is :

"That the Bill, as reported by the Select Committee, be re-committed to the Select Committee."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question that I have now to put is :

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 2 stand part of the Bill.

Mr. T. N. Ramakrishna Reddi : Sir, I beg to move the amendment that stands in my name, namely :

"That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 51A, for the words 'motor transport' the word 'waterway' be substituted."

Sir, now that the House has agreed to give the railways the power to run motor buses, I should like to give them power also to open up waterways, because I do not see any reason why the railway companies

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should be prevented from developing waterways in this country. We all know that waterways are a very economical means of transport of goods from one place to another, and many of the western countries have developed their trade and commerce by means of their waterways. India is wanting in her waterways. India is noted for her large navigable rivers, and it will be to the advantage of the country if more waterways are opened and developed. By opening up waterways, we can develop irrigation works also. Therefore, Sir, I move that the railway companies should also be given power to open waterways in this country. Sir, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 51A, for the words 'motor transport' the word 'waterway' be substituted."

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I should like to know from the Honourable the Leader of the House, who is also the Railway Member, whether this subject of waterways could not be taken with advantage in a Provincial Council, because it comes more within the jurisdiction of the provinces than within the jurisdiction of the Central Government.

The Honourable Sir Joseph Bhore : Sir, with reference to what my friend, Mr. Ranga Iyer, said, I can only say that I am not amphibious. I am a little perplexed by this amendment. On the face of it, it seems to suggest that my Honourable friend desires that railways should not be allowed to open motor services but that waterways should be substituted for road services.

Mr. T. N. Ramakrishna Reddi : I do not quite follow what the Honourable Member says.

The Honourable Sir Joseph Bhore : But his speech on the amendment rather indicates that he merely wanted to add waterways.

Mr. T. N. Ramakrishna Reddi : Yes. The next amendment deals with motor buses.

Mr. President (The Honourable Sir Shanmukham Chetty) : What exactly is the purport of this amendment ?

Mr. T. N. Ramakrishna Reddi : Of course, when I gave notice of my amendments, I intended that this amendment and the next amendment should form into one amendment. Now that the office has divided it into two amendments, it may look, as the Honourable the Leader of the House has stated, that my desire is to substitute waterways for motor buses. As a matter of fact, that is not my intention. My intention is to substitute here waterways for motor buses and my subsequent amendment will clearly show that motor buses are also included.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Chair understand that the amendment that has now been proposed, No. 3, is consequential upon No. 4 ?

Mr. T. N. Ramakrishna Reddi : I cannot say consequential. My amendment No. 4 gives restricted power for running motor buses. That is why I have dealt with it in a separate clause.

The Honourable Sir Joseph Bhore : To cut short this discussion, much as I should like to see railways go both on water and on land, I must say that this question was discussed in the Select Committee. The Select Committee came to the conclusion that waterways should be eliminated and I must stand by the decision of the Select Committee. It is for that reason and for no other reason that I oppose my Honourable friend.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 51A, for the words 'motor transport' the word 'waterway' be substituted."

The motion was negatived.

Mr. T. N. Ramakrishna Reddi : Sir, I move :

"That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 51A, after the words 'managed by such company' the words 'and a motor transport service only on roads that run parallel to railway lines with a terminus on either end at or near a station on the railway owned or managed by such company' be inserted."

As I understand this section, the amended Bill empowers a railway company to run a bus service throughout the country wherever railways exist, with one limitation, that is to say, that it must have a terminus at a station. That is the only restriction that the Select Committee has put on a railway company running a motor bus service. The effect of that will be that a railway company can run motor bus services either parallel to the railway line, or having only one terminus near the station and running to the interior. But, as a matter of fact, the danger that the railways apprehend from the motor bus service is only the danger of competition on parallel lines. A private motor bus service coming from the interior to any railway station does not compete with the railway service at all. On the other hand, it acts as a feeder and brings goods and traffic from the interior villages to the railway station, and so there is absolutely no competition at all. The point of view of the Government is that there should be no uneconomic competition of the motor bus service running parallel to the railway line and thus taking away its traffic, and that has been emphasised in the Rail-Road Conference that took place in Simla recently. In fact, the whole attention of that Conference was devoted to the fact as to how best to eliminate this competition on parallel lines. I have moved this amendment in order to allow these railway companies to run motor buses only on parallel lines where there exists competition and leave other lines for the private bus service. If powerful railway companies enter into competition with private bus service, the latter will go to the wall and then they must have some place where they can ply their trade. So, my amendment seeks to restrict the right of the railway company to run motor bus services on parallel lines. Sir, I move.

The Honourable Sir Joseph Bhore : Sir, we considered this point in Select Committee and we came to the conclusion that it would in all probability defeat the entire purpose of the Bill if the limitation now suggested by my Honourable friend were introduced. Let me give to the House an illustration of what I mean. There are two points on a railway A and B. The railway line between those two points forms a curve or detour intended to serve another point between A and B. If

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my Honourable friend's amendment is adopted, the railway company could not possibly run a motor service from A to B, because, assuming that the road goes straight from A to B and does not follow the bend, it would not be parallel to the railway ; but that is just one of those cases in which it would be of the greatest value to the railway to retain the traffic between A and B. It was for that reason that the Select Committee came to the conclusion that it was inadvisable to limit the provision in the way suggested by my Honourable friend. As a matter of fact, in a very large majority of cases, the services will actually be parallel services, but we cannot run the risk of defeating the real intention of this measure. Sir, I oppose.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 2 of the Bill, in sub-section (*1*) of the proposed section 51A, after the words ' managed by such company ' the words ' and a motor transport service only on roads that run parallel to railway lines with a terminus on either end at or near a station on the railway owned or managed by such company ' be inserted."

The motion was negatived.

Mr. A. Das (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I move :

" That in clause 2 of the Bill, to sub-section (*1*) of the proposed section 51A, the following proviso be added :

' Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise '."

The two cardinal points which, it appears to me, are vital to the consideration of any Bill relating to transport of passengers and goods are facility to public and cheapness. Regarding facility, there is no doubt that the present bus and lorry service provides large facility to the passengers who are brought nearer their homes whether they start from any bazar or their houses than is the case when they have to get into trains at fixed stations and alight also there. There is also much inconvenience about the strict punctuality of the time not being observed and during the way they can get down at any intermediate place that they may like which would not be possible if they had to travel by rail. Regarding cheapness, take an example which is nearest home. A car from Kalka to Simla can easily accommodate four passengers with about two or three maunds of luggage and the total cost is not more than Rs. 12 per car, while the second class and third class single fare from Kalka to Simla is Rs. 11-3-0 and Rs. 3-6-0 each way besides Rs. 2-14-0 per maund of luggage. Thus, if a man travels with three servants and two maunds of luggage, if he comes by train, he will have to pay about Rs. 27 and the journey will not be half as comfortable, while, if he came by motor, it would cost him only Rs. 12 and he would have the whole monopoly of the car to himself. Look at the enormous difference. A private man who runs his own car for hire is its owner, driver and cooly, and he is satisfied if he makes about Rs. 2 or Rs. 3 per trip, which gives him about 12 per cent. return, with which, in these days of depression, he is well satisfied. Is it ever possible for a railway company to run it as cheaply ? My friend, the Honourable Member in charge of the Bill, said that that was not the object of his Bill. If that is the position, then

why have the Bill at all ? That is why the passing of this Bill was opposed, but, with the House, as it is at present constituted, with a solid official block most of the Nominated Members being on their side, and the Opposition being divided into various parties and factions, it is hopeless to carry any legislation or Resolution against the official wish. Since, however, the passing of this Bill cannot be delayed and it has to be considered clause by clause, I have tabled the amendment which stands in my name. It only incorporates the principle of the Select Committee report in paragraph 2 (*3*) which says :

" The third important decision we reached was that railway companies should not receive any differential treatment whatsoever in respect of these new services. In particular our intention is that they should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms."

Since on this point, there is no note of dissent, I take it that this principle was accepted by all the members forming the Select Committee. There was much discussion on the floor of this House only a day or two ago that the Bill should not create any sort of monopoly, or ruin the private owners or companies by any unfair competition. I am glad that the Honourable Member also assured on that point in his reply to the debate. My amendment safeguards that purpose. The stock argument that the passing of the Bill is necessary in order to safeguard the light railways against the loss which they are suffering has already been ably replied to in the speech of Mr. Aggarwal and the proposition, that in order to save loss to one concern you can ruin another, will not appeal to any fair minded business man. From a financial point of view, the utility of framing any such scheme which will help any light railway without injuring the trade of others is very doubtful. I for myself will welcome the Bill and any scheme which may be prepared under it if it increases the facility of transport consistent with cheapness. I, therefore, move this amendment for the acceptance of this House. I do not see how this House can refuse my amendment without making itself liable to the serious charge of being inconsistent, as I understand that the Government, when asking for the passing of this Bill, have accepted the recommendations of the Select Committee and my amendment is only a part of that recommendation. Sir, I move.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 31st August, 1933.

LEGISLATIVE ASSEMBLY.

Thursday, 31st August, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

Mr. President (The Honourable Sir Shanmukham Chetty) : Question No. 222. Lala Hari Raj Swarup.

Mr. A. Das : Question No. 222.

Mr. President : Have you been authorised to put this question ? Lala Hari Raj Swarup authorised Mr. Thampan to put this question on his behalf, but as both of them are absent, the Honourable Member cannot put it.

AGREEMENT ON THE PRODUCTION OF SUGAR REACHED IN THE WORLD ECONOMIC CONFERENCE IN LONDON.

222. ***Lala Hari Raj Swarup** : (*a*) Will Government be pleased to state if any agreement on the production of sugar has been reached between the various representatives assembled in the World Economic Conference in London ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the details of such agreement ?

(*c*) Will Government be pleased to state what undertakings the members of the Indian Delegation have given on behalf of India ?

The Honourable Sir Joseph Bhore : (*a*) No, Sir.

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

APPEALS PENDING BEFORE EACH ASSISTANT INCOME-TAX COMMISSIONER IN THE UNITED PROVINCES.

223. ***Mr. A. Das** : (*a*) Will Government be pleased to state, how many appeals were pending before each Assistant Income-tax Commissioner in the United Provinces upto 31st March, 1933, in connection with assessments made by Income-tax Officers or Additional Income-tax Officers ?

(*b*) Will Government be pleased to give the names of Income-tax Officers or Additional Income-tax Officers and the number of their cases which are up in appeal before their Assistant Commissioners in the United Provinces ?

(*c*) What examination in Law, LL.B., or especially in the Indian Evidence Act, are Income-tax Officers or Additional Income-tax Officers required to pass before they are appointed and how many such Income-tax Officers or Additional Income-tax Officers passed the LL.B., or a similar standard in the Law of Evidence as per Indian Evidence Act ?

(*d*) Are Government aware of the alarming increase in appeals to Assistant Commissioners of Income-tax against the assessments made by Income-tax Officers and Additional Income-tax Officers, and have any confidential Revenue Board Circulars been issued on the subject ?

(*e*) Are Government aware of the harassment, expense and worry to the public referred to in part (*d*) above ?

The Honourable Sir George Schuster : (*a*) A statement is laid on the table.

(*b*) It is not in the public interest to give detailed information regarding the work of individual officers.

(*c*) Income-tax Officers are not required to pass any of the examinations specified. They have, however, to pass a departmental examination in Income-tax Law and Rules, etc., before they are confirmed as such. The latter part of the question does not therefore arise.

(*d*) Owing to the lowering of the minimum taxable limit and the consequent very large increase in the number of assessees, the number of appeals has increased, but Government have no reason to suppose that the increase is 'alarming'. The Central Board of Revenue has not issued any confidential circulars on the subject.

(*e*) The answer is in the negative as beyond the ordinary trouble and expense involved in prosecuting an appeal, there is nothing special in these cases.

Statement showing the number of appeals pending before each Assistant Commissioner of Income-tax in the United Provinces in the year 1932-33.

Charge.	Number of appeals.
Assistant Commissioner—	
Meerut	1,118
Cawnpore	1,142
Allahabad	1,538

Mr. A. Das : How are the appointments of Assistant Income-tax Officers made ? Are they made by selection or by nomination ?

The Honourable Sir George Schuster : I think I must ask my Honourable friend for notice of that question.

Mr. A. Das : Will Government consider the advisability of having a competitive examination for the same ?

The Honourable Sir George Schuster : I will inquire into that point.

Mr. A. Das : Do Government consider the knowledge of the rudimentary principles of law as necessary for these appointments ?

The Honourable Sir George Schuster : I am afraid I must ask for notice of that question also.

Mr. A. Das : Are Government aware that such appointments have been made from the ranks of Naib-Tahsildars who have no knowledge of law ?

The Honourable Sir George Schuster : I am not aware of that at present. I will inquire into the matter.

ASSESSMENT OF INCOME-TAX FROM GOVERNMENT EMPLOYEES HAVING A PRIVATE INCOME OF OVER RS. 1,000.

224. ***Mr. A. Das :** (*a*) How many Government employees having a private income of more than Rs. 1,000 are being taxed for income-tax ? Will Government give the figures for each province ?

(*b*) What is the number of the Government employees who are paid rupees one thousand or more as their Government pay yearly, and who are taxed on their private income apart from the Government pay as compared with such similar employees who are not so taxed ?

(*c*) Are all the Government employees drawing a Government salary of Rs. 1,000 or more yearly required to fill up the income-tax return and submit them to the Income-Tax Officer of their respective districts ? If not, why not ?

(*d*) If the reply to part (*c*) be in the negative, are Government prepared to issue proper orders to tap this source of income or is it the desire of the Government to exempt them from such income-tax or afford them preferential treatment ?

The Honourable Sir George Schuster : (*a*) and (*b*). The information required is not compiled.

(*c*) No. If every Government Officer getting a salary of Rs. 1,000 per annum or more is to be required to fill up a return of income, a large extra staff would have to be entertained, which experience shows is not likely to be justified by the results.

(*d*) This source of revenue is already being properly tapped. Returns of income are called for whenever there is a prospect of additional income being brought under assessment. Government do not therefore consider it necessary to issue any further orders.

Mr. A. Das : Are Government aware that there is only one central officer in each province for assessing the income on the Government officials and that they are not assessed separately in each district ?

The Honourable Sir George Schuster : I am afraid I did not exactly catch what my Honourable friend said, but I think I am right in saying that at present I am not aware of it, but I will inquire into the matter.

EXTERNMENT OF MAULANA SULTAN AHMED FROM DELHI.

225. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state why Maulana Sultan Ahmed, Naib Mufti of Jamiat-ul-Ulema-i-Hind has been externed from Delhi ? Will Government be pleased to state the nature of his activities which were considered objectionable and also whether this organisation has been declared an unlawful association ?

The Honourable Sir Harry Haig : Maulana Sultan Ahmed was externed for activities calculated to stir up disaffection against the Government. The Jamiat-ul-Ulema-i-Hind has not been declared an unlawful association.

Mr. M. Maswood Ahmad : Are Government aware that the Jamiat-ul-Ulema-i-Hind has abandoned the Civil Disobedience Movement now ?

The Honourable Sir Harry Haig : I have received no official information to that effect, Sir.

Mr. M. Maswood Ahmad : Are Government prepared to allow Maulana Sultan Ahmed to come to Delhi if the Honourable Member is satisfied that the Jamiat-ul-Ulema-i-Hind has suspended the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : The activities of Maulana Sultan Ahmed cannot be described as activities merely in support of the Civil Disobedience Movement. He made an extremely violent anti-Government and racial speech.

Mr. Gaya Prasad Singh : Why was he not prosecuted under the ordinary law ? He might have been prosecuted under the law of sedition or any other proper section of the penal code.

The Honourable Sir Harry Haig : Well, Sir, I think it is possible that action could have been taken against him under the penal law, but the Chief Commissioner preferred to take the milder action of externing him from Delhi.

Mr. Gaya Prasad Singh : If the Government were so sure of obtaining a conviction, why did they not take the obvious course instead of externing him without putting him to trial ?

The Honourable Sir Harry Haig : I do not know why the Honourable Member is so anxious that the Maulana should be sent to jail.

Mr. Gaya Prasad Singh : So long as he is not convicted under the ordinary criminal law of the land, he must be presumed to be innocent ?

The Honourable Sir Harry Haig : The action taken by the Chief Commissioner appeared to him the most convenient and I am not prepared to question his discretion.

Mr. S. C. Mitra : Do not the Government realise that if the Maulana were prosecuted under the ordinary criminal law, he would have got a chance of refuting the charges that were lodged against him ? It may be that the allegations are false and he has not been given an opportunity to refute them.

The Honourable Sir Harry Haig : I fancy that in addition to a particular speech or two there were other activities which satisfied the Chief Commissioner of the desirability of making that order.

Mr. S. C. Mitra : Then what is the object of having the criminal law courts ? Is it not the object of the criminal law that every one should get a chance of refuting the allegations made against him ? Do the Government mean to say that every prosecution that they bring about ends always in conviction ?

The Honourable Sir Harry Haig : No, Sir ; but I think in this particular case the procedure adopted was more convenient.

Mr. S. C. Mitra : It may be more convenient to Government, but what about the Maulana who is deprived of the opportunity to defend himself and justify his course of action in a court of law ?

The Honourable Sir Harry Haig : I think it was thought that it was more convenient for the Maulana himself.

Mr. M. Maswood Ahmad : Are Government aware that the Maulana Sahib was the Naib Mufti whose duty it is to decide religious questions ?

The Honourable Sir Harry Haig : No, Sir, I have no information about the precise duties of the Naib Mufti.

POLITICAL PRISONERS CONFINED IN JAILS IN INDIA AND IN THE ANDAMANS.

226. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state how many prisoners convicted under the ordinary law or under any Ordinance in connection with the Civil Disobedience Movement or with the other movements connected therewith are at present confined in jails in India and in the Andamans ?

The Honourable Sir Harry Haig : The number of persons, convicted of offences connected with the Civil Disobedience Movement, undergoing imprisonment at the end of July, 1933, was 4,683.

None of these prisoners are in the Andamans.

EXPERIMENTAL CHECK OVER THE TRAVELLING TICKET EXAMINERS' WORK ON THE EAST INDIAN RAILWAY.

227. ***Khan Bahadur Haji Wajihuddin :** (*a*) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are contemplating trying an experiment to conduct a super-check over the Travelling Ticket Examiners' work under the control of the Watch and Ward Department ?

(*b*) Is it a fact that for this purpose the services of Guards, Controllers, Gunners and Pointsmen, etc., are being transferred to the Watch and Ward Department ?

(*c*) Is it a fact that these men, who are going to be entrusted with the ticket checking work, are not qualified in Coaching and ticket checking duties ?

(*d*) Is it a fact that Travelling Ticket Examiners and the Ticket Collectors have to pass a qualifying efficiency test of ticket checking duties ?

(*e*) Why has the condition of periodical tests on the Travelling Ticket Examiners and Ticket Collectors been imposed ?

(*f*) Why have not the services of the existing Travelling Ticket Examiners been utilised for the purpose of this check ?

(*g*) Will Government be pleased to state whether the Guards, and other Transportation staff as mentioned in part (*b*) above are surplus to warrant their temporary transfer for ticket checking purposes ?

(*h*) What would be the approximate additional expenditure on this experimental check under the Watch and Ward Department ?

Mr. P. R. Rau : With your permission, Sir, I propose to deal with questions Nos. 227 to 229 together. I am informed that the Agent, East Indian Railway, has, as a temporary and experimental measure, decided

to utilise the services of certain staff who are available owing to slack traffic conditions to have a check conducted under the control of the Watch and Ward Department in addition to the ordinary check exercised by Travelling Ticket Examiners under the system recently introduced. The intention is that this experiment should be tried out for three months, and it has been reported that the approximate additional expenditure for the whole period is about Rs. 7,000. I am unable at present to give a complete reply to the various details that the Honourable Member desires to know, but I am obtaining a fuller report from the Agent of the East Indian Railway and shall place further information on the table of the House at a later date.

Mr. Lalchand Navalrai : Is there any idea to try these experiments on other railways also ?

Mr. P. R. Rau : I have already promised to obtain a full report and place further information on the table of the House. I have not got complete information on this point at present.

EXPERIMENTAL CHECK OVER THE TRAVELLING TICKET EXAMINERS' WORK ON THE EAST INDIAN RAILWAY.

†228. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

(*a*) If they have considered whether it will be efficient to place the ticket checking branch under Watch and Ward Department ?

(*b*) Whether the Watch and Ward Department is responsible for the safeguard of financial interests of the East Indian Railway ?

(*c*) Whether the Watch and Ward staff will be qualified to exercise a check on money matters concerning excess fare, etc. ?

(*d*) Whether the Watch and Ward Department will be authorised to check the booking office records and other relevant documents ?

(*e*) What is the present function of the Watch and Ward Department ?

EXPERIMENTAL CHECK OVER THE TRAVELLING TICKET EXAMINERS' WORK ON THE EAST INDIAN RAILWAY.

†229. ***Khan Bahadur Haji Wajihuddin :** (*a*) Will Government be pleased to state why such super-check on the East Indian Railway has not been conducted under the Accounts Department ?

(*b*) For what administrative reasons has the Watch and Ward Department been given control in preference to Accounts control ?

(*c*) Will Government be pleased to state whether the Watch and Ward Department control will be consistent with the recommendations of Messrs. Moody and Ward, Officers of the Crew Enquiry Committee, on whose recommendations the Accounts control has been replaced by that of the Operating ?

(*d*) Will this experiment be conducted on any other State Railway or with reference to my question No. 849 and supplementary questions thereon by Sir Henry Gidney and Dr. Ziauddin Ahmad, dated 18th March, 1932, will the East Indian Railway only be selected for such experiments ?

†For answer to this question, *see* answer to question No. 227.

PROPOSAL TO CHECK ILLICIT TRAVELLING BY USE OF *Lathis* ON THE EAST INDIAN RAILWAY.

230. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

(*a*) if by entrusting the ticket checking work to the Watch and Ward Department the East Indian Railway authorities are contemplating to check illicit travelling by use of *lathis* and *dandas* ;

(*b*) whether they are aware that such a step on the part of the East Indian Railway authorities will be a source of harassment to the travelling public ?

Mr. P. R. Rau : (*a*) No.

(*b*) Does not arise.

RIGHTS AND DUTIES OF THE VICE-PRESIDENT OF A CANTONMENT BOARD.

231. ***Lala Hari Raj Swarup :** (*a*) Will Government be pleased to state what are the rights and duties of the Vice-President of a Cantonment Board ?

(*b*) Can the Vice-President inspect officially any institution under the control of a Cantonment Board ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government be pleased to state the reasons why Mr. R. S. Vidyarthi, Vice-President, Cantonment Board, Meerut, was not allowed to inspect the High School of the Board officially ?

Mr. G. R. F. Tottenham : (*a*) The attention of the Honourable Member is invited to sections 22, 25, 215 and 241 of the Cantonments Act, 1924.

(*b*) Yes, if so empowered by the President under section 22 (*2*) or with the previous sanction of the President under section 242 of the Cantonments Act, 1924.

(*c*) There was no objection to the Vice-President's or any other member's visiting the school and making suggestions or criticisms as a result of such visit. It is, however, the policy of this particular Board, as expressed in one of their resolutions, that formal inspections should be left to the members of the particular committee concerned.

INTRODUCTION OF TENDER SYSTEM FOR SALE OF COUNTRY LIQUOR IN DELHI.

232. ***Mr. Goswami M. R. Puri :** Will Government be pleased to state :

(*a*) if it is a fact that they introduced in Delhi tender system on a commission basis for the sale of country liquor from 1st of December, 1930, up to 31st March, 1932 ;

(*b*) if it is a fact that during the period this system was in force the sale of coloured (spiced) liquor was shown 50 to 60 per cent. less than in both the preceding as well as succeeding years ? If so, why ?

The Honourable Sir George Schuster : (*a*) No. The system introduced was the tender fee gallonage system which was adopted for five country liquor shops with effect from the 1st December, 1930, and for all the ten shops for the year 1931-32. The auction system was re-continued in 1932-33.

(*b*) The sale of coloured (spiced) liquor was 50 to 60 per cent. less than both the preceding as well as succeeding years. The reason for the decrease was that being dearer than plain spirit and having an unfixed sale price, coloured (spiced) liquor did not attract consumers at a time of acute financial depression. In addition, under the tender system, licencees have no reason to attempt to popularise spiced spirit by its sale at low prices as they are inclined to under the auction system when they have to find money for the payment of large monthly instalments of licence fees.

SALE OF COLOURED AND PLAIN LIQUORS AT DELHI.

233. ***Mr. Goswami M. R. Puri :** (*a*) Will Government be pleased to furnish a statement showing the sales at Delhi of coloured (spiced) and plain liquor separately for the following years ?

(*i*) 1st April, 1929 to 31st March, 1930.

(*ii*) 1st April, 1930 to 31st November, 1930.

(*iii*) 1st December, 1930 to 31st March, 1931.

(*iv*) 1st April, 1931 to 31st March, 1932.

(*v*) 1st April, 1932 to 31st March, 1933.

(*b*) Will Government be pleased to state :

(*i*) if it is a fact that just after 31st March, 1932, when the tender system expired, the sale of coloured liquor again increased to a large extent in Delhi ? If so, to what extent ;

(*ii*) if they are aware that the Delhi liquor contractors themselves converted the plain liquor into coloured one by mixing it with mineral coloured water, and were thus able to save and thereby deprive the Government to the extent of Re. 1 per gallon, being the difference of tender fees between the coloured and plain liquor ?

The Honourable Sir George Schuster : (*a*) The required statement is laid on the table.

(*b*) (*i*) Yes. During the year 1932-33, the sale of spiced spirit increased in Delhi as compared with 1930-31 and 1931-32. But the sales figures for these two years were quite abnormal and it may be noted that as compared with the sales for 1928-29 and 1929-30, which were normal years, the sales of spiced spirit in 1932-33 were lower by 34 and 26 per cent., respectively.

(*ii*) Government have received no such complaints. Spiced spirit cannot be prepared by mixing coloured mineral water with the plain spirit. If this course were followed, the spirit would be lighter in colour and strength and the fraud would be liable to detection by taste. The process which is carried out by distillery experts is not one which could be understood by an ordinary licencee. It is inconceivable that if any such attempt were ever made even by a single licensee, it would not have been detected at once, as it would have led to complaints immediately from the public.

Statement showing the sales at Delhi of Coloured (Spiced) and Plain Liquor from the 1st April, 1929 to the 31st March, 1933.

Period.	Plain L.P.	Coloured L.P.	Total L.P.
(*i*) 1st April 1929 to 31st March 1930	17,410	14,196	31,606
(*ii*) 1st April 1930 to 30th November 1930 ..	6,276	4,469	10,745
(*iii*) 1st December 1930 to 31st March 1931 ..	7,122	2,363	9,485
(*iv*) 1st April 1931 to 31st March 1932	19,111	3,794	22,905
(*v*) 1st April 1932 to 31st March 1933	15,273	10,480	25,753

SELLING PRICE OF COUNTRY LIQUOR IN DELHI.

234. ***Mr. Goswami M. R. Puri :** (*a*) Will Government be pleased to state if it is a fact that when the Government duty on country liquor was Rs. 8 per gallon on 20 U. P., the retail-sellers purchased at the rate of Rs. 1-12-0 per bottle from the distillers and sold it at the rate of Rs. 2-10-0 per bottle in Delhi ?

(*b*) Is it a fact that the Delhi Government have during the current year reduced the duty on country liquor to Rs. 5 a gallon on 20 U. P., so as to enable the retail-sellers to reduce their prices and thereby check the activities of smugglers of illicit liquor ?

(*c*) Is it a fact that at present the selling price of the distillers is Re. 1-4-0 per bottle ?

(*d*) Are Government aware that the liquor licensees have formed a ring and maintained their selling price at Rs. 3 per bottle ?

(*e*) Are Government aware that due to the exorbitant prices of liquor charged by the Delhi licencees the consumers have been forced to procure their requirements from the neighbouring Punjab liquor shops or from otherwise than licit resources, and that the percentage of crimes has gone exceedingly high ?

(*f*) Will Government be pleased to state the increase in the number of such cases detected in Delhi in 1932 and 1933 over those in the previous years ?

(*g*) Are Government aware that the prices of liquor at the contiguous shops at Sonipat, Bahadargarh, Faridabad, etc., are, as in Delhi, not fixed by Government in spite of the fact that the licence fees of these shops have gone up abnormally this year, and that the vendors at those shops are selling liquor at moderate prices, which has resulted in an appreciable rise in the sale and the consequent rise in Government duty ?

(*h*) Are Government aware that the sale of country liquor in Delhi during the months of April and May, 1933, declined considerably as compared with the corresponding months last year ?

(*i*) Can Government assign any reason for the fall in sale in Delhi City during these months ?

(*j*) How much loss have Government suffered on duty owing to the decline in the sale in Delhi during these months ?

The Honourable Sir George Schuster : (*a*) Yes. The rate of sale price was fixed by Government and retailers could not charge a higher price.

(*b*) and (*c*). Yes.

(*d*) Government have no information. The selling price of liquor in Delhi ranges between Rs. 2-14-0 and Rs. 3 per bottle.

(*e*) The higher prices prevailing at Delhi certainly prove an incentive to professional smugglers to smuggle liquor for profit.

(*f*) The total number of liquor cases detected during the past four years is as follows :

1929-30	9
1930-31	16
1931-32	7
1932-33	39

(*g*) This relates to a Provincial Excise Department and the Government of India have no information.

(*h*) Yes. The sale of country liquor in April and May, 1933, has decreased by 45 per cent. as compared with the corresponding months of last year.

(*i*) The higher sales last year were due to the competition caused by the entry of three Punjab licencees into the Delhi liquor business which resulted in the old licencees attempting to oust them by selling liquor at Rs. 2 per bottle for a short period with consequent large sales. The decrease in sales in April and May, 1933, is due partly to the economic depression and the increased number of people out of employment on account of the closure of the Jumna Mills and the reduction in staff of the Birla Mills.

(*j*) If the sales in April and May of the current year had been the same as during the same period of last year, the increased duty which would have accrued to Government would have amounted to Rs. 15,725.

MAINTENANCE OF A UNIFORM RATE FOR RETAIL SALE OF COUNTRY LIQUOR IN DELHI.

235. ***Mr. Goswami M. R. Puri :** (*a*) Are Government aware that the retail sale licence-holders of Delhi have made a common cause and formed a clique to maintain a uniform rate for retail sale of excisable articles in general and of country liquor in particular ? If not, do they propose to enquire ?

(*b*) Is it a fact that the meetings of the Excise contractors are held at the residence of the Excise Inspector and the Excise Clerk ?

(*c*) Is it a fact that the Excise contractors daily visit the residence of the Excise Inspector from 7 to 11 A.M. ?

(*d*) Are Government aware of the questions that are settled on such visits ?

(*e*) Do Government know the reason why the Excise Inspector is a party at such meetings ?

(*f*) Are Government aware that some of the Excise contractors were influenced by the Excise Inspector to join the monopoly and thus had to run their business under heavy losses ?

(*g*) Are Government aware that there was a free interchange of agents among the Excise contractors of Delhi during the year 1932-33, with a view to check the selling prices of one another, with the express knowledge of the Excise Inspector ? If so, is any such interchange of agents permissible ?

(*h*) Are Government prepared to break such monopolies and take necessary action against the officials responsible for the nefarious practices in Delhi ?

The Honourable Sir George Schuster : (*a*) Government have no information about such a clique. Maximum sale prices are fixed only for certain excisable articles but no such maximum has been prescribed for country spirit. So long as such maximum rates, where prescribed, are not exceeded, licencees are free to agree to sell at any uniform rate. In the circumstances, Government do not propose to make the enquiry suggested by the Honourable Member.

(*b*) No.

(*c*) No. The Excise Inspector at times has to see excise contractors in the performance of his duties.

(*d*) and (*e*). Do not arise.

(*f*) and (*g*). No.

(*h*) No such monopoly exists.

ADULTERATION IN THE COUNTRY LIQUOR IN DELHI.

236. ***Mr. Goswami M. R. Puri :** Will Government be pleased to tate :

(*a*) if it is a fact that there is a general complaint of the Delhi public about the adulteration in the country liquor ;

(*b*) if they are aware that the licencees make the adulteration in that quantity of country liquor which may be required for the day's sale while the rest of the stock is kept intact ;

(*c*) how many cases of adulteration in the country liquor in Delhi have so far been detected ;

(*d*) if there was any atempt made to test the strength of liquor in the hands of consumers after the purchase from the retail shop ? If so, when and how many times were such attempts made and whether the results thereof were brought to the notice of the Deputy Commissioner ;

(*e*) if no such attempt was made, what is the reason therefor ?

The Honourable Sir George Schuster : (*a*) Government have received no such complaints from the public.

(*b*) The excise staff when inspecting liquor shops test the strength of the liquor in bottles selected at random from the stock and in no case has the strength been found to be of a lower degree.

(*c*) None.

(*d*) and (*e*). No consumer complained about the matter and as the strength of the liquor examined at the shops was never found deficient, there was no necessity for such an attempt to be made.

HEAVY TRAFFIC OF COCAINE AND *Charas* IN DELHI.

237. ***Mr. Goswami M. R. Puri :** (*a*) Will Government be pleased to state whether they are aware that in Delhi there has been a heavy traffic of cocaine and *charas*, especially during the last four or five years ?

(*b*) Is it a fact that the present Excise Inspector has been in Delhi for the last seven years and the clerk attached to the Excise office for about ten years ?

(*c*) Will Government please state the activities of the Excise Inspector towards detection of Excise cases and the number and full details of cases detected by him independently during his term of service in Delhi ? If no case has been detected, what action has been taken by the Delhi Government against him ?

(*d*) Are Government aware that the Excise Inspectors in the Punjab are bound to show their detecting work independently every year and, if one fails to do so, the Financial Commissioner takes necessary action against him ?

The Honourable Sir George Schuster : (*a*) No. On the contrary, conditions regarding the illicit traffic in cocaine and *charas* in Delhi have greatly improved during the last few years. The improvement is due *inter alia* to the vigilance exercised over the activities of illicit traffickers by the preventive staff.

(*b*) The present Excise Inspector has been in Delhi since April, 1927, and the Excise clerk has been attached to the excise office since 1924, with a small break in 1929.

(*c*) The present Excise Inspector, since he has been posted to Delhi, has detected eight important cases independently and has also taken a prominent part in the detection of a very large number of other cases. He has received a sum of Rs. 600 in cash rewards and several certificates during this period. The Excise Inspector has a large amount of administrative and office work to do and his primary function is to control and collaborate the work of the subordinate excise staff working under his control. It is not to be expected, therefore, that he himself will be able to independently carry out a large number of excise investigations. It is more important that he should control and direct the excise investigations carried out by the Excise Sub-Inspectors working under him, and of necessity, he takes a part in other excise investigations undertaken by the excise staff in Delhi. Besides the eight important cases mentioned above, the Excise Inspector has been responsible for the independent detection of seventeen cases of minor importance.

(*d*) The question relates to a Provincial Excise Department and the Government of India have no information.

ALLEGED EMBEZZLEMENTS BY THE BUILDING SUPERVISOR OF THE VICEREGAL LODGE, NEW DELHI.

238. ***Sardar Sant Singh :** (*a*) Has the attention of Government been drawn to the facts published twice by the *National Call* of Delhi under the Simla news regarding the embezzlements by the Building Supervisor of the Viceregal Lodge, New Delhi ?

(*b*) Will Government be pleased to state :

(*i*) Who was the Supervisor mentioned therein ?

(*ii*) How long did he remain attached to this particular post ?

(*c*) Is it a fact that after the disclosure of the facts relating to the embezzlements, he has been transferred to Ajmere-Merwara as Sub-Divisional Officer of the Public Works Department (Central) ?

(*d*) Will Government be pleased to state :

(*i*) What pay and other allowances was he drawing as Supervisor of the Lodge ?

(*ii*) What pay and allowances is he drawing at present ?

(*iii*) Is it a fact that the post of Sub-Divisional Officer is a gazetted one and superior to that of a Supervisor ?

(*iv*) If so, did Government mean to give him promotion when ordering his transfer ? If so, for what services ?

(*e*) Did Government make any investigation through the Department concerned into the allegations of embezzlement ? If so, will Government lay on the table of the House the final report with full facts of the case ?

(*f*) Did Government hand over the case to the police for investigation ? If not, why not ?

(*g*) Is it a fact that cases of embezzlement are generally handed over to police for investigation ? If so, why was an exception made in this case ?

(*h*) Why did not Government contradict the allegations published in *National Call* so far ?

(*i*) Are Government prepared to show these papers to lawyer Members of the Assembly in order to convince the public that justice has not been defrauded of its dues by official influence ?

The Honourable Sir Frank Noyce : I do not propose to give a detailed reply to the different parts of this question, as the question of disciplinary measures to be taken against the officer referred to is still under the consideration of the Government of India.

COMMUNAL COMPOSITION OF THE VICEREGAL STAFF.

239. ***Sardar Sant Singh :** (*a*) Will Government be pleased to lay on the table a statement showing the names of the persons, with names of

their respective communities, who are employed in the offices of the Military Secretary to the Viceroy, the Private Secretary to the Viceroy, the Press of the Private Secretary to the Viceroy, and the Viceregal Estate ?

(*b*) Will Government be pleased to state the proportionate strength of the various communities among the personnel of each of the offices, and the proportion of the salaries drawn by members of the various communities in each of the above offices ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I lay on the table a statement giving information about the communal composition of these offices. I cannot undertake to go into questions of the communal proportion of salaries.

Statement showing the various communities employed on the 31st December, 1932, in the Viceregal Staff.

(*i*) *Office of the Private Secretary to His Excellency the Viceroy—*

		Per cent.
Hindus	8	61.5
Anglo-Indians	5	38.5

(*ii*) *Private Secretary to His Excellency the Viceroy's Press—*

		Per cent.
Hindus	19	50
Muhammadans	16	42.1
Indian-Christians	2	5.3
Sikh	1	2.

(*iii*) *Office of the Military Secretary to His Excellency the Viceroy and Sub Offices—*

		Per cent.
Hindus	8	40
Muslims	9	45
Europeans	2	10
Sikh	1	5

(*iv*) *Office of Superintendent, Viceregal Estates, Simla, New Delhi and Calcutt.*

		Per cent.
Hindus	27	77
Muslims	5	14
Sikhs	2	6
Indian-Christian	1	3

ABSENCE OF SIKHS IN CERTAIN OFFICES.

240. ***Sardar Sant Singh :** (*a*) Is it a fact that no Sikh is in service in the following offices : Director-General of Archæology, Director-General of Indian Medical Services, Imperial Records Department ?

(*b*) Since how long has there been no Sikh in the above offices ?

(*c*) Is it a fact that orders have been passed barring the recruitment of Sikhs in these offices ? If so, when, by whom and on what grounds were such orders issued ? Will Government lay a copy of those orders on the table of the House ?

(*d*) Will Government be pleased to state the number of vacancies which occurred in each of the above offices since 1929 ? How many of them were filled by Muslims, Sikhs and Hindus ?

Mr. G. S. Bajpai : (*a*) and (*b*). There has been no Sikh in the office of the Director General of Archæology since the 24th April, 1932. In the clerical establishment of the Imperial Record Department no Sikh has ever been employed. There is one Sikh clerk on the permanent establishment of the office of Director General, Indian Medical Service, but he was transferred temporarily to the Home Department, with effect from the 1st April, 1933.

(*c*) The reply to the first part is in the negative. The second and third parts do not arise.

(*d*) There were two vacancies in the office of the Director General of Archæology in India, which were filled by a Hindu and a Muslim. There were seven permanent vacancies of clerks in the office of the Director General, Indian Medical Service, which were filled by a Muslim, a Sikh and five Hindus. There was no vacancy in the Imperial Record Department.

RECRUITMENT OF SIKHS IN THE OFFICE OF THE INCOME-TAX COMMISSIONER, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

241. ***Sardar Sant Singh :** (*a*) Will Government please state the number of Sikhs in the office of the Income-tax Commissioner, Punjab and North-West Frontier Province and all its subordinate offices ?

(*b*) What is the percentage of Sikhs in these offices as compared with Hindus and Muslims ?

(*c*) Are Government prepared to order recruitment of Sikh clerks in future vacancies so as to make up the deficiency in the clerical grade ? If not, why not ?

The Honourable Sir George Schuster : (*a*) The number of Sikhs employed in the Office of the Commissioner of Income-tax, Punjab, North-West Frontier and Delhi Province and his subordinate offices is 30.

(*b*) The percentages are as follows :

(1) Hindus	48.6
(2) Muslims	36.2
(3) Sikhs	9.9

(*c*) The Government of India propose to issue no special orders to the Head of this Department. The Honourable Member must be well aware of the general orders laid down by Government regarding recruitment from various communities.

RECRUITMENT OF SIKHS IN THE INCOME-TAX DEPARTMENT, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

242. ***Sardar Sant Singh :** (*a*) What is the total number of permanent Inspectors and Assistant Income-tax Officers in the Punjab and North-West Frontier Province, Income-tax Departments ? How many of them are Hindus, Muslims and Sikhs ?

(*b*) How many temporary appointments of Inspectors and Assistant Income-tax Officers were made during the years 1930—33 ? How many of those were taken from each community ?

(*c*) Is it a fact that in the year 1932-33 all the Sikhs temporarily employed as Inspectors were brought under reduction ? If so, why ?

(*d*) Do Government propose to order the recruitment of the Sikhs in this Department in order to make up the deficiency of their representation ?

The Honourable Sir George Schuster : (*a*) The total numbers of permanent Inspectors and Assistant Income-tax Officers of various communities in the Punjab and North-West Frontier Province are as follows :

	Inspectors.
Hindus	23
Muslims	13
Sikhs	3
Others	1
	Assistant Income-tax Officers.
Hindus	3
Muslims	4
Sikhs	..
Others	2

(*b*) No temporary appointments of Assistant Income-tax Officers were made during the years 1930-31 to 1932-33. Twenty-three new appointments of Inspectors were made in the Punjab in 1931-32. Eleven of these were made by departmental promotion and consisted of :

Hindus	6
Muslims	2
Sikhs	2
Others	1

The remaining twelve were directly recruited as follows :

Hindus	3
Muslims	6
Sikhs	3

(*c*) Yes, because the services of *all* the temporary survey Inspectors—whatever their community—had to be dispensed with, as the survey operations for which they were engaged were completed and there was no further need for them.

(*d*) I invite the attention of the Honourable Member to my reply to part (*c*) of his starred question No. 241.

SHIFTING OF THE IMPERIAL LIBRARY TO NEW DELHI.

243. ***Mr. Gaya Prasad Singh :** Will Government please state if it is contemplated to change in any way the status or management of the Imperial Library in Calcutta, and to shift it to New Delhi ?

Mr. G. S. Bajpai : Proposals to convert the Imperial Library, Calcutta, into a copyright library are under consideration, but no change in the location of the Library or its status or management is contemplated.

Mr. Gaya Prasad Singh : Is there any proposal to transfer the Library from Calcutta to Delhi ?

Mr. G. S. Bajpai : No, Sir.

CANCELLATION OF THE PASSPORT OF SWAMI BHAWANI DAYAL SANYASI TO VISIT FIJI.

244. ***Mr. Gaya Prasad Singh :** (*a*) With reference to the reply of Government to my question, regarding the cancellation of the passport of Swami Bhawani Dayal Sanyasi to visit Fiji, that Swami Bhawani Dayal is a South African National and therefore the Government of India do not propose to make any enquiries, are Government aware that this gentleman possesses landed property in India and is a registered voter in the Province of Bihar and Orissa ?

(*b*) When and how has he lost his nationality or domicile in India ?

(*c*) What is the evidence in possession of Government to show that he is a South African National ?

(*d*) Have not the Government of India from time to time made representations on matters concerning South African Indians who may be Nationals in that country, and, if so, why have they refused to take action in the case of the cancellation of the passport of Swami Bhawani Dayal ?

(*e*) Is it not one of the primary duties of the Indian Agent in South Africa to protect the rights of the South African Indians, whether they may be permanent residents in the Colony or otherwise ?

(*f*) Are Government aware that sometime back, Doctor Malan, the Minister of Interior, described the Indians in South Africa as *aliens* in the Union Parliament ? If so, will Government kindly define their attitude with regard to the Indians who may be in South Africa as nationals or as temporary residents ?

Mr. G. S. Bajpai : (*a*) Swami Bhawani Dayal Sanyasi is recorded as a proprietor of certain villages in Bihar and Orissa, jointly with his brother, but is not a registered voter in that province.

(*b*) and (*c*). Swami Bhawani Dayal was born in South Africa, retains his domicile there and travels to India on a South African passport. Government are, therefore, justified in treating him as a South African national and their view appears to be supported by the definition of national given in sub-section (*a*) of section 1 of the Union Nationality and Flags Act.

(*d*) Yes. According to the information given by the Honourable Member in his previous question, the communication from the Fiji Government was addressed to the Government of the Union of South Africa. It also related to a passport granted by the Government of South Africa. The matter was, therefore, primarily one for the Governments of Fiji and of the Government of the Union of South Africa.

(*e*) Yes. So far as Government are aware, the Agent was never approached by the Swami.

(*f*) The answer to the first part of the question is in the affirmative. As regards the second part, the position of the Government of India in regard to the rights and privileges of the Indian community in South Africa has been repeatedly explained. They wish to see a progressive improvement of the status of the community and will always continue to work for this.

Mr. Gaya Prasad Singh : Did the Honourable Member receive a letter from Swami Bhawani Dayal in which he asserts that he is a registered voter in the province of Bihar and Orissa ?

Mr. G. S. Bajpai : I have received a letter from the Swami, but I cannot recollect that he mentions in that letter that he is a registered voter. Anyhow I took the precaution to make inquiries on the subject from the Government of Bihar and Orissa, who, I presume, have information as to who is a registered voter in the province, and the reply which I have just given is based on their answer.

Mr. Gaya Prasad Singh : The Honourable Member must have refreshed his memory before answering my question.

Mr. G. S. Bajpai : I do not know whether my Honourable friend suggests that in this matter I ought to take the information of the Swami, even assuming that he did say anything on the subject of his being a registered voter, as preferable to that of the Government of Bihar and Orissa.

RATE OF ELECTRIC ENERGY SUPPLIED BY MILITARY ENGINEERING SERVICES TO THE LAHORE CANTONMENT BOARD.

245. ***Mr. Jagannath Aggarwal** : (*a*) Will Government be pleased to state whether it is a fact that the rate of electric energy supplied by Military Engineering Services to Lahore Cantonment Board for the public purpose of street lighting is annas four and pies six per unit, and the rate charged by the same Government Department in the same area from private consumers, consuming much less quantity of energy, is annas 4 per unit ? If so, why is Lahore Cantonment Board (a wholesale consumer for public purposes) being charged a higher rate ?

(*b*) Is it a fact that the same Department in Lahore Cantonment debits about annas two per unit for another public purpose of water supply ?

(*c*) Are Government aware that in the neighbouring Lahore Municipality the rate of energy charged even by a private concern for public purposes of street lighting is two-thirds the rate charged from private consumers ?

(*d*) What action do Government propose to take on the representation of the Lahore Cantonment Board in getting this unreasonable rate reduced to at least the rate charged from Water Works ?

Mr. G. R. F. Tottenham : (*a*) The answer to the first part of the question is in the affirmative. Both rates are all-India rates, that for street lighting being higher as such lighting involves a less economical load than the supply for ordinary domestic purposes.

(*b*) The rate is 3.7 annas per unit.

(*c*) I am prepared to accept the Honourable Member's statement. I understand, however, that the Lahore Electric Supply Company, Limited, has no " schedule rate " for street lighting but decides every case on its merits.

(*d*) Government have not received any protest, but are prepared to examine, on its merits, any representation on the subject which the Lahore Cantonment Board may wish to make.

FREE SUPPLY OF WATER TO THE LAHORE CANTONMENT BOARD FOR WATERING ROADS.

246. ***Mr. Jagannath Aggarwal** : (*a*) Will Government be pleased to state whether it is a fact that from long time past up to 1931-32, Government gave free water to Lahore Cantonment Board for watering roads (both Imperial Fund and Cantonment Fund) at Lahore Cantonment ?

(*b*) Is it a fact that from last year only (1932-33) Government have started charging at the rate of eight annas per thousand gallons, which comes to nearly Rs. 2,800 for this water, without compensating the Board for the expenses it undergoes in watering Imperial Fund Roads ?

(*c*) Are Government prepared to consider the advisability of removing this new and heavy liability from the Local Cantonment Fund ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). Prior to 1st May, 1932, a consolidated bill was issued monthly to the Cantonment Authority for all supplies of water provided by the Military Engineer Services for both domestic and non-domestic purposes—including road watering. The bill was never paid in full as the Cantonment Authority merely handed over to the Military Engineer Services their receipts from water tax *plus* any recoveries made for excess consumption in the case of metered connections, less collection charges.

The loss thus involved to the general tax-payer had to be written off by Government.

Since 1st May, 1932, the supply and payment for water for road watering have been regulated by an agreement drawn up between the Military Engineer Services and Cantonment Authority.

(*c*) No. The watering of all streets and other public places is one of the obligatory duties of the Cantonment Authority under section 116 (*b*), Cantonment Act, whatever may be the classification of the roads for purposes of maintenance.

TRANSFER OF CERTAIN ROADS FROM THE MILITARY ENGINEERING SERVICES TO THE LAHORE CANTONMENT BOARD.

247. ***Mr. Jagannath Aggarwal** : (*a*) Will Government be pleased to state whether it is a fact that nearly six miles of roads have been transferred from Military Engineering Services to Lahore Cantonment Board since the Reformed Cantonment Boards were created ?

(*b*) Is it a fact that two at least of these roads, namely, St. John Road and Fetherston Road, are important military roads leading to Lahore Cantonment Railway Station on which British and Indian Infantry Lines, Armoured Car Lines, Medical Store Depot, Brigade Parade Grounds, Rest Camp, and Military Railway siding are situated ?

(*c*) If so, what action or actions do Government propose to take in removing the burden of maintenance of at least these two military roads from the Local Cantonment (Board) Fund ?

Mr. G. R. F. Tottenham : (*a*), (*b*) and (*c*). Yes. Although the two roads mentioned carry traffic from certain military areas to Lahore Cantonment Railway Station, they are not classed as ' Military ' roads because they are not required solely or even primarily for military purposes. They are used mainly by the public in the Cantonment. The classification of roads as ' Cantonment ' was agreed to by the Lahore Cantonment Board. No action, therefore, is called for.

ANNUAL ADMINISTRATION REPORT OF THE LAHORE CANTONMENT BOARD.

248. ***Mr. Jagannath Aggarwal** : (*a*) Has the attention of Government been drawn to the note appended to the Annual Administration Report of the Lahore Cantonment Board for the year 1932-33 by all the seven elected members ?

(*b*) If so, will Government be pleased to state whether the official majority and the power of veto under section 52 of the Cantonments Act, was used against the unanimous vote of all elected members present, in all cases mentioned therein ? Are Government aware of the repeated declaration of Government in this House that these special provisions exist only to safeguard legitimate military interests ?

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

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) Of the five cases mentioned, the official majority was used in two cases in the circumstances explained in the statements laid on the table on the 21st November, 1932, in answer to starred question No. 834, dated the 26th September, 1932, and on the 29th March, 1932, in answer to starred question No. 354, dated the 15th February, 1932. The power of veto was used in one case for the reasons explained in the statement laid on the table on the 13th September, 1932, in answer to starred question No. 353, dated the 15th February, 1932. In the fourth case Government advised the General Officer Commanding-in-Chief the Command that the resolution passed was illegal.

There is no record of any official intervention in the fifth case.

I cannot trace any declaration in the terms referred to by the Honourable Member in the last part of his question. Perhaps he will be so good as to refer me to the proceedings of the House that he has in mind.

(*c*) Does not arise.

GRANTS-IN-AID TO LOCAL BODIES IN THE CANTONMENTS.

249. ***Mr. Jagannath Aggarwal** : (*a*) Will Government be pleased to state whether any amount is provided in the Central Budget for grants-in-aid to local bodies in the Cantonments ?

(*b*) If the answer to part (*a*) be in the affirmative, what was the amount actually granted last year and to which Cantonment Authorities ? Is it given for any specific purposes ? If so, what ?

(*c*) Is any portion of this amount reserved for furtherance of educational activities of Cantonment authorities ? If so, what ? If not, why not ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). I lay on the table a statement showing the ordinary and special grants-in-aid given to Cantonments in 1932-33. The total comes to Rs. 1,29,000 divided among 21 Cantonments.

An ordinary grant-in-aid is given to enable a cantonment to maintain financial equilibrium.

A special grant is given for a scheme of public utility which a cantonment is not always able to meet wholly out of its own resources.

(*c*) No portion of any of the grants is earmarked for expenditure on primary education as such expenditure is part of the normal expenditure of a cantonment.

Statement showing the ordinary and special grants-in-aid given to Cantonments in 1932-33.

Ordinary grants-in-aid.

	Rs.
Amritsar	1,395
Campbellpur	6,200
Sabathu	1,723
Bannu	860
Risalpur	2,700
Mardan	2,634
Lebong	2,854
Jalapahar	2,596
Mingaladon	20,668

Special grants-in-aid

	Rs.
Kohat	10,000
Jutogh	750
Amritsar	9,000
Multan	20,000
Jullundur	8,609
Shillong	7,750
Lansdowne	6,183
Naini Tal	5,638
Muttra	3,000
Wellington	4,000
Kirkee	5,500
Neemuch	1,000
Hyderabad (Sind)	6,000

APPOINTMENT OF CERTAIN TICKET COLLECTORS AS SPECIAL TICKET EXAMINERS IN THE LAHORE DIVISION OF THE NORTH WESTERN RAILWAY.

250. ***Shaikh Sadiq Hasan** : (*a*) Will Government be pleased to state if it is a fact that a certain number of Ticket Collectors in the Lahore division of the North Western Railway have been appointed as Special Ticket Examiners recently ?

(*b*) Is it a fact that out of these five men have been selected because they presented themselves before the Selection Board, although they were far junior to a number of Ticket Collectors already in service in the division in the matter of length of service ?

(*c*) Is it a fact that these five persons have been given lifts in pay ranging from Rs. 12 to Rs. 21 per mensem whilst the senior Ticket Collectors, who have thus been superseded, would have got a lift of Rs. 6 per mensem only ?

(*d*) Will Government be pleased to state the financial loss the Railway would undergo through this distribution of these posts among the five junior persons ?

(*e*) Is it a fact that the majority of the Ticket Collectors selected for these posts have had no experience in the Flying Squad and under the Crew System, whilst most of those whose claims have been overlooked and ignored had experience in the Flying Squad and Crew System ?

(*f*) Is it a fact that on account of this supersession by junior men a large number of old Ticket Collectors will be for ever barred from exercising their rights as seniors ? If so, what is the number of men so affected ?

(*g*) Is it a fact that, with the exception of the five persons referred to above, all others were selected without even being present before the Selection Board ?

(*h*) Is it a fact that this selection has caused a great deal of heart-burning and discontent amongst the senior Ticket Collectors ?

(*i*) Is it a fact that the men so affected have all individually applied to the authorities concerned for deferring the selection and for a just consideration of their claims ? If so, what action has been taken on such applications so far ?

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

DAMAGE DUE TO EXCESSIVE RAINFALL TO CERTAIN ARTICLES IN THE COUNCIL HOUSE BUILDING IN NEW DELHI.

251. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that on account of rainfall in Delhi, water entered into the basement of the Council House building there, and damaged some records and papers, as well as some electric coils and other property ?

(*b*) If so, will Government be pleased to state what articles in the Council House building, or in other Government buildings in New Delhi were damaged, and what approximately is the amount of loss ?

(*c*) Is it a fact that the roofs of the Council House and other Government buildings in New Delhi were leaking during the rains ? If so, will Government be pleased to state if the leakage and the entry of the water into the basement are due to defective construction of the buildings ?

(*d*) What approximately is the expenditure incurred, or to be incurred, in removing these defects ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Owing to abnormal rainfall the storm water drains headed up, and consequently a certain amount of water entered the basement. No damage has been caused either to the building or to the furniture. The water penetrated to certain old papers connected with the Legislative Assembly Department and certain electric fittings in the basement, but beyond this no damage was done.

(*c*) Certain roofs did leak during the rains, but this was due to the abnormal rainfall. The suggestion that defective construction was the cause of leakage is not correct.

(*d*) The expenditure outside the ordinary maintenance grants will be nil.

PAUCITY OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

252. ***Seth Haji Abdoola Haroon** : (*a*) Has the attention of Government been drawn to the article which appeared in the *Pilot* of Amritsar, dated the 9th July, 1933, under the heading "Medical Department, North Western Railway", describing the paucity of Mussalmans in the Medical Department of the North Western Railway ? If so, are the contents thereof correct ?

(*b*) Will Government be pleased to state the number of officers and clerks working at present in the Medical Department of the North Western Railway, showing separately the number of Hindus, Muslims and others ?

(*c*) Is it a fact that the Chief Medical Officer, his Personal Assistant, the office Superintendent and three Head Clerks are all Hindus as alleged in the above said article ?

(*d*) Is it a fact that during the course of the last two months all the new recruitments of two Assistant Surgeons and four Sub-Assistant Surgeons have without exception gone to non-Muslims as described in the article ?

(*e*) If the reply to part (*d*) above be in the affirmative, was there a majority of Mussalmans in the Department concerned that led the authorities to recruit non-Muslims ?

(*f*) What steps do Government now propose to take so as to bring the proportion of Mussalmans sufficiently up in the said Department ?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table in due course.

TRANSFER OF CERTAIN STATE PRISONERS FROM MUZAFFARGARH JAIL TO SOME OTHER JAIL.

253. ***Shaikh Sadiq Hasan** : (*a*) Is it a fact that Fazal Ilahi Qurban and Abdul Waris, State Prisoners confined in Muzaffargarh sub-jail, have requested Government for their transfer to some other jail ?

(*b*) Is it a fact that one of their reasons for this request was that their relatives could not afford to interview them, as it required a lot of money to reach Muzaffargarh, and the other was that the climate of Muzaffargarh is not suitable for their health and one of them, Fazal Ilahi Qurban, is seriously ill ?

(c) Will Government be pleased to state how many times they have been interviewed since their transfer to Muzaffargarh ?

(d) Why were they transferred from Multan to Muzaffargarh jail ?

(e) Are Government prepared to transfer them to some other jail ?

The Honourable Sir Harry Haig : (a) No requests for transfer have been received from the State Prisoners.

(b) Does not arise ; but I may mention that both the State Prisoners are reported to have been in good health since their admission to the Muzaffargarh jail.

(c) Fazal Elahi has had three interviews since his transfer to the Muzaffargarh jail and Abdul Waris one.

(d) The transfers were necessary in the interests of jail administration.

(e) No.

DISTRICTS IN THE PUNJAB WHERE PEOPLE ARE ALLOWED TO KEEP SWORDS.

254. ***Shaikh Sadiq Hasan** : Will Government be pleased to state (a) the names of the districts in the Punjab where people are allowed to keep swords, and (b) the reasons why the people of other districts are not given the same privilege ?

The Honourable Sir Harry Haig : (a) and (b). The Honourable Member is referred to entry 3-A of Schedule II to the Indian Arms Rules, 1924, a copy of which is available in the Library of the House. Swords other than swordsticks are exempt from the operation of sections 13 and 15 of the Arms Act in the districts specified in clause (a) of the entry mentioned above. In the rest of the province the concession is, in the interests of law and order, confined to specified classes.

ILLNESS OF CERTAIN STATE PRISONERS DETAINED IN THE RAJAHMUNDRY CENTRAL JAIL.

255. ***Mr. S. C. Mitra** : Is it a fact that three Bengali State Prisoners, namely, Messrs. Surendra Mohan Ghosh, Jivan Lall Chatterjee and Benoyendra Nath Roy Chowdhury who are now detained in the Rajahmundry Central Jail, are suffering from various complicated ailments ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the replies I am about to give to his detailed questions Nos. 256 and 259.

PRESENT CONDITION OF THE HEALTH OF STATE PRISONER MR. SURENDRA MOHAN GHOSH.

256. ***Mr. S. C. Mitra** : (a) Is it a fact that Mr. Surendra Mohan Ghosh was brought to Madras last month for examination and diagnosis at the Madras General Hospital ?

(b) If the reply to (a) above be in the affirmative, will Government be pleased to state :

(i) the details of the present condition of his health, such as the complications, weight, temperature, etc. ;

(ii) the result of such examination ;

(iii) the findings of the examination as to the diagnosis ?

(c) Is it a fact that while Mr. Surendra Mohan Ghosh was detained in the Trichinopoly Central Jail, he was suffering from chronic dysentery ? Is it a fact that after an examination the Medical Officer there recommended to Government for his examination by specialists as it was suspected to be a case of intestinal tuberculosis ? If so, what steps have Government taken in that direction ?

(d) Is it a fact that Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee applied some time back to Government for their examination by a Medical Board of Specialists, like Dr. B. C. Roy of Calcutta and others ? If so, do Government propose to appoint such a Board ? If not, why not ?

The Honourable Sir Harry Haig : (a) Yes.

(b) The Medical Board are of opinion that the State Prisoner is suffering from chronic dysentery. He has had several attacks since 1926, with periods of improvement, but recently there has been some deterioration in his health, with occasional slight fever. His weight on admission to jail as a State Prisoner was 99 lbs. and is now 93 lbs. As a result of this report the question of transferring the State Prisoner to a more suitable climate is under consideration.

(c) The answer to the first part is in the affirmative. The medical officer did not recommend examination by specialists, but at the Madras General Hospital the prisoner was subjected to a thorough X-Ray and pathological examination.

(d) The answer to the first part is in the negative. The second part does not arise.

Mr. D. K. Lahiri Chaudhury : Will the Honourable Member tell the House how long it will take to investigate the matter of transfer ?

The Honourable Sir Harry Haig : I am afraid I cannot give any definite period, but a decision will be reached as soon as possible.

CONDITION OF STATE PRISONERS MESSRS. SURENDRA MOHAN GHOSH AND JIVAN LALL CHATTERJEE.

257. ***Mr. S. C. Mitra** : Is it a fact that since the transfer of Messrs. Ghosh and Chatterjee from the Trichinopoly Central Jail to the Rajahmundry Central Jail, their condition has become worse ?

The Honourable Sir Harry Haig : There is nothing to show that the condition of the prisoners has become worse since their transfer to Rajahmundry Jail.

APPLICATION FOR TRANSFER FROM THE RAJAHMUNDRY JAIL OF STATE PRISONERS MESSRS. SURENDRA MOHAN GHOSH AND JIVAN LALL CHATTERJEE.

258. ***Mr. S. C. Mitra** : Is it a fact that Messrs. Ghosh and Chatterjee applied to Government for their transfer to some other cooler place, as they could not stand the unbearable heat at Rajahmundry ? If so, do Government propose to do so ? If not, why not ?

The Honourable Sir Harry Haig : Yes. The question of transferring the State Prisoners is under consideration.

ILLNESS OF MESSRS. BENOYENDRA NATH ROY CHOWDHURY AND JIVAN LALL CHATTERJEE.

259. ***Mr. S. C. Mitra** : (*a*) Is it a fact that Mr. Benoyendra Nath Roy Chowdhury is suffering from various ailments, such as persistent constipation, indigestion and cruciating pain in the lungs and spine ? If not, will Government be pleased to give the details of his ailments ?

(*b*) Is it a fact that Mr. Roy Chowdhury applied to Government asking for permission to go to Europe for treatment as he did not improve his health at all in jail ? If so, do Government propose to send him to Europe ?

(*c*) If the reply to the last portion of (*b*) above be in the negative, will Government be pleased to state the reasons for it ? If not, why not ?

(*d*) Is it a fact that Mr. Chatterjee is suffering from phthisis accompanied by rise in temperature every evening ?

(*e*) If the reply to (*d*) above be in the negative, will Government be pleased to give the House the details of Mr. Chatterjee's ailments ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) The State Prisoner has kept rather indifferent health. He was recently examined by a Medical Board who reported that he had no organic trouble but was suffering from neurasthenia.

(*b*) The answer to the first part is in the affirmative. The question of the action to be taken is under consideration.

(*c*) Does not arise.

(*d*) and (*e*). The State Prisoner Jivan Lall Chatterjee was recently given a careful medical examination by the Superintendent of the General Hospital, Madras, in view of the fact that he was having a slight evening temperature but the medical report shows that he is not suffering from any active disease.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

260. ***Sardar Sant Singh** : (*a*) With reference to the answer given to starred question No. 170, dated the 12th September 1932, will Government be pleased to state if it is not a fact that the Ziladar of the Army Remount Department still insists upon payment of Rs. 2 per six months per mare for *Nalband* ? If it is a fact, do Government propose to issue necessary instructions to stop this practice in future ?

(*b*) Are Government aware that the Ziladar of Mangwana in Shahpur District issued regular orders for the payment of these dues ? If not, will they be pleased to make an enquiry into this matter ?

Mr. G. R. F. Tottenham : (*a*) The answer to the first part of the question is in the negative ; the second therefore does not arise.

(*b*) I am informed that the Ziladar did issue such an order about two years ago to a man who had not paid his dues to the *Nalband* for 2½ years. Instructions were issued at that time to the effect that Ziladars were in no circumstances to concern themselves with the rates payable, or with the collection of *Nalbands'* fees.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

261. ***Sardar Sant Singh** : With reference to starred question No. 210 answered on the 11th September, 1931, will Government be pleased to state if the practice of realizing subscriptions for the Horse-Breeding Society at Sargodha by the Ziladar of the Army Remount Department has been stopped or still continues ?

Mr. G. R. F. Tottenham : Subscriptions to the Society are not realised by Ziladars, but by the members of the Society.

CONFERENCE OF HORSE-BREEDERS OF THE JHELUM CANAL COLONIES.

262. ***Sardar Sant Singh** : (*a*) Is it a fact that a conference of the Ghoripals was held in Chak No. 27 S. B., Shahpur District, on the 24th and 25th of June, 1933 ? Is it also a fact that that Conference was not declared unlawful by any Government ?

(*b*) Is it a fact that the District Remount Officer, Sargodha, on the 10th May, 1933, ordered S. Jemadar Asa Singh of Chak No. 27 S B. to refrain from attending this conference, threatening him with the confiscation of his military pension if he acted otherwise ? Is it also a fact that this threat was administered to him in the presence of other military pensioners ? If so, do Government propose to take any action against the said officer for doing so ? If not, have Government issued any instructions to the District Remount Officer to that effect ?

(*c*) Is it a fact that a similar conference of horse-breeders was held in Chak No. 28 S. B., Shahpur District, in April last ? Is it also a fact that a threat of confiscation of the grant was held out to one Singha Mal, a horse-breeder, who was elected as President of the Reception Committee of that Conference ? If so, under what authority did the District Remount Officer administer such a threat ?

Mr. G. R. F. Tottenham : (*a*) I understand that a meeting was held on these dates, but I do not think that it could be described as a conference of horse-breeders as only about 40 attended out of several thousands in the Shahpur area. The meeting was not declared unlawful.

(*b*) The answer is in the negative. On the date mentioned the District Remount Officer was not aware that any meeting or conference was going to be held on the 24th and the 25th June, 1933. It is a fact, however, that he warned Jemadar Asa Singh in the presence of other Indian officers, to abstain from agitation against horse-breeding. Government do not propose to take any action against the District Remount Officer or to issue any instructions to him in this connection.

(*c*) A similar meeting to that referred to in part (*a*) was held in April last. The answer to the second part of the question is in the negative and the third does not arise.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Is it not a fact that the majority of speeches and resolutions regarding horse-breeding were from non-horse-breeders at the last meeting ?

Mr. G. R. F. Tottenham : I believe that is a fact.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Is it not a fact that some of the resolutions were opposed by horse-breeders ?

Mr. G. R. F. Tottenham : Yes, there was some opposition from the horse-breeders.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Will the Honourable Member tell me who was the Chairman of this Conference ?

Mr. G. R. F. Tottenham : I believe, Sardar Sant Singh.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Will the Honourable Member tell me whether some representations were made to the local authorities before these Conferences were re-started during the course of this year as regards the grievances of the horse-breeders ?

Mr. G. R. F. Tottenham : The Director of Remounts informs me that no representations were made to him or to the local authorities on these questions.

Sardar Sant Singh : May I ask under what rule of law was Asa Singh reprimanded by the District Remount Officer and asked not to take part in the meetings ?

Mr. G. R. F. Tottenham : I do not think there is any rule of law at all. It was merely his advice to this gentleman.

Sardar Sant Singh : When the meeting was not declared unlawful, may I ask how the District Remount Officer could reprimand Asa Singh ?

Mr. G. R. F. Tottenham : I do not think any law is necessary to enable an officer to reprimand a person who is under his control.

Sardar Sant Singh : Is it not a fact that every person is entitled, as of right, to take part in a lawful meeting ?

Mr. G. R. F. Tottenham : Yes, Sir, but, as far as I know, the Remount Officer never prohibited anybody from taking part in the meeting.

Sardar Sant Singh : What was then the occasion for reprimanding him in the presence of other horse-breeders ?

Mr. G. R. F. Tottenham : As I said, he warned him to abstain from agitation against horse-breeding. He did not warn him not to take part in the Conference.

Sardar Sant Singh : What is the meaning of the Honourable Member's statement that he was asked to abstain from taking part in the agitation when the meeting was lawful ?

Mr. G. R. F. Tottenham : I think my meaning is perfectly clear and I cannot explain it any further.

Sardar Sant Singh : Is not every horse-breeder entitled to act as he likes so long as he does not infringe the rules or laws of the land ?

Mr. G. R. F. Tottenham : Certainly, Sir.

Sardar Sant Singh : Then what authority had the District Remount Officer to ask him to abstain from such meeting ? Will the Honourable Member ask the Remount Officer not to go out of his way in future ?

Mr. G. R. F. Tottenham : He did not ask him to abstain from the meeting or from attending the meeting. He asked him to abstain from agitation against horse-breeding. As the Honourable Member is aware, these horse-breeders hold their land from Government under certain terms and conditions which are imposed for the purpose of encouraging horse-breeding. It, therefore, seems to me to be wrong and improper for any gentleman who holds such land to agitate against horse-breeding as a whole, and the District Remount Officer seems to me to have been perfectly entitled to warn this particular gentleman not to indulge in agitation against horse-breeding.

Sardar Sant Singh : Is there any condition in the grant of these lands that they will not give utterance to legitimate grievances even against the Remount Officers ?

Mr. G. R. F. Tottenham : No, Sir.

Sardar Sant Singh : Then why should the Remount Officer go out of his way to reprimand anybody when he is within his rights ?

Mr. G. R. F. Tottenham : He did it in the interests of the gentleman concerned and also in the general interests of horse-breeding.

Sardar Sant Singh : What can be the occasion for reprimanding the gentleman if he gives utterance to legitimate grievances ?

Mr. G. R. F. Tottenham : I think I have explained that already and I cannot add anything more to what I have said on the subject.

Sardar Sant Singh : May I know who led this opposition against this Conference that was held there ?

Mr. G. R. F. Tottenham : I can supply the Honourable Member later with their names. I have not got the records of the meeting here with me and I forget who they were.

Sardar Sant Singh : Then how did the Honourable Member agree with the supplementary question of Khan Bahadur Allah Baksh Khan that there was opposition ? How does he know that there was opposition ?

Mr. G. R. F. Tottenham : Because I have seen the records of the Conference.

Sardar Sant Singh : Is it a fact that a Sub-Inspector of Police was posted there and that he advised people, who were coming to this Conference, to go and see a dancing match of prostitutes arranged in the next village rather than attend this Conference ?

Mr. G. R. F. Tottenham : I am not aware of that, Sir

Khan Bahadur Malik Allah Baksh Khan Tiwana : Has the police department anything to do with the administration of the Remount Department ?

Mr. G. R. F. Tottenham : Nothing whatever, Sir.

CONFERENCE OF HORSE-BREEDERS OF THE JHELUM CANAL COLONIES.

263. ***Sardar Sant Singh** : (*a*) Is it a fact that the District Remount Officer, Sargodha, issued orders to those horse-breeders who had taken part in the Conference to bring their mares for inspection to the stables every week ? If so, on what authority did the District Remount Officer issue such orders ?

(*b*) Do Government know that the mares in foal suffer a good deal from heat during the months of May and June when brought from their places of residence to the stables for such inspections ?

(*c*) Are Government aware that the stables in some cases are situated at a distance of 13 or 14 miles from the villages where the mares are bred and that the mares have to travel all that distance in the sun in the months of June and July, causing great inconvenience to the mares and their owners ? Will Government be pleased to state the object of these inspections ?

Mr. G. R. F. Tottenham : (*a*) Under paragraph 21 (5) page 124 of the Punjab Colony Manual, Volume II, breeders are always liable to be ordered to bring their mares to the stables for technical reasons connected with horse-breeding. Such orders were certainly not given to any horse-breeder merely because he attended the conference.

(*b*) The utmost consideration is given to the welfare of mares and young stock by officers of the Remount Department, and no orders are issued which are likely to result in harm to either.

(*c*) The majority of the villages are situated within three miles of the stables. The object of these inspections is to see that the stock is kept in proper condition and to give veterinary treatment and advice for mares and young stock.

CONFERENCE OF HORSE-BREEDERS OF THE JHELUM CANAL COLONIES.

264. ***Sardar Sant Singh** : Is it a fact that the employees of the Remount Department attended the Conference and made lists of the grantees who had taken part in organizing the conference as well as in attending it ? Is it proposed to take action against any of those persons ?

Mr. G. R. F. Tottenham : Certain employees of the Remount Department attended the meeting which dealt, *inter alia*, with horse-breeding matters. It was therefore an obvious concern of the Department to know the subjects discussed and the persons interested.

It is not intended to take any action against breeders on the ground that they attended the meeting.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

265. ***Sardar Sant Singh** : Are Government aware of the manifold grievances of the Ghoripals, and do they propose to instruct the Directors, Army Remount Department, to visit the Sargodha Colony and hear the grievances of the grantees ?

Mr. G. R. F. Tottenham : Government have no reason to believe that there are any grievances except among the comparatively small number of horse-breeders who do not make honest endeavours to comply with the conditions on which they have been granted land. They do not therefore propose to take the special action suggested.

Sardar Sant Singh : Am I to understand that the Army Remount Department has any rules other than the conditions of the grant by which horse-breeders were permitted to take land ?

Mr. G. R. F. Tottenham : I have no reason to believe so.

Sardar Sant Singh : Has not my Honourable friend received many complaints that, according to the conditions laid down in the grant, no resumptions of land can take place before there is a number of warnings for the non-performance of duty in regard to the horses ?

Mr. G. R. F. Tottenham : I have not got all the conditions at my finger's end. If the Honourable Member wishes to have information on that point, I shall be glad if he will put down a separate question.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Is it not a fact that large numbers of people are still desirous of accepting land on horse-breeding conditions ?

Mr. G. R. F. Tottenham : Yes, Sir, I believe that is a fact.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Is it not a fact that many breeders make considerable profits from the sale of stock and prizes ?

Mr. G. R. F. Tottenham : I think that is also true.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Will Government consider whether some instructions could be given to unsuccessful breeders in order to make more profits from horse-breeding ?

Mr. G. R. F. Tottenham : I believe the Department is already taking steps in that direction, but the suggestion of the Honourable Member will be borne in mind.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Is it not a fact that the Director, Army Remount Department, tours the Sargodha colony every year and goes to Sargodha more than once in a year ?

Mr. G. R. F. Tottenham : I believe the Director of Remounts tours all the colonies at least once or twice a year.

Khan Bahadur Malik Allah Baksh Khan Tiwana : Was any representation made to him during the course of this year as regards the horse-breeders' grievances ?

Mr. G. R. F. Tottenham : I have no information on that point, but I think if such representations had been made, he would have told me.

Mr. Lalchand Navalrai : May I know from the Honourable Member, who puts the supplementary questions, whether he knew the answers before he put these questions ?

Khan Bahadur Malik Allah Baksh Khan Tiwana : I am a horse-breeder myself and I know more about horse-breeding in my district than any other Honourable Member in this House.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

266. ***Sardar Sant Singh** : Is it not a fact that the quality of the mares bred in the Jhelum Colony has improved a good deal ? Is it a fact that punishments are being administered in a larger number than were done in the past in that Colony ? If so, why ?

Mr. G. R. F. Tottenham : The answer to the first question is in the affirmative. For this great credit is due to the majority of horse-breeders. A small minority make little effort to fulfil the conditions under which

they hold their land and are dealt with under the rules in force. So far as Government are aware, there has been no increase in the number of punishments.

Sardar Sant Singh : May I know from the Honourable gentleman if there are any rules, apart from the conditions of the grant, which govern the punishment ?

Mr. G. R. F. Tottenham : I think the punishments, such as they are, are all regulated by the conditions of the grant : but I am not quite sure on that point.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

267. ***Sardar Sant Singh** : Will Government be pleased to state the condition under which a mare is required to be tested by the Remount Department ?

Mr. G. R. F. Tottenham : On the 14th day after being covered and on every 7th subsequent day until the 42nd day. These instructions are printed on the ticket issued to the owner of every brood mare.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

268. ***Sardar Sant Singh** : (*a*) Is it a fact that the young stock of the Sargodha Circle is purchased by the Government for the requirements of the British Cavalry ?

(*b*) Do Government propose to order the purchase of similar stock for the Indian Cavalry also ? If not, why not ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). Young stock horses are purchased in all areas for the requirements of both British and Indian Cavalry as well as for the other branches of the service, and are classified at maturity according to their suitability.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

269. ***Sardar Sant Singh** : Will Government be pleased to state if any grazing ground is set apart in the villages for the young stock when they are let loose in accordance with the instructions issued by the Army Remount Department ?

Mr. G. R. F. Tottenham : There is spare land in every *chak* specially set apart for grazing.

EXAMINATION FOR RECRUITMENT OF NEW HANDS IN THE WIRELESS TELEGRAPH DEPARTMENT.

270. ***Sardar Sant Singh** : (*a*) Was any competitive examination held in the year 1932-33 to recruit new hands in the Wireless Telegraph Department of the Government of India ? If so, how many posts were to be filled ?

(*b*) Is it a fact that originally two persons were recruited by competition and no post was reserved for nomination ?

(*c*) If the reply to (*b*) be in the affirmative, who are the persons who topped the list in the competitive examination ?

(*d*) Is it a fact that a member of the Government of India backed a Muslim candidate who had not come in the competition for appointment to one of these posts ?

(*e*) Is it a fact that the Public Service Commission was referred to to accept that Muslim candidate ? Is it also a fact that the Public Service Commission declined to accept that candidate ?

(*f*) Is it a fact that the Director General of Posts and Telegraphs created a new post in order to take that particular Muslim boy ?

(*g*) Are Government aware of the fact that the Principal of the Mogulpura Engineering College reported against the conduct of that boy as undesirable for Government service ?

(*h*) Is it a fact that this report of the Principal was endorsed by the Government of the Punjab ?

(*i*) Is it a fact that Sikh candidates who stood higher in the examination in 1932 or previous years have not been given any job ?

The Honourable Sir Frank Noyce : (*a*) The Honourable Member apparently refers to the competitive examination held by the Public Service Commission in December, 1932, for recruitment for two posts in the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department, in accordance with rules published in a Resolution of the Government of India, Department of Industries and Labour which was published in Part I of the Gazette of India, dated the 16th July, 1932.

(*b*) No. The recruitment of two qualified candidates was made by Government on the advice of the Public Service Commission and with reference to the provisions of the rules referred to in (*a*).

(*c*) Does not arise.

(*d*) There is not the smallest foundation for the Honourable Member's suggestion.

(*e*) and (*f*). The facts are not as stated by the Honourable Member. Subsequent to the appointment of the two candidates referred to in (*b*) the question was further examined whether the wording of the regulations might not have given a Muslim candidate, who had obtained qualifying marks in the examination, a reasonable expectation of selection for one of the posts to be filled, and the whole position in regard to the cadre and strength of the Superior Telegraph Engineering Branch was examined by the Director General in consultation with Government. It was found that if three candidates in all instead of two were recruited this would not lead to an excess over the sanctioned strength of the cadre. The qualified Muslim candidate was accordingly recruited after consultation with the Public Service Commission.

(*g*) and (*h*). The attention of Government was drawn to an incident in connection with the participation by this candidate, together with others, in the strike of the students of that College in 1931. This incident was brought to the notice of the Public Service Commission, and after a satisfactory reply had been received to certain connected

enquiries, it was not considered that the incident should prevent the appointment of the candidate to the service.

(*i*) In this connexion Government were concerned only with the results of the 1932 examination in which no Sikh obtained qualifying marks.

Mr. Lalchand Navalrai : May I know from the Honourable Member if this competitive examination in Wireless Engineering is always held by the Public Service Commission, and whether it is held annually ?

The Honourable Sir Frank Noyce : The examination, which, as my reply indicated, is for appointments in the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department, is always held by the Public Service Commission, but I think it is only held when the need arises.

Mr. Lalchand Navalrai : Is there any likelihood of its being held this year ?

The Honourable Sir Frank Noyce : I should like to have notice of that question. I cannot say offhand.

RETURNS OF THE CO-OPERATIVE SOCIETIES IN INDIA.

271. ***Sardar Sant Singh :** (*a*) Is it a fact that the returns of the Co-Operative Societies in all Provinces of India are called for by the Government of India by October every year ? If so, are Government aware that these returns are prepared by the employees of the Co-Operative Department in the months of July and August ?

(*b*) Are Government aware that these are the worst months as regards weather in the Punjab and the employees have to suffer great inconvenience when preparing these returns on account of the heat and close atmosphere ?

(*c*) Do Government propose to make any enquiry into the matter with a view to change the date from 30th September to 31st December ?

Mr. G. S. Bajpai : (*a*) The returns are required to be submitted to the Government of India by the 4th October. Government have no information when they are actually prepared.

(*b*) No such complaint has been received.

(*c*) Government will consider the Honourable Member's suggestion.

PROMOTION OF GUARDS TO THE ASSISTANT STATION MASTERS' CADRE IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

272. ***Sardar Sant Singh :** (*a*) Will Government be pleased to state the number of Guards who were promoted to the cadre of Assistant Station Master in the Delhi Division of the North Western Railway from January, 1933 to 31st March, 1933 ?

(*b*) Were the promotions made in order of seniority ? If not, why not ?

(*c*) Is it a fact that according to the orders of the Agent, North Western Railway, seniority is to be strictly observed in making promotions ? If so, why were those orders not followed in this particular case ?

(*d*) Did the record of services of the men who were not considered fit for being promoted to the Assistant Station Master's grade contain any adverse reports ?

(*e*) Had these men passed the prescribed examination before the orders of promotion were issued ?

(*f*) Have any representations been made by the aggrieved Guards to the Divisional Superintendent, Delhi ? If so, with what result ?

Mr. P. R. Rau : Government have no information. The matters referred to are all within the competence of the Agent, North Western Railway, to decide and I have sent a copy of the question to him for such action as he may deem necessary.

MR. SMITH'S REPORT ON THE STATE RAILWAYS SCHOOLS.

273. ***Pandit Satyendra Nath Sen :** (*a*) With reference to the reply to starred question No. 326 of the 9th February, 1933, will Government be pleased to state if the examination of Mr. Smith's Report, so far as the State Railways schools are concerned, has been finished ? If so, what decisions have Government arrived at in the matters dealt with in Chapters XIV and XVII of the Report ?

(*b*) When will the tentative decisions of Government be placed before the Central Advisory Committee for Railways as promised ?

(*c*) In view of the importance of the matter to a vast number of employees, will Government be pleased to place their preliminary decisions, if any have been arrived at, before this House ?

Mr. P. R. Rau : No. The matter is still under consideration and I regret I am unable to say when the Government will be in a position to arrive at tentative decisions to place before the Central Advisory Council.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

274. ***Pandit Satyendra Nath Sen :** (*a*) Will Government be pleased to state if the schools maintained by the East Indian Railway for the education of the children of Railway employees are Railway schools and if the teachers employed therein are Railway employees ?

(*b*) Is it a fact that Sir (then Mr.) Allan Parsons, the then Financial Commissioner, Railways, said in answer to question No. 110, dated the 1st February, 1928, by Pandit H. N. Kunzru ?

" The Oakgrove school is under the East Indian Railway Administration and *its teachers and those of the Indian schools* maintained by the East Indian Railway Administration *are Government servants.*"

(*c*) Are Government aware that on the 25th February, 1928, Sir George Rainy, the then Commerce Member of the Government of India, in the course of the debate on the Railway budget, referring to the schools maintained by the Great Indian Peninsula and East Indian Railways, said ?

" *Now the schools* of two of the biggest Company railways *have come under the direct control of the State.*"

(*d*) Is it a fact that on the 21st February, 1929, Sir George Rainy, the then Commerce Member, Government of India, in the course of the debate on the Railway budget, said ?

"So long as *the schools are under our control* it is reasonable that the teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Local Government."

Was not the pay of the teachers in the East Indian Railway schools accordingly assimilated to that of the teachers in schools under Provincial Governments ?

(*e*) Is it a fact that in reply to a reference by the Agent, East Indian Railway, the Railway Board in a letter, dated the 26th June, 1928, stated ?

"In the opinion of the Railway Board *teachers employed in the schools maintained by the Railway administration for the education of the Railway children are Railway employees*, even though the teachers may actually be engaged by the local committees of the several schools."

(*f*) Is it a fact that on the 12th September, 1929, in reply to question No. 445, by Pandit H. N. Kunzru, Sir George Rainy, the then Commerce Member, said ?

"The schools are the property of the East Indian Railway, the East Indian Railway belongs to the Government and I do not think there can be any doubt that they are Government schools in that sense."

(*g*) Is it a fact that in the East Indian Railway Provident Fund Rule 3 (7) the Oakgrove school is referred to as "Government Oakgrove School" and that in reply to question No. 795 of the 20th March, 1933, Mr. P. R. Rau, Financial Commissioner, Railways, said ?

"It is not intended to draw any distinction between the Oakgrove School and the other East Indian Railway schools. The *latter are Government schools to the same extent as the former.*"

(*h*) Is it a fact that under a recent circular issued by the Divisional Superintendents of the East Indian Railway, the schools maintained by that Railway have been ordered to style themselves as East Indian Railway schools and not as East Indian Railway Aided schools ?

(*i*) Is it a fact that the names of the teachers employed in the East Indian Railway schools are shewn in the East Indian Railway Classified List of Sobordinate staff of corresponding grades, and that the name of the Principal, Oakgrove School, is shewn in the classified list of Superior Revenue Establishment of State Railways ?

(*j*) Is it a fact that the Agent, East Indian Railway, has recently ruled that teachers employed in the East Indian Railway Schools are not Railway servants in the same sense as the other employees of the Railway are ?

(*k*) If so, how do Government reconcile this view of the Agent with the previous declarations and answers given in this House and in the Railway Board's letter of the 26th June, 1928, referred to above and with the facts stated in parts (*g*) and (*h*) above ?

(*l*) Will Government be pleased to state what this ruling means ?

Mr. P. R Rau : (*a*) It seems to me, Sir, that this question is answered by my Honourable friend himself in the questions contained in other parts of this question, but as stated by me during the last Session the matter is being considered in connection with certain suggestions made in Mr. Smith's report.

(*b*), (*c*), (*d*), (*e*), (*f*) and (*g*). I have verified my Honourable friend's quotations and find them substantially correct, except that I see no italics in the original.

(*h*) Government have no information.

(*i*) Yes.

(*j*), (*k*) and (*l*). Government have not seen the ruling referred to, but are obtaining information from the Agent, East Indian Railway, on the matter.

NON-TREATMENT OF HEAD MASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS AS GAZETTED OFFICERS.

275. ***Pandit Satyendra Nath Sen :** (*a*) Are Government aware that the Head Masters in all the provincial Government High Schools in the same scale of pay as the Head Masters in the East Indian Railway High Schools are treated as gazetted officers ?

(*b*) Is it a fact that the Head Masters in the Government High Schools in the centrally administered areas are also treated as gazetted officers ?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will Government be pleased to state why the Head Masters of the East Indian Railway Indian High Schools in the same scale of pay are treated as only subordinates ?

(*d*) Is it a fact that in their letter No. 1849-E.G. of the 17th March, 1933, the Railway Board wrote to the Agent, East Indian Railway, that the Board considered that the Head Masters of the five East Indian Railway Indian High Schools should be treated as gazetted officers, if similar officers under the Provincial Governments are so treated, and under the same conditions of limits of salary, etc., as the latter are subject to ?

(*e*) Has the said letter been given effect to ? If not, why not ?

(*f*) Was the Agent, East Indian Railway, requested to submit his views on the subject ? If so, have his views been received ? Will Government be pleased to lay a copy of the Agent's reply on the table ?

(*g*) Is it a fact that the said letter of the Railway Board was superseded after a week ? If so, will Government be pleased to state the reasons which induced them to change their views so suddenly ?

Mr. P. R. Rau : (*a*) Government are informed that the Head Masters of Government High Schools in the provinces through which the East Indian Railway passes are Gazetted Officers belonging to the Provincial Educational Services.

(*b*) Some, but not all.

(*c*) Government do not think it necessary to follow the classification of officers followed by the Provincial Governments in this matter, but the question is being considered on its merits.

(*d*) Yes.

(*e*) The latest orders of Government are to the effect that the Head Masters of the East Indian Railway Indian High Schools should be treated for purposes of travelling allowances as first class officers if the Head Masters of Provincial Government High Schools, with whose pay their pay is assimilated, are so treated, and under the same conditions and limitations as apply to the latter.

(*f*) The views of the Agent, East Indian Railway, have been received and are under consideration at present. Government regret their inability to place a copy of the Agent's reply on the table as it is a purely departmental document not meant for publication.

(*g*) The letter of the 17th March was superseded because it did not convey accurately the intentions of the Railway Board.

NON-TREATMENT OF HEAD MASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS AS GAZETTED OFFICERS.

276. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that the Principal, the Headmaster, the first assistant teacher, and the Headmistresses of the Junior and the Girls' sections of the Oakgrove School rank as officers, while the Headmasters of the Indian High schools rank only as subordinates ? If so, why do Government allow this discrimination ?

(*b*) Will Government be pleased to state the reasons for not giving these five Headmasters of the East Indian Railway Indian High Schools the status of officers as is done in the Provincial Government High Schools ?

Mr. P. R. Rau : (*a*) and (*b*). Government are informed that the posts specified were declared by the Home Board of the late East Indian Railway Company to be equivalent to the officers grade or the supervisory grade. The Head Masters of the Indian High Schools have till now been treated as subordinates, but the question of their classification for the future is under consideration at present.

ISSUE OF PASSES TO THE TEACHERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

277. *Pandit Satyendra Nath Sen : (*a*) With reference to Mr. Rau, Financial Commissioner, Railways' answer to question 793 (*c*) and (*d*) of 20th March, 1933, on the floor of this House, is it a fact that in the matter of travelling allowance the Headmasters of the East Indian Railway Indian High Schools have been subjected to the same conditions and restrictions as the Headmasters of the Provincial Government High Schools, with whose pay their pay has been assimilated ?

(*b*) Is it not a fact that under the said orders the Headmasters of the East Indian Railway High Schools have only been placed under the same disabilities and restrictions as regards travelling as Headmasters in the Provincial Government High Schools and have not been given the corresponding privilege of a gazetted officer's status which is enjoyed by the latter ?

(*c*) Is it a fact that the Headmasters in the Provincial Government schools are treated as gazetted officers even though, on account of drawing Rs. 750 or less per mensem, they may be entitled only to second class travelling allowance under Fundamental Rules ?

(*d*) With reference to Railway Board's decision referred to in Mr. Rau's answer to question No. 793 of 20th March, 1933, is it intended that the Headmasters of the East Indian Railway Indian High Schools should continue to be styled as subordinates until they draw over Rs. 750 per mensem ? Are Government aware that Headmasters in the Provincial Government High Schools are treated as officers even when they begin on Rs. 250 ?

(*e*) Is it a fact that on Railways there are employees, *viz.*, the local scale officers, who though drawing only lower allowances than the first class officers are treated as officers ?

(*f*) Are Government prepared to consider the desirability of removing all anomalies, both in comparison with the teachers in the Oakgrove School and with the Headmasters in the Provincial Government schools, by giving effect to their views contained in their letter No. 1849-E.G. of the 17th March, 1933, addressed to the Agent, East Indian Railway, and treating the Headmasters in the East Indian Railway High Schools as gazetted officers, and under the same conditions of limits of salary, etc., applicable to the teachers of the Oakgrove School, and the Headmasters in the Provincial Government Schools ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Yes.

(*c*) Government are informed that this is so.

(*d*) As I have already stated, this question is under consideration.

(*e*) There are certain officers in the railways who belong to what is called the Lower Gazetted Service, which is distinct from the superior services.

(*f*) The question is under consideration.

DISTINCTION BETWEEN THE OAKGROVE EUROPEAN SCHOOL AND OTHER EAST INDIAN RAILWAY SCHOOLS.

278. *Pandit Satyendra Nath Sen : (*a*) With reference to Mr. Rau's answer to question No. 795 of the 20th March, 1933, that it is not intended to draw any distinction between the Oakgrove European school and the other East Indian Railway schools and that the latter are Government schools to the same extent as the former, will Government be pleased to state :

(*i*) if the Oakgrove school is allowed to use service postage stamps ;

(*ii*) if the same privilege is extended also to the Indian schools ; if not, what is the reason for this differentiation ?

(*b*) Are Government prepared to issue instructions that this discrimination should be removed and that other East Indian Railway schools may be allowed to use service stamps, if they so desire ?

Mr. P. R. Rau : I have called for certain information and will place a reply on the table in due course.

NUMBER AND PERCENTAGE OF INDIANS IN NEW ZEALAND.

279. *Mr. M. Maswood Ahmad : Are Government aware of the number and percentage of the Indian settlers in New Zealand ?

Mr. G. S. Bajpai : So far as Government are aware the total number of Indians in New Zealand was 1,144 on the 31st March, 1932, or ·075 per cent. of the total population.

DENIAL OF EQUITY AND FAIRPLAY TO INDIANS IN NEW ZEALAND.

280. *Mr. M. Maswood Ahmad : (*a*) Are Government aware that equity and fair play are denied to Indians in New Zealand ?

(*b*) Are Government aware that Indians are harassed in New Zealand ?

(*c*) Is it a fact that obstacles are placed in the way of Indians entering New Zealand ?

(*d*) Is it a fact that Indians are not allowed admission to Cinemas and Picture-houses in New Zealand ?

(*e*) Is it a fact that in matters of passport Indians are not treated like other British subjects ?

(*f*) Are Government aware that boycott of Indians is preached in public meetings in New Zealand ?

(*g*) Is it a fact that a white New Zealander wrote in the *Aukland Star* of 24th April, 1926 " Indian is more of a menace than Chinaman. The statement that Indians are Britishers and cannot be excluded is all rubbish. A kitten born in a dog kennel is not a dog " ?

(*h*) Will Government be pleased to state what steps have been taken by them to reduce the hardships of Indian settlers in New Zealand ?

Mr. G. S. Bajpai: (*a*) to (*h*). I would invite the Honourable Member's attention to the relevant portions of the answers given by me to Shaikh Sadiq Hasan's question No. 888 asked on the 7th November, 1932, and to the supplementaries arising out of that question. The Government of India made an inquiry on the subject of the present position of Indians in the Dominion of New Zealand and have been informed that, since the visit of Mr. Sastri in 1922, Indians in the Dominion have been in no way affected detrimentally. Activities of the White New Zealand League, which is probably in the Honourable Member's mind, and of individuals, who share the views of that body, need not be regarded as in any way influential or representative of the general attitude of the people of New Zealand towards Indians resident in New Zealand.

Mr. Lalchand Navalrai : Is it a fact that they are considered untouchables there ?

Mr. G. S. Bajpai : No ; as far as I am aware, the doctrine of untouchability has not permeated New Zealand.

Mr. Lalchand Navalrai : May I also take it that they are not considered inferior there ?

Mr. Gaya Prasad Singh : You are considered inferior in your own country !

Mr. Lalchand Navalrai : Certainly not.

Mr. G. S. Bajpai : So far as I am aware, they are not considered inferior.

Mr. N. M. Joshi : May I ask whether these conditions show that there is any discrimination against Indians ?

Mr. G. S. Bajpai : If my Honourable friend will recall to mind what I said in November 1932, he will probably realise that there is one small point in regard to which there is discrimination, and that is, that Indians in New Zealand are not eligible for old age pensions : otherwise there is no discrimination.

Mr. N. M. Joshi : May I ask whether Government are aware that under the White Paper the Government of India cannot pass any discriminatory legislation against any British subject even domiciled in the dominions and colonies ?

Mr. G. S. Bajpai : I confess that I am not in a position to dispute with my Honourable friend, who has been on three Round Table Conferences and recently on the Joint Select Committee, the interpretation of the White Paper : I am really not in a position to deny or confirm what he says.

Mr. N. M. Joshi : May I ask whether the Government of India will take the trouble of informing themselves about this question ?

Mr. G. S. Bajpai : I would suggest that in as much as the Joint Select Committee of Parliament is now seized of this question, my Honourable friend, if he is dissatisfied on the point, will raise it there himself.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he considers that the White Paper has many interpretations ?

Mr. G. S. Bajpai : I do not think that that actually arises out of the question which I am answering.

Mr. N. M. Joshi : Is it not the business of the Government of India to protect the rights of Indians in this matter ?

Mr. G. S. Bajpai : So far as Indians settled in other parts of the British Empire are concerned, the Department which I have the honour to represent does look upon it as its responsibility to protect their interests there, and I should be very happy if my Honourable friend would suggest ways and means of removing the particular disability to which I have drawn his attention.

Mr. N. M. Joshi : Have not the Government of India considered that the right of retaliation against discriminatory treatment given to Indians is also one of the methods by which Indian rights could be protected ?

Mr. G. S. Bajpai : My Honourable friend will remember that in regard to the question of the entry of people settled in other parts of the Empire into India, there already exists on the Statute-book of this country a law which permits the Governor General in Council to make rules against their entry.

Mr. N. M. Joshi : May I ask if the Government of India are not aware that the points raised in this question are not questions as regards entry, but as regards the treatment given to Indians in the country itself after their entry ?

Mr. G. S. Bajpai : And I have answered to the best of my ability my Honourable friend's question. I have said that the problem is now before the Joint Select Committee of Parliament and my Honourable friend is perfectly at liberty to suggest there that the White Paper should be so amended as to enable the Government of India of the future to retaliate.

Mr. Gaya Prasad Singh : Is there any officer stationed in New Zealand on behalf of the Government of India to look to the interests of the Indians settled there ?

Mr. G. S. Bajpai : No : no officer is stationed there.

Mr. M. Maswood Ahmad : Will Government be pleased to say what was their reply in connection with part (*g*) of my question ? I think that question was not asked by Shaikh Sadiq Hasan.

Mr. G. S. Bajpai : I referred my Honourable friend generally to the answer given by me in November last to the question asked by Shaikh Sadiq Hassan. My Honourable friend in part (*g*) of his question asked :

"Is it a fact that a white New Zealander wrote in the *Auckland Star* of 24th April, 1926, 'Indian is more of a menace than Chinaman. The statement that Indians are Britishers and cannot be excluded is all rubbish. A kitten born in a dog kennel is not a dog'."

I confess that my equipment for pursuing this point into the files of New Zealand Papers is not quite adequate.

Mr. Gaya Prasad Singh : May I know how the Government of India keep themselves informed of the conditions of Indians in New Zealand if they have no representative stationed there ?

Mr. G. S. Bajpai : Well, Sir, we rely upon newspaper reports. As a matter of fact, we have arrangements in the Department for getting newspapers from every Dominion and every colony in which Indians are settled, and then, of course, our Honourable friends are sufficiently vigilant to draw attention to things at times.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether this *Auckland Star* is included in his list of newspapers or not ?

Mr. G. S. Bajpai : No, Sir, it is not, because it is a local paper with no influence.

Mr. Gaya Prasad Singh : Is there any newspaper in New Zealand which is published by the Indians settled there and which voices their views and grievances ?

Mr. G. S. Bajpai : I do not think that there is any newspaper published by the Indians settled in New Zealand, but there is an Association of Indians and Europeans jointly there which calls itself "the New Zealand and India League" and which takes an interest in the welfare of the Indian community.

Mr. Gaya Prasad Singh : Then why do you say newspapers ?

REPORT OF THE ENQUIRY ABOUT THE LEAVE RULES.

281. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether Mr. Sloan has finished his enquiry about the leave rules ?

(*b*) Will Government be pleased to lay a copy of his report on the table ?

The Honourable Sir George Schuster : (*a*) and (*b*). No special enquiry was conducted by Mr. Sloan about leave rules. New leave rules for new entrants to the Governor General's services will, it is hoped, be issued during the current year.

PROPOSED RAISING OF THE AGE OF SUPERANNUATION.

282. ***Mr. M. Maswood Ahmad** : (*a*) Do Government propose to raise the age of superannuation from 55 to 60 years ?

(*b*) Will Government be pleased to state how it will give them an immediate saving ?

(*c*) Are Government aware that the raising of the age of superannuation is not liked by the public servants ?

The Honourable Sir George Schuster : (*a*) Government have no such proposal under consideration at present.

(*b*) Does not arise.

(*c*) Government have no information.

Mr. Lalchand Navalrai : May I know what is the rule as regards superannuation of Europeans in India ?

The Honourable Sir George Schuster : I must ask my friend for notice of that question. I cannot give him the exact rule from memory.

CONVERSION OF THE PENSIONS OF CERTAIN OFFICERS FROM "VOTED" TO "NON-VOTED".

283. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that in 1930 the Secretary of State for India revised the pensions of certain officers so that from voted they became non-voted from that year ?

(*b*) Will Government be pleased to place on the table of the House a list of those officers whose pensions have been made non-voted by the Secretary of State for India ?

The Honourable Sir Harry Haig : (*a*) and (*b*). The Honourable Member is evidently referring to the rules issued by the Governor General in Council under sections 67 A and 72 D of the Government of India Act and published with the Home Department notification No. F. 207|30-Ests., dated the 15th October, 1930. The effect of the rules is to render non-voted the salaries, pensions, etc., of persons appointed before the 1st April, 1924, to the services and posts included in the Schedule appended to those rules. The notification in question was published in the Gazette of India, dated the 18th October, 1930, a copy of which is in the Library of the House.

Mr. M. Maswood Ahmad : What is the reply to part (*b*), Sir ? I could not follow you.

The Honourable Sir Harry Haig : The reply to that is that the notification in question was published in the Gazette of India, dated the 18th October, 1930, a copy of which is in the Library of the House.

Mr. M. Maswood Ahmad : Will Government be pleased to state what are the reasons which forced them to take these officers from the voted to the non-voted list ?

The Honourable Sir Harry Haig : It is in accordance with the provisions of the Government of India Act which lays down as one of the non-voted categories persons appointed before the 1st day of April, 1924, by the Governor General in Council or by a Local Government whose services or posts are classified by rules under this Act as superior posts. It is necessary to issue a list of these posts.

Mr. M. Maswood Ahmad : Am I to understand then that these officers previous to this were wrongly entered in the voted category ?

The Honourable Sir Harry Haig : That was an amendment of the Government of India Act which was made by Parliament in 1925.

Mr. M. Maswood Ahmad : So from 1925 to 1930 these people were wrongly entered in the voted category ? Is it not ?

The Honourable Sir Harry Haig : I am not quite sure, Sir, what the position was. I can remember that at a period long before 1930 we were engaged in the Home Department in preparing this list, and, why it was not published before 1930, I am afraid, at the moment I cannot say.

APPOINTMENT OF A FINANCIAL ADVISER TO THE CHIEF COMMISSIONER, ANDAMANS.

284. ***Mr. M. Maswood Ahmad** : Is it a fact that a financial adviser has been given to the Chief Commissioner, Andaman Islands ?

The Honourable Sir Harry Haig : The answer is in the negative.

LOANS DUE TO INDIAN STATES AND PROVINCIAL GOVERNMENTS.

285. ***Mr. M. Maswood Ahmad** : Will Government be pleased to lay on the table of the House a statement showing the loans due to Indian States and to the Provincial Governments on the 31st March, 1933 ?

The Honourable Sir George Schuster : The amounts outstanding on the 31st March, 1932, are given in Accounts Nos. 95 and 86A of the Finance and Revenue Accounts for 1931-32. Later exact figures are not yet available, as the accounts for 1932-33 have not yet been closed.

Mr. M. Maswood Ahmad : Did the Honourable Member suggest that the accounts for 1932-33 have not yet been closed ?

The Honourable Sir George Schuster : I did more than suggest it, and I said to my friend that it was a fact.

PAYMENT BY THE INDIAN STATES AND PROVINCIAL GOVERNMENTS OF DEBT INSTALMENTS.

286. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether all the Indian States and the Provincial Governments have paid the instalment of debts due in the financial year 1932-33 ?

The Honourable Sir George Schuster : The information required by the Honourable Member is not yet available as the accounts of the year 1932-33 have not yet been closed.

GRANT OF POWER OF BORROWING MONEY TO LOCAL GOVERNMENTS.

287. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that under the existing constitution, Provincial Governments have no power to borrow money on the market ?

(*b*) Do Government propose to recommend to allow the Local Governments under the new constitution to borrow money on the market if they can get the same at a cheaper rate of interest or at more favourable terms ?

The Honourable Sir George Schuster : (*a*) The answer is in the negative. Bombay, United Provinces and Punjab have raised loans in the open market.

(*b*) The attention of the Honourable Member is invited to paragraph 149 of the Proposals in the White Paper.

REFUSAL OF PROVINCIAL GOVERNMENTS' DEMAND FOR LOANS.

288. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state whether they have ever refused the total demand, or a part of that required by any Provincial Government as a loan ?

The Honourable Sir George Schuster : Yes, demands have on occasions been partially refused and in the last two years the Government of India have informed Local Governments that advances will not be made for new projects except in cases of imperative necessity.

LOANS TAKEN BY PROVINCIAL GOVERNMENTS.

289 ***Mr. M. Maswood Ahmad** : Is it a fact that the Provincial Governments go on overdrawing on their current account throughout the year and then in the end take a loan of the minimum amount necessary to cover their over-draft ?

The Honourable Sir George Schuster : It is a fact that loans for this purpose can be taken at the end of the year, but it is not correct to say that Provincial Governments as a whole are overdrawn throughout the year.

Mr. M. Maswood Ahmad : Is it a fact that they are entitled to overdraw ? That was the question, Sir ?

The Honourable Sir George Schuster : It is a fact that they are entitled to overdraw, because we have no means of preventing them from doing so.

Mr. M. Maswood Ahmad : When they overdraw and that amount is shown at the end of the year as a loan, who pays the interest for the intermediate period ?

The Honourable Sir George Schuster : My friend, I think, is asking what happens as regards interest on amounts that may be outstanding as overdrafts during the current year before they are actually taken as a loan. I am afraid I must ask my friend for notice of that question. It is a confusing point on which I should not like to give an answer offhand.

PREVENTION OF THE SALE OF BAD SALT TO THE PUBLIC.

290. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that in October, 1929, salt merchants were supplied with more than 49 thousand maunds of bad quality of salt, much of which was unfit for human consumption ?

(*b*) Was any step taken by Government to prevent the sale of the bad salt to the public ?

The Honourable Sir George Schuster : (*a*) 48,060 maunds of inferior salt were supplied from Kharaghoda to salt merchants in the United Provinces in October-November, 1929, through a mistake on the part of the officers there.

(*b*) No, as the salt in question was sifted and cleaned by the merchants before it was sold to the public.

Mr. B. Das : Did Government administer any chastisement to those officers who supplied bad salt ? My question is whether the officers at Kharaghoda were punished for supplying this bad salt to the public ?

The Honourable Sir George Schuster : I understand, my friend asks whether the Government of India administered any chastisement to these officers. I do not think that would be a proper form of punishment in that particular case. I don't think any particular punishment was administered to them at all.

MR. GANDHI'S TELEGRAM TO THE PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY AND REPLIES THERETO.

291. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to lay on the table copies of the telegrams received by the Private Secretary to His Excellency the Viceroy from Mr. Gandhi and the replies which were given to him ?

(*b*) Will Government be pleased to state whether the replies were given after consultation with the Home Department ?

(*c*) Will Government be pleased to state whether they had consulted the Secretary of State for India in this connection ?

(*d*) Will Government be pleased to state their policy in connection with the request of Mr. Gandhi contained in his telegrams ?

The Honourable Sir Harry Haig : (*a*) I lay on the table a copy of the telegraphic correspondence referred to.

(*b*) and (*c*). The replies sent to Mr. Gandhi were in full accord with the views and had the concurrence of the Government of India and the Secretary of State.

(*d*) I would refer the Honourable Member to the replies which state the policy of Government and to which I have nothing to add.

Telegraphic correspondence between Mr. Gandhi and the Private Secretary to the Viceroy regarding Mr. Gandhi's request for an interview.

Telegram dated the 15th July, from Mr. Gandhi, to the Private Secretary to the Viceroy :—" Will His Excellency grant interview with a view to exploring possibilities of peace. Kindly wire."

Telegram dated the 17th July, from the Private Secretary to the Viceroy, to Mr. Gandhi :—" In reply to your telegram asking for an interview, His Excellency has directed me to say that if the circumstances were different he would have gladly seen you. But it would seem that you are opposed to withdrawing the Civil Disobedience Movement except on conditions, and that the interview you seek with His Excellency is for the purpose of initiating negotiations with Government regarding these conditions. It also appears to have been decided that unless the Congress reaches a settlement with Government as the result of such discussions Civil Disobedience will be resumed on August 1.

It is hardly necessary to remind you that the position of Government is that the Civil Disobedience Movement is wholly unconstitutional and there will be no compromise with it, and that Government cannot enter into any negotiations for its withdrawal. On April 29, 1932, the Secretary of State in the House of Commons stated that there will be no question of making a bargain with Congress as a condition of its co-operation. The same position has been consistently maintained by Government in numerous subsequent statements. If the Congress desires to resume its position as a constitutional party and to put an end to a movement, which has brought grave injury and suffering to the country the way is open to it, as it always has been, and it is within the power of the Congress to restore peace by withdrawing on its own initiative the Civil Disobedience Movement.

As, however, the Congress is not willing to take that action an interview with His Excellency will meet no purpose."

Telegram dated the 17th July, from Mr. Gandhi, to the Private Secretary to the Viceroy :—" Your wire of even date has come upon me as a painful surprise. I had not expected that the Government would take official notice of unauthorised publication of confidential proceedings of an informal conference and on the basis thereof reject a request for an interview. If the interview were granted, I could show that the proceedings taken as a whole were calculated to bring about honourable peace. The conference was undoubtedly favourable to peace, if it can be obtained without humiliation.

If, however, the Government hold that they cannot have any conversation even for promoting peace with a representative of an association engaged in activities in breach of state laws, however, repressive they may be, until that association first discontinues such activities which it believes to be in pursuance of an inherent right belonging to the human family, I can have nothing to say.

Nevertheless, I would like to add a personal note. My life is regulated by peaceful motives. I hanker for real peace, but I must confess that I cannot be satisfied with a make-shift. If I resort to non-co-operation or Civil Disobedience it is for establishing true and voluntary co-operation and obedience to laws in place of forced co-operation and forced obedience. I, therefore, hope my request for an interview will be granted."

Telegram dated the 17th July, from the Private Secretary to the Viceroy, to Mr. Gandhi :—" His Excellency had hoped that the position of the Government was plain. It is that Civil Disobedience is a movement intended to coerce the Government by means of unlawful activities, and that there can be no question of the Government holding conversations with a representative of an association which has not abandoned that movement."

Mr. B. Das : Has the Honourable Member noticed the recent Press interviews by Mahatma Gandhi in which he said that he was more pleased to be free to work for peace than to go to jail, and, in view of that statement, will Government change their attitude towards Mahatma Gandhi and allow him to interview His Excellency the Viceroy ?

deliveries of ordinary mails, abolition of special deliveries of the foreign mails, larger employment of extra-departmental agents in smaller post offices, etc. Posts not only of the classes mentioned but also of other classes wherever found in excess of actual requirements have been or are being abolished or reduced from a higher to a lower scale of pay.

RETRENCHMENT OF INFERIOR SERVANTS IN EACH POSTAL CIRCLE.

†296. *Mr. A. Das : (*a*) Will Government be pleased to furnish a statement, circle by circle, showing the number of inferior servants on the postal side brought under reduction from the beginning of retrenchment to the end of June, 1933 ?

(*b*) While furnishing this statement, will Government be pleased to furnish the figures, circle by circle, and under different categories of runners, packers and of other inferior servants retired compulsorily, *i.e.*, before they had completed their service entitling them to earn their full pension ?

SAVING EFFECTED BY RETRENCHMENT OF STAFF IN EACH POSTAL CIRCLE.

297. *Mr. A. Das : Will Government be pleased to lay on the table a statement showing the saving caused to the Department, circle by circle, in the fixed establishment charges during the year 1932-33, by the process of retrenchment in the staff of clerical and non-clerical superior servants and inferior servants on the postal side ?

The Honourable Sir Frank Noyce : Information in the detail wanted by the Honourable Member is not readily available and in view of the labour involved Government do not propose to collect it. In this connexion attention is drawn to the statement supplied to the House on the 13th of March, 1933, which shows the total economies in the fixed establishment charges of the Indian Posts and Telegraphs Department under various classes of staff. A detailed statement giving information in respect of the same classes of staff but in detail for each Circle is being prepared and will be laid on the table of the House when it is ready.

SAVING EFFECTED BY THE DISCONTINUANCE OF ALLOWANCE PAID TO POSTMEN FOR THE DELIVERY OF FOREIGN MAIL.

298. *Mr. A. Das : Will Government be pleased to state the amount of the annual saving caused to the Department by the discontinuance of allowance paid to postmen of certain important places for the special delivery of the weekly inward foreign mail ?

The Honourable Sir Frank Noyce : The abolition of the special deliveries of inward foreign mails at Calcutta, Bombay, Madras, Karachi and Rangoon has resulted in an annual saving of approximately Rs. 43,000 in the allowances paid to postmen and other staff. Government regret that separate figures showing the annual saving which has resulted from a discontinuance of the allowances paid to postmen only are not readily available.

†For answer to this question, *see* answer to question No. 295.

SUPPLY OF UMBRELLAS TO THE OUTDOOR POSTAL STAFF.

299. *Mr. A. Das : (*a*) Will Government be pleased to state whether it is a fact that umbrellas which were hitherto supplied annually to the outdoor staff, have recently been ordered to be supplied biennially ?

(*b*) If so, will Government state whether any instructions have been issued for the purchase of umbrellas of a better make so that they may continue serviceable for the stipulated period of two years ?

(*c*) Will Government be pleased to state the average cost of an umbrella, and the annual saving effected by the curtailment in the supply ?

The Honourable Sir Frank Noyce : I reply on the assumption that the question relates to the Posts and Telegraphs Department.

(*a*) Yes, but the orders were issued in May, 1931.

(*b*) No, as no complaint has yet been received that the umbrellas hitherto supplied were not lasting for two years.

(*c*) The cost of one umbrella is Rs. 1-4-0 and the saving is the amount of half of this sum multiplied by the number of umbrellas issued. I regret that I have no precise information as to the total number but it is large.

Mr. A. Das : Is this economy due to any change in the annual rainfall which the Government have noticed ?

The Honourable Sir Frank Noyce : No, Sir.

Mr. A. Das : Having regard to the small saving and the great hardship which it entails on postmen, will Government consider the advisability of discontinuing this practice and continuing the old practice ?

The Honourable Sir Frank Noyce : As I have explained, no complaints have yet been received that the umbrellas supplied have not been lasting for two years.

EVIDENCE GIVEN BY THE SECRETARY OF STATE FOR INDIA AND BY SIR MALCOLM HAILEY BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

300. *Mr. M. Maswood Ahmad : (*a*) Are Government aware of the evidence given by the Right Honourable Sir Samuel Hoare, Secretary of State for India and by His Excellency Sir Malcolm Hailey before the Joint Parliamentary Committee ?

(*b*) Will Government be pleased to lay on the table of the House a copy of the same ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) I am not in a position at present to lay a copy of the evidence on the table. A copy will be placed in the Library when available.

PROPOSED DEMOLITION OF A PORTION OF THE WALL WHICH SEPARATES OLD DELHI FROM NEW DELHI.

301. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that some portion of the wall which separates Old Delhi from New Delhi is to be demolished ? If so, why ?

The Honourable Sir Harry Haig : I see no reason, Sir, in anything that Mr. Gandhi has said to make the Government change their attitude.

Mr. M. Maswood Ahmad : Are Government prepared to grant an interview now ?

The Honourable Sir Harry Haig : No, not under the present conditions.

ABOLITION OF POSTS OF CERTAIN CADRES IN EACH POSTAL CIRCLE.

292. ***Mr. A. Das** : (*a*) With reference to questions Nos. 484 (*a*) and 485 (*a*), asked in the Legislative Assembly by Mr. N. M. Joshi on the 25th February, 1933, will Government be pleased to furnish this House with statements showing the figures of abolition of posts and conversion of departmental branch post offices from the 1st December, 1932 to the 30th June, 1933 ?

(*b*) Will Government be pleased to state the amount of the saving effected, circle by circle, from the beginning of the retrenchment to the end of June, 1933, by the abolition and conversion referred to in the foregoing question ?

The Honourable Sir Frank Noyce : (*a*) A statement giving the figures for the period December 1st, 1932 to May 31st, 1933, is laid on the table. It is regretted that figures for the month of June, 1933, are not available.

(*b*) Government regret that they are not in a position to give figures of the savings actually realised in each Circle but the economies of the kind introduced in all Circles taken together are expected to yield, when fully effective, a saving of approximately Rs. 15,00,000 annually.

Statement.

Circle.	Number of departmental branch post offices converted into extra departmental post offices.	Number of posts of overseers (including mail and cash overseers) abolished.	Number of post of Head postmen, Postmen and Village postmen abolished.
Bengal and Assam ..	19	5	94
Bihar and Orissa ..	26	11	15
Bombay	32	1	143
Burma	16	7	31
Central	53	2	43
Madras	11	7	69
Punjab and N.-W. F. ..	14	3	65
United Provinces ..	24	22	129
Sind and Baluchistan ..	2	*Nil*	3

POSTAL CLERKS IN EACH POSTAL CIRCLE.

293. ***Mr. A. Das** : While furnishing the information asked for by Mr. N. M. Joshi on the 25th February, 1933, in questions Nos. 486 (*a*) and (*b*), will Government be pleased to supplement the same with information for the period ending the 30th June, 1933, and further state how many of the posts in the Lower Division of clerks were held on that date by men promoted from the rank of postmen ?

The Honourable Sir Frank Noyce : Information is being collected and will be placed on the table in due course.

RETRENCHMENT OF HEAD POSTMEN IN EACH POSTAL CIRCLE.

294. ***Mr. A. Das** : Will Government be pleased to state the number of head postmen brought under reduction in each circle from the beginning of retrenchment to the end of June, 1933 ?

The Honourable Sir Frank Noyce : Government regret that information for the period ending June, 1933, is not readily available, but the figures up to the 31st January, 1933, are as follows, and it is hoped that these will meet the Honourable Member's requirements :

Bihar and Orissa Circle	2
Burma	3
Central	5
Punjab and N.-W. F.	16
Sind and Baluchistan	2
Bombay	26
Bengal and Assam	2
United Provinces	8
Madras	*Nil.*

RETRENCHMENT OF CERTAIN POSTAL OFFICIALS IN EACH POSTAL CIRCLE.

295. ***Mr. A. Das** : Will Government be pleased to furnish a statement showing, circle by circle, the number of (*i*) mail overseers, (*ii*) overseer postmen, (*iii*) head postmen, (*iv*) sorting and reader postmen, (*v*) departmental branch postmasters, and (*vi*) postmen and village postmen who were retired compulsorily, *i.e.*, before completion of their service or attaining the age of superannuation, as a measure of retrenchment, *i.e.*, due to the abolition or conversion of the posts held by them ? Was this action based on any order to that effect ? If so, will Government be pleased to place on the table of the House a copy of such order ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to deal with questions Nos. 295 and 296 together. Government regret that the information required for the purpose of a detailed reply to these questions is not readily available and could not be obtained without much time and labour. Generally speaking, however, the position is that on account of the unsatisfactory state of the finances of the Posts and Telegraphs Department general orders were issued to secure all reasonable economies wherever possible, for example the reduction in the number of

(*b*) Do Government propose to repair the ancient wall instead of demolishing a portion thereof ?

Mr. G. S. Bajpai : (*a*) During the recent rains a portion of the Delhi City Wall fell and resulted in the death of two persons and serious injury to a third. The whole wall was carefully examined and it was noticed that there were other portions which were in imminent danger of collapse. As heavy rain continued and repairs could not be effected quickly, the dangerous portions were pulled down.

(*b*) The matter will be considered in due course.

RACIAL DISCRIMINATION IN THE JAMALPUR WORKSHOP, EAST INDIAN RAILWAY.

302. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that Indians and Europeans are not treated equally at Jamalpur Workshop, East Indian Railway ?

(*b*) Is it a fact that (*i*) Messrs. C. O. Tomkinson, E. R. Dale and S. P. D'Costa were working as Scheduling Supervisors at a grade of Rs. 550 ; and (*ii*) since an Indian, an old *ex*-special grade apprentice, was appointed for the same job, the grade has been reduced to Rs. 250 ?

(*c*) Is it a fact that European officers working as Scheduling Supervisors used to enjoy the privilege of coming to work at 8 A.M. but Indian officers are not given that privilege ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 302 and 304 to 306 together. I have called for information and will lay a reply on the table in due course.

FACILITIES GIVEN TO MUSLIM EMPLOYEES OF THE STATE RAILWAYS TO PERFORM IDUL-ZUHA AND IDUL-FITR PRAYERS.

303. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware that Id-uz-Zuha and Id-ul-Fitr prayers are most important prayers for Musalmans ?

(*b*) Will Government be pleased to state whether facilities are given to Muslim employees of the State-managed Railways to give them sufficient time to perform the Id-uz-Zuha and Id-ul-Fitr prayers ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Government have received no complaints that the facilities given are inadequate.

COMMUNAL COMPOSITION OF APPRENTICES NOMINATED TO THE WELDING DEPARTMENT, JAMALPUR RAILWAY WORKSHOP.

†304. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that in the Welding Department at Jamalpur Workshop apprentices are taken by nomination ?

(*b*) Will Government be pleased to state how many apprentices have been taken during the last five years and what is the communal composition of each year's nomination ?

†For answer to this question, *see* answer to question No. 302.

RACIAL DISCRIMINATION IN THE JAMALPUR WORKSHOP, EAST INDIAN RAILWAY.

†305. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that in the Jamalpur Workshop, East Indian Railway, Europeans are given preference over Indians ?

(*b*) Is it a fact that in the Blacksmith Shop non-Indians who have never received blacksmith training, are brought in and are made senior chargemen while Indians who have completed blacksmith apprenticeship are not made senior chargemen ?

OVERLOOKING OF CLAIMS OF TRAINED INDIANS IN THE JAMALPUR WORKSHOP, EAST INDIAN RAILWAY.

†306. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that claims of deserving trained Indians are overlooked at the Jamalpur Workshop, East Indian Railway ?

(*b*) Is it a fact that untrained men from other shops are now made senior chargemen ? If so, why ?

MANUFACTURE OF PLAYING CARDS IN INDIA.

307. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware that playing cards are manufactured in India ?

(*b*) Are Government aware of the amount of Indian capital which has been invested in this industry ?

(*c*) Is it a fact that the duty on playing cards is 50 per cent. while the duty on card-boards imported for the manufacture of playing cards in India is 30 per cent. ?

(*d*) Do Government propose to examine the desirability of exempting from duty the card-board imported for the manufacture of playing cards ?

(*e*) Do Government propose to protect the playing card manufacturing industry ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) No.

(*c*) The import duty on playing cards is :

Standard rate	50 per cent.	*ad valorem*.
Preferential rate for the United Kingdom ..	40 „	„

and that on card-boards is :

Standard rate	30 „	„
Preferential rate for the United Kingdom ..	20 „	„

(*d*) Government recognise that it is in the interests of industrial development that the duties on the materials of industries should be as low as possible, and such duties are being reduced or removed as opportunity and financial considerations permit.

†For answer to this question, *see* answer to question No. 302.

(*e*) Applications from certain playing card manufacturers for protection under the Safeguarding of Industries Act, 1933, are receiving consideration.

Mr. Gaya Prasad Singh : Are Government aware that the indigenous manufacturers of playing cards are put to great loss on account of intensive Japanese competition ?

The Honourable Sir Joseph Bhore : I would draw my Honourable friend's attention to the answer which I just now gave to part (*e*) of the question. The answer is that their applications have been received and they are now being considered.

Mr. Gaya Prasad Singh : Thank you.

Mr. Muhammad Muazzam Sahib Bahadur : Is there any means available to Government to determine what the quantity is of imported card-board which is used for the manufacture of playing cards ?

The Honourable Sir Joseph Bhore : I could not give my Honourable friend a reply straight off, but if he desires information on that point, I will attempt to get it for him.

Mr. Muhammad Muazzam Sahib Bahadur : Is there not any other action which the Government can take than a mere deduction in the duty on card-board ?

The Honourable Sir Joseph Bhore : I did not suggest that the Government were ready to take that action at all.

ABSENCE OF MUSLIM OFFICERS IN THE CALCUTTA PORT TRUST.

308. *Mr. **M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether it is a fact that there is not a single Mussalman in the Calcutta Port Trust who draws a salary of Rs. 500 or more or is on a scale of salary rising up to or above that amount ?

(*b*) Is it a fact that the total number of officers now in the Commissioners' service, excluding men on leave preparatory to retirement (the term officer includes all men coming under the Fundamental Leave Rules), who are on a scale of pay rising above Rs. 499, is made up as follows ?

Europeans *cum* Anglo-Indians	116 + 72	188	90.8 per cent.
Hindus	19		9.2 per cent.
Muslims	*Nil*		*Nil*

(*c*) Will Government be pleased to state the total number of officers now in the Commissioners' service, who are on a scale of pay rising above Rs. 350 according to the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians	..	..
Hindus	..	..
Muslims	..	..
Others	..	..

(*d*) If the answer to (*a*) and (*b*) be in the affirmative, will Government be pleased to state why, in spite of the fact that a resolution urging the Indianisation of the Port Trust services was adopted by the Council of State as far back as 1922, there is such poor representation of Indians in the Calcutta Port Trust in the senior grades which carry maximum salaries of Rs. 500 or more and why does not a single Mussalman hold any of the posts ?

(*e*) What are the high technical and academic qualifications which are deemed to be necessary for holding a post in the Calcutta Port Trust, which carries a maximum salary of Rs. 500 and above ?

(*f*) Is it not a fact that there exists a large number of posts in the Calcutta Port Trust which carry a maximum salary of Rs. 500 and above and for which technical qualifications are not necessary, only a liberal amount of general education being quite sufficient for holding such posts ?

(*g*) Are there no Hindu and Mussalman Indians with sufficient qualifications to hold posts in the Calcutta Port Trust, which carry a maximum salary of Rs. 500 and above, available ?

(*h*) Is it not a fact that the general educational qualifications of a large number of Europeans and Anglo-Indians who enjoy a preponderating share of the posts carrying maximum salaries of Rs. 500 and above are not usually above the Senior Cambridge or its equivalent ?

The Honourable Sir Joseph Bhore : With your permission, Sir, I propose to answer questions bearing Serial Nos. 308, 309, 310, 311, 312 and 313 together.

Information is being called for and a complete reply will be laid on the table when it is received.

AMOUNT SPENT ON THE SALARIES AND ALLOWANCES OF THE OFFICERS UNDER THE CALCUTTA PORT TRUST.

†309. *Mr. **M. Maswood Ahmad** : Is it a fact that the percentages of the total amount spent on the salaries and allowances of the officers under the Calcutta Port Trust, which go to Europeans-*cum*-Anglo-Indians, Hindus, Mussalmans, and other Indians, are as follows ?

Europeans *cum* Anglo-Indians	49.56 per cent.
Hindus	46.28 per cent.
Muslims	3.58 per cent.
Others	.58 per cent.
	100.00 per cent.

†For answer to this question, *see* answer to question No. 308.

RECRUITMENT OF MUSLIMS IN THE CALCUTTA PORT TRUST.

†310. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to state whether it is a fact that all the Mussalman employees of the Calcutta Port Trust coming under the Fundamental Leave Rules are clerks or are holding posts of the clerical status ?

(*b*) How many Mussalman employees are there in the Port Trust, who are on a scale of salary :

(*i*) rising above Rs. 350 but not exceeding Rs. 450 ;

(*ii*) rising above Rs. 300 but not exceeding Rs. 350 ;

(*iii*) rising above Rs. 250 but not exceeding Rs. 300 ;

(*iv*) rising above Rs. 200 but not exceeding Rs. 250 ;

(*v*) rising above Rs. 150 but not exceeding Rs. 200 ;

(*vi*) rising above Rs. 100 but not exceeding Rs. 150 ;

(*vii*) rising up to Rs. 100 ; and

(*viii*) rising to amounts less than Rs. 100 ?

(*c*) Is it a fact that the Mussalman employees in the Port Trust are all engaged in out-door work ?

(*d*) In April, 1933, how many Mussalman clerks were there in each of the following offices under the control of the Port Commissioners :

(*i*) Port Commissioners' Head Office, all Departments taken together,

(*ii*) Jetty Superintendent's office,

(*iii*) Dock Superintendents' office,

(*iv*) Office of the Superintendent, Kantapukur,

(*v*) Office of the Superintendent, Tea Warehouse,

(*vi*) Office of the Deputy Dock Superintendent, Coal,

(*vii*) Controller of Stores' Office,

(*viii*) Office of the Executive Engineer, Calcutta Division,

(*ix*) Office of the Executive Engineer, Kidderpore Docks,

(*x*) Office of the Executive Engineer, King George's Docks,

(*xi*) Chief Mechanical Engineer's office,

(*xii*) Office of the Superintendent, Collections, and

(*xiii*) Offices other than mentioned in (*i*) to (*xii*) ?

(*e*) Do the Commissioners as a rule always advertise in the Calcutta Gazette and the leading Calcutta papers about all vacancies, whether of the clerical or officer's rank, under their control whenever there is occasion for filling up the same ?

(*f*) If the answer to part (*e*) above be in the affirmative, do they mention in such advertisements, inviting applications, the minimum qualifications which the candidates must possess ?

†For answer to this question, *see* answer to question No. 308.

(*g*) Do Government propose to appoint a committee consisting of Members of this House to examine the records of the Calcutta Port Trust and to report whether the rules and instructions of Government about the recruitment of employees have been fully observed by the authorities concerned ?

RETRENCHMENT OF STAFF IN THE CALCUTTA PORT TRUST.

†311. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to state whether it is a fact that the Calcutta Port authorities recently launched a scheme for retrenching their staff ?

(*b*) If the answer to part (*a*) be in the affirmative, how many Europeans, Hindus, Mussalmans and others, coming under the Fundamental Leave Rules, have been retrenched ?

(*c*) Do Government propose to instruct the Calcutta Port Trust to keep in view the paucity of Muslims in the junior scale and the paucity of Hindus in the senior scale of service and total absence of Muslims in the senior scale ?

RETRENCHMENT OF STAFF IN THE CALCUTTA PORT TRUST.

†312. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that some of the Calcutta Port Trust employees who had been retrenched according to the terms of the latest retrenchment scheme were afterwards recalled ?

(*b*) If the answer to part (*a*) be in the affirmative,

(*i*) how many were altogether recalled ;

(*ii*) of those recalled, how many were Mussalmans ?

VOLUNTARY RETIREMENT OF MUSLIM EMPLOYEES OF THE CALCUTTA PORT TRUST.

†313. *Mr. M. Maswood Ahmad : How many Mussalman employees in the Calcutta Port Trust retired voluntarily or proceeded on leave preparatory to retirement after the 1st April, 1933 ?

THIRD INTERNATIONAL CONGRESS ON PENAL LAWS HELD AT PALERMO.

314. *Mr. M. Maswood Ahmad : (*a*) Are Government aware that noted criminal lawyers and jurists from twenty nations met recently for the Third International Congress on Penal Laws in March, 1933, at Palermo ?

(*b*) Are Government aware of the existence of the International Association of Penal Laws of which 54 nations are members ?

(*c*) Will Government be pleased to state whether India is a member of the Association mentioned in part (*b*) or not ?

The Honourable Sir Harry Haig (*a*) Government received intimation that the Third International Congress of the Diritto Penale would meet in Palermo in April, 1933.

†For answer to this question, *see* answer to question No. 308.

(*b*) and (*c*). Government are aware of the existence of the International Penal Law Association but have no information in regard to its organisation or membership.

DERAILMENT OF A PASSENGER TRAIN NEAR DHARAMPUR, KALKA SIMLA RAILWAY.

315. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the reasons for the derailment of the engine and the three bogies of No. 85 Up Passenger at mile 19.4 between Sonwara and Dharampur on the Kalka Simla Section, North Western Railway on the 17th April, 1933, and the list of the casualties ?

Mr. P. R. Rau : I would invite a reference to the reply which I gave to Mr. Gaya Prasad Singh's question No. 25 on the 23rd August on this subject.

SUGAR AND INDUSTRIES CONFERENCES HELD AT SIMLA.

316. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that Sugar Manufacturing Industry Conference was held recently at Simla ?

(*b*) Is it a fact that the Industries Conference was held recently at Simla ?

(*c*) Is it a fact that protection has been given to the sugar industry ?

(*d*) Is it a fact that protection has been given to the Punjab wheat ?

(*e*) Will Government be pleased to state what help and assistance, if any, has been given by them to the paddy growing class of Eastern India ?

Mr. G. S. Bajpai : (*a*) to (*c*). Yes.

(*d*) The Wheat (Import Duty) Act provides for the levy of a customs duty on wheat imported into India.

(*e*) Since the Indian Empire as a whole is a large exporter of rice, the most important method of assistance is to devise means of increasing the efficiency of production. To this end the Imperial Council of Agricultural Research has made grants aggregating 9.19 lakhs for research work on rice to the provinces of Madras, Bengal, United Provinces, Burma, Bihar and Orissa, Central Provinces and Assam. This is in addition to a grant of Rs. 2,03,279 for work in Burma and Bengal obtained from the Empire Marketing Board.

Mr. M. Maswood Ahmad : Are Government aware that the amount spent for research work on rice is quite insufficient ?

Mr. G. S. Bajpai : I understand that the amount which the Imperial Council of Agricultural Research has already granted is about as much as can usefully be spent on research.

SALE OF TREASURY BILLS.

317. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state whether they were able to sell the treasury bills of the full notified amounts in the current financial year ?

The Honourable Sir George Schuster : I am not sure what my Honourable friend means by the " full noticed amounts " but I imagine that the information required by him will be found in the weekly reports published by the Controller of the Currency in the Press.

MOTION FOR ADJOURNMENT.

AERIAL BOMBARDMENT OF KOTKAI IN THE TRANS-FRONTIER.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received a notice from Shaikh Sadiq Hasan that he proposes to ask for leave to move an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance as follows : Aerial bombardment of Kotkai in the Trans-Frontier. Before I inquire whether any Honourable Member has any objection to the making of this motion, I would like to know from the Honourable the Mover as to when this aerial bombardment of Kotkai took place ?

12 NOON.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Sometime before the Assembly met, about two weeks ago.

Mr. President (The Honourable Sir Shanmukham Chetty) : If, according to the Honourable Member's own information, this incident took place at least about two weeks back, may I ask him what grounds he has to justify that this motion does not come within the mischief of rule 12, sub-rule (2) which says that the motion must be restricted to a specific matter of recent occurrence.

Shaikh Sadiq Hasan : No doubt the bombing took place sometime before the Assembly met, but I put myself in communication with the Private Secretary to His Excellency the Viceroy and it was proposed that a deputation should wait upon His Excellency. As soon as we came over here, we had a conference with the Army and the Foreign Secretaries and discussed matter with them. Later on, at a meeting of the members of the Muslim Group, it was decided to send a deputation. I received a reply from the Private Secretary stating that His Excellency proposes to address the Members of both Houses on the 30th August and that we should wait until after His Excellency has made his pronouncement. Therefore, we had to wait, because it would have been the height of discourtesy at that time to move an adjournment motion and now, after His Excellency has addressed both Houses, I do think that the necessity arises for making this adjournment motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Sir Joseph Bhore wish to say anything ?

The Honourable Sir Joseph Bhore (Leader of the House) : I take objection on the ground that this is not a matter of urgency falling within the meaning of the term in rule 12 of the Legislative Rules. The bombing at Kotkai took place on August, 1st, 3rd and 4th. Since then no bombing has taken place and my objection is that if it is contended that this is a matter of urgency, the Honourable the Mover should have made his motion at the very earliest opportunity after the House assembled. Failure to do so is, I submit, the most conclusive proof

[Sir Joseph Bhore.]

against the validity of any contention of urgency. I am afraid I personally could not agree to ask the Chair to accept the excuse put forward by my Honourable friend for not having followed what I consider to be the proper procedure in this matter and moved his motion at the earliest possible opportunity.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I am surprised to find that the grand courtesy which was shewn by this side of the House to the August personage of the Viceroy in this matter as was brought out in the arguments of my friend, Shaikh Sadiq Hasan, has not been appreciated by the Honourable the Leader of the House. If the Leader of the House had listened carefully to the statement made by my friend, Shaikh Sadiq Hasan, he would have found that the opposition tried to meet the Government in the belief that His Excellency the Governor General would make a satisfactory statement on the 30th on the floor of this House. That statement has not satisfied this side of the House. My friend wants to wriggle out of the situation by arguing that the urgency is past. I do not feel and I do not think any Member on this side of the House feels that the urgency is past. The Honourable the Leader of the House recognises that the situation created is one of great public importance to all sections of Indians and I do hope, Sir, you will overrule the plea that the Leader of the House has advanced and allow the motion for adjournment.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : The facts complained of took place in a remote corner of India, which is the preserve of the Military Department. We do not know much about it beyond what appeared in the papers. We found that people were very much agitated, so much so that in Madras and in distant parts of the country resolutions were brought forward and protest meetings were held. When I came here, on the very first day I tabled a short notice question and at once went to see the Foreign Secretary on this question. I had a long talk with him. We were asked not to be led away by the facts which appeared in the press. I did not think it wise to rush with a strong protest before I was in possession of the real facts of the situation. We tried to meet other officials who could give us correct information on the subject and it is within the knowledge of responsible officials here that we were very anxious to make the strongest protest that we could in this matter, but we were asked to wait and take a course which might produce the desired result. We went on canvassing opinion as to the most effective way of protesting against the incidents. As you have just heard, Shaikh Sadiq Hasan has been in communication with the Private Secretary to His Excellency the Viceroy and we were asked to wait for the announcement which His Excellency was making in this House on the 30th.

Mr. President (The Honourable Sir Shanmukham Chetty) : What was the result of the short notice question which the Honourable Member gave ?

Maulvi Muhammad Shafee Daoodi : We pressed the short notice question on the 1st and the 2nd day, but the Army Secretary told us not to insist on a reply and that it would be much better to approach the very head of the Government and get the information from him. He said that the answer involved many departments of the Government and he was

not sure how far the reply from the different Departments would satisfy the public. Now, we have heard what His Excellency had to say and, having considered the matter in our party meetings, we came to the conclusion that the strongest protest could be made by an adjournment of the House. I should confess that I was simple enough to take the words of the officials that we should not rush with our strong protests at that stage. We should really have a deputation arranged to the Viceroy. Now, at the last stage the Private Secretary to the Viceroy said that the Viceroy was going to make an announcement on the 30th August and advised us to wait and hear his speech and see whether we were satisfied or not. The moment the speech was read yesterday, we felt that it was absolutely unsatisfactory.

Mr. President (The Honourable Sir Shanmukham Chetty) : Why did the Honourable Member withdraw his short notice question ?

Maulvi Muhammad Shafee Daoodi : I did not withdraw it. I was informed that as there was the talk of the deputation waiting on the Viceroy, the short notice question could be answered in the ordinary way.

Mr. President (The Honourable Sir Shanmukham Chetty) : In other words, the Army Secretary refused to take the short notice question and the Honourable Member concurred in that view.

Maulvi Muhammad Shafee Daoodi : I did not concur, but simply waited to hear the Viceroy's speech whether it would satisfy us. Of course, we did not rush to the very strong mode of protest which is available to the Members of the House. Now, we are told by the Leader of the House that we are late. I do not know if it is right to manœuvre the Honourable Members of this House in a manner that they are kept in suspense as to what to do and what not to do and come at a late stage and say that you have been late. This is really unfair. It is not that we were sleeping over the matter ; we were trying to canvass the Members and were trying to find out the real facts of the matter and then take the right course. It is not because we are on this side of the House, and that therefore we should make all sorts of fantastic statements against the Government. That is not the policy which I follow. Our only mistake has been that we confided in the words of so many officials and we were told that we would have something satisfactory. I, therefore, feel very strongly that this is not a case in which the Leader of the House should take an objection of the kind he has taken. I admit that if we were sleeping over the matter, the objection would have been perfectly justified, but we did nothing of the sort. We were only tossed about from here to there and now we are told that we are late. That is not the way to treat the Honourable Members of this House on a question of such vital importance to the country.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, it has been apparent from the speeches just made that the negotiations were going on and that they expected some sort of an announcement from His Excellency the Viceroy. The Members on this side of the House were not satisfied with the announcement made by the Viceroy. Therefore, so far as this adjournment motion is concerned, I maintain that the matter is urgent, important and also definite and I hope that the Chair will rule out of order the objection that has been taken by the Leader of the House.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, in this connection I wish to bring two more facts to the notice of the House which were not mentioned by my Honourable friends. The very day that we reached here, some of us wanted to give notice of a motion for adjournment, but, before our arrival, a letter was received from the Private Secretary to His Excellency the Viceroy saying that His Excellency was ready to receive the deputation. Even at the time when our short notice question was refused, we wanted to give notice for the adjournment of the House, but some of the Honourable Members thought that it was not advisable to send a deputation to the Viceroy and, at the same time, to give notice for the adjournment motion. I suggest that if there is any difficulty on the part of the Government in accepting this motion for adjournment, then I request them to allot a day to discuss the whole question, because this is a very important matter.

Mr. President (The Honourable Sir Shanmukham Chetty) : I think Honourable Members have said enough to enable the Chair to appreciate the exact position in which this matter stands. The rule governing motions for adjournment of the business, especially in relation to urgency, have been interpreted on more than one occasion by my predecessors in the past. On the 14th September, 1922, President Whyte laid down this principle :

"I do not wish to give a hard and fast interpretation of the word 'recent' in the rule, but the intention of the rule is that as soon as a matter of this kind is brought to the notice of the Honourable Member and he wishes discussion thereon, he should at the first available opportunity bring it before the Assembly."

That was the principle laid down by President Whyte. Later on, the principle was applied in another case by President Patel on the 7th September, 1927. He said :

"I am clearly of the opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th."

In these circumstances, President Patel overruled the motion, because it was moved on the 7th September while, in his opinion, it ought to have been moved on the 18th of August. Now, let us apply these principles to the present case. According to the statement made by the Leader of the House, the bombing took place on the 1st, 3rd and 4th August and the Legislative Assembly met for the first time after that on the 22nd August. Now, if it is the contention of the Honourable the Mover that this bombing, in spite of its taking place on the 1st, 3rd or 4th August, was actually brought to his notice only yesterday or the day before yesterday, then the Chair would certainly allow the motion to be in order, because what the Chair has to consider is not the date on which the incident took place, but the date on which it was brought to the notice of an Honourable Member of this House. But I understand it is not the contention of the Honourable the Mover that this matter was not brought to his notice before the 22nd August. What he ought to have done was to have moved a motion for adjournment on the 22nd August when the Assembly met for the first time after the incident was brought to the notice of Honourable Members. He did not move it and the excuse that the Honourable Member says in extenuation of the fact that he did not move it on the 22nd August and in justification of asking the Chair to allow the motion today is that he was carrying on correspondence with the Private Secretary to His Excellency the Viceroy and that certain other Honourable Members were carrying on correspondence or conversation with the Army Secretary. I must make it perfectly clear that, so far as this House is concerned, especially in the matter of a motion for adjournment, neither the Chair nor the House will take notice of any private correspondence that takes place between one Honourable Member and any Member of Government. If once we start taking notice of that fact, we do not know where we can stop. The procedure that the Honourable Member must have followed is this : he should have sought to move the adjournment motion on the 22nd August. If he had not been in full possession of the facts of the case, what he ought to have done was to have given a short notice question on the 22nd August. In this case the Honourable Member says that a short notice question was actually given to the Army Secretary. The very fact that the Army Secretary refused to take notice of the question must have made the Honourable Member to move the motion for adjournment immediately on the next day. If the Honourable Member wanted to show courtesy, as one Honourable Member said, to the Army Secretary or to any other Member of Government, well, the Honourable Member must take the consequence, so far as this Assembly is concerned. So far as this House is concerned, this motion, not having been moved on the 22nd August before which date the incident was brought to the notice of the Honourable Member, the Chair has no other course but to rule it out of order.

STATEMENTS LAID ON THE TABLE.

Major W. K. Fraser-Tytler (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred questions Nos. 1080 to 1082, asked by Dr. Ziauddin Ahmad on behalf of Mr. M. Maswood Ahmad at the meeting of the Legislative Assembly on the 1st April, 1933.

POSSESSION OF A DIPLOMA OR CERTIFICATE IN THE HINDI LANGUAGE BY THE SUPERINTENDENT OF EDUCATION, DELHI.

*1080. No.

QUALIFICATIONS POSSESSED BY THE SUPERINTENDENT OF EDUCATION, DELHI, IN THE GUJRATI AND MARATHI LANGUAGES.

*1081. The Superintendent of Education does not claim any knowledge of Marathi or Gujrati. The inspection of Primary Schools is not a part of the ordinary duties of the Superintendent of Education and is carried out by him purely as a measure of economy. The appointment of separate Inspectors possessing, in addition to other necessary qualifications, diplomas in these languages is impracticable on grounds of economy.

EXPENDITURE ON INSPECTORATE IN THE ADMINISTERED AREAS IN CENTRAL INDIA.

*1082. Details of the total expenditure on inspectorate in the Central India Agency in the year preceding the appointment of the present Superintendent of Education (1930-31) :-

	Rs.
1. Pay of the Inspector	2,452
2. Pay of the Inspector's office clerk	300
3. Pay of the Inspector's office peon	1,066
4. T. A. of the Inspector and his peon	
5. Inspector's office contingencies	
6. Miscellaneous expenditure	260
	4,078

Details of the total expenditure on inspectorate in the Central India Agency in the year 1932 (after the appointment of the Superintendent of Education) :-

	Rs.	A.	P.
7. Pay of the Superintendent of Education (C. I. Share) ..	2,017	8	0
8. (i) Pay of Stenographer (C. I. Share)	254	6	0
(ii) Special pay of Stenographer	180	0	0
9. Pay of Superintendent of Education's peons (C. I. Share) ..	66	0	0
10. Pay of S. E.'s office clerk	480	0	0
11. T. A. of Superintendent of Education and his attached Staff (C. I. Share)	467	7	0
12. S. E.'s office contingencies	472	5	0
13. Miscellaneous expenditure	*Nil.*		
	3,937	10	0

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table—

(i) the information promised in reply to starred question No. 678 asked by Mr. Lalchand Navalrai on the 7th March, 1933 ;

(ii) the information promised in reply to starred question No. 882 asked by Khan Sahib Shaikh Fazal Haq Piracha on the 23rd March, 1933 ; and

(iii) the information promised in reply to unstarred question No. 199 asked by Lieutenant Nawab Muhammad Ibrahim Ali Khan on the 12th April, 1933.

DIFFICULTIES EXPERIENCED BY INDIAN STUDENTS IN THE UNIVERSITIES IN GREAT BRITAIN.

*678. The High Commissioner for India has reported that it is true that Indian medical students sometimes find it difficult to secure admission to a medical school in London, where the pressure on the available accommodation is especially acute owing to a large number of applicants from England and other countries. The difficulty is increased by the fact that while home students as a rule desire to pursue the full course leading to the degrees in Medicine and Surgery of the University of London, the majority of the Indian students seek admission for short courses to prepare themselves for the final examinations of one or other of the external bodies which grant registrable qualifications or diplomas. The constituent medical schools of the University of London naturally give preference, in the first instance, to students, whether from home or abroad, who propose to pursue the full medical degree course of five or six years. It may, however, be mentioned that in the session beginning October, 1932, there were no less than 155 Indian students working in the London medical schools. Properly qualified Indian students who cannot secure admission to a medical school in London usually find no difficulty in securing admission to the Medical Faculty of one or other of the provincial and Scottish Universities, where excellent clinical facilities are available, and where suitable courses recognised by the professional examining bodies are provided. Facilities for post-graduate students can also be obtained usually in the special hospitals, *e.g.*, heart, nervous diseases, skin, etc., and in the special post-graduate hospitals (North-East London Post-graduate College, and the West London Hospital Post-graduate College). The question of admission of medical students is one solely within the competence of the institutions concerned, and forms no part of the functions of the General Medical Council.

CONSTRUCTION OF A ROAD FROM DELHI TO VILLAGE BASTI CHIRAGH.

*882. (*a*) Yes.

(*b*) Yes. Government has no information about the number of the Saint's followers.

(*c*) Yes.

(*d*) and (*e*). Yes, but Government are not aware that any special inconvenience is caused to the public for want of a road. The tomb is about 11 miles from Delhi and is connected with the Delhi-Mehrauli metalled road by a kachcha path about two miles in length.

(*f*) The existing path passes through several villages and is private land. Owing to financial stringency it is not possible to take up the question of providing a road at present.

(*g*) and (*h*). The tomb is a privately owned monument. Government are prepared to protect it provided the owners execute an agreement under Section 5 of the Ancient Monuments Preservation Act, 1904 (VII of 1904).

(*i*) The descendants of one of the sisters of Hazrat Khwaja Nasiruddin Mohammed Chiragh Delhvi are in charge of the tomb, and a Committee consisting of Pirs Rahimuddin Ilauddin and Ahmad Baksh, and a Khadim Rahmatulla, arrange for its upkeep. The cost is met from offerings received.

(*j*) Government has no information.

(*k*) Does not arise.

LOCATION OF THE EXISTING INFECTIOUS DISEASES ISOLATION HOSPITAL, DELHI.

199. (*a*) This Hospital was located on the present site before the creation of New Delhi.

(*b*) Government are aware that the present position of the Hospital is not satisfactory.

(*c*) The present surroundings of the Hospital are admittedly not satisfactory.

(*d*) Some of the rooms in the Hospital are ill-ventilated, and the building is not satisfactory in regard to the accommodation which it offers and its plan of construction.

(*e*) Yes.

(*f*) It is realised that the lighting arrangements in the Hospital are not satisfactory. As it is proposed to erect a new Hospital on another site, the Municipal Committee are not prepared to spend money on the improvement of the lighting of the existing building.

(*g*) It is true that the Hospital is not used by well-to-do persons.

(*h*) Yes.

(*i*) Yes. There was, however, no epidemic prevalent at the time that this tournament was held.

(*j*) Yes.

(*k*) The assertion that the Hospital spreads infectious diseases in Delhi and New Delhi is not warranted by facts. Precautions are taken as far as possible to ensure that small-pox cases are prevented from mixing with the public.

(*l*) and (*m*). Government are aware of the necessity for improvement. A proposal to build a new Infectious Diseases Hospital at a more suitable site is at present under consideration of the Delhi and New Delhi Municipal Committees. About four years ago plans and estimates for a new Hospital were prepared but on account of financial stringency the proposal was dropped by the Delhi Municipal Committee.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on table :

(*i*) the information promised in reply to parts (*c*), (*d*) and (*e*) of starred question No. 15 asked by Mr. M. Maswood Ahmad on the 1st February, 1933 ;

(*ii*) the information promised in reply to part (*b*) of starred question No. 405, asked by Mr. Goswami M. R. Puri on the 21st February, 1933 ;

(*iii*) the information promised in reply to starred question No. 657 asked by Bhai Parma Nand on the 6th March, 1933 ;

(*iv*) the information promised in reply to starred question No. 826 asked by Seth Haji Abdoola Haroon on the 21st March, 1933 ;

(*v*) the information promised in reply to starred questions Nos. 840 to 844 asked by Pandit Satyendra Nath Sen on the 21st March, 1933 ; and

(*vi*) the information promised in reply to part (*c*) of starred question No. 1219 asked by Mr. B. N. Misra on the 12th April, 1933.

Reservation of Posts of Assistant Accounts Officers on the North Western Railway for Accountants and Inspectors of Station Accounts.

*15. (*c*) The number of appointments of Assistant Accounts Officers on each State-managed Railway and the number reserved out of these for the Audit staff are set out below :

	Total sanctioned number of Assistant Accounts Officers.	Reserved for Audit Department.
North Western	8	6
Eastern Bengal	2	2
East Indian	8	3
Great Indian Peninsula	3	1
Burma	2	1
Railway Clearing Accounts Office	3	1
	26	14

It will be seen that the proportion of reserved posts varies from Railway to Railway. The reservation has been made in order to protect the interests of the staff who worked in the old combined Audit and Accounts offices ; and the proportion of reserved posts is consequently higher in the old State-managed Railways, *viz.*, North Western, Eastern Bengal and the Oudh and Rohilkhand portions of the East Indian Railway than in the old Company Railways which became State-managed recently, *viz.*, Great Indian Peninsula, East Indian proper and Burma Railways.

As stated in the reply to part (*a*), the non-reserved posts are not reserved for Inspectors of Station Accounts alone but open to all.

I would mention, however, that it has been decided to abolish the system of reservations and to transfer permanently to the Accounts Department a certain number of Assistant Audit Officers and Accountants from the Audit Department.

(*d*) After consulting the Auditor General, the Railway Board have satisfied themselves that no undertaking or guarantee given to Inspectors of Station Accounts in the past has been broken and that, consequently, there is no grievance which requires to be remedied.

(*e*) Government are not prepared to reserve a specific number of posts for Inspectors of Station Accounts as suggested. Government are of opinion that promotion to the higher ranks in the Railway Accounts Department should be open to all who possess the requisite qualifications.

Communal Composition of certain Cadres on the Great Indian Peninsula Railway.

*405. (*b*) So far as Station Masters are concerned the Agent, Great Indian Peninsula Railway, reports that during the period of retrenchment it was found necessary to reduce the grades of pay of certain stations on the line. Of the stations enumerated in the question, nine Assistant Station Masters' posts of Rs. 300—345 grade, at Lonavla, Poona and Kalyan, were converted into Rs. 200 grade. The staff in the grade of Rs. 300—345 were absorbed in vacancies in their own grades at other stations and their places filled by Assistant Station Masters on the reduced rates of pay. Of these latter, four are Hindus, three Mohammadans, one Sikh and one Goanese. No replacement was effected at the other stations mentioned in the question.

As regards Guards, it has been intimated by the Agent that retrenchment was carried out on the basis of their length of service, irrespective of nationality and that no Anglo-Indian Guards were replaced by Goanese or Parsees.

Retrenchment in the Chief Accounts Office of the North Western Railway.

*657. (*a*) and (*b*). The orders referred to were issued with reference to the block retrenchment then in contemplation, but the restriction imposed by these orders requiring the maintenance of proportions of the various communities at approximately the same level as before the retrenchment had to be extended in practice to all discharges, whether arising from block retrenchment or not, which synchronised with or closely followed block retrenchment, since it was not practicable in large establishments to distinguish between the two kinds of discharges.

(*c*) No.

(*d*) Government do not consider any further action necessary.

Confirmation of certain Clerks on the North Western Railway.

*826. (*a*) The orders referred to apply to persons not in Government service on the 15th July, 1931.

(*b*) A copy of these orders was sent by the Agent, North Western Railway, to all the subordinate offices under him for their guidance.

(*c*) Certain clerks who were in service prior to and on 15th June, 1931, were confirmed in the office of the District Controller of Stores, Moghalpura. As the action taken was not in conflict with the orders referred to in (*a*) above, the latter part of the question does not arise.

(*d*) A selection Board consisting of Deputy Controller of Stores, Deptuy Chief Engineer and a District Controller of Stores was convened to select the candidates who had worked as clerks in the Stores Department with a view to confirming the most suitable among them. The Board prescribed a test in dictation for the purpose of the selection.

(*e*) No. Among the six candidates selected, three were Muslims.

(*f*) No third division Matric Hindu was selected for confirmation. The latter part of the question does not arise.

(*g*) There were 11 substitute clerks (of whom only one was a Muslim) working under the District Controller of Stores, Moghalpura, discharged from the service whose names were not communicated at the time of discharge to the Central Labour Exchange for re-employment in future vacancies because their employment was merely temporary. I am, however, informed by the Agent that on reconsideration he has decided to notify the names of all these men to the Labour Exchange for re-employment provided they are otherwise eligible.

Mechanical *ex*-Apprentices of the East Indian Railway Workshop, Lillooah.

*840. At present there are no vacancies in the Mechanical or Stores Departments. It is impossible to foresee the exact number of vacancies if any, that are likely to arise on divisions or to state how the position will change during the year.

Mechanical *ex*-Apprentices of the East Indian Railway Workshop, Lillooah.

*841. (*a*) No arrangements have been made to provide apprentices who are completing their apprenticeship this year.

(*b*) Does not arise.

Mechanical *ex*-Apprentices of the East Indian Railway Workshop, Lillooah.

*842. Two statements giving the required information are laid on the table.

List of Apprentices who will complete their indentures in 1933.

Names.	Date of admission.	Particulars of Training. Shop.	Years.	Months.	Days.	Technical School Results. Division passed.	Remarks.
G. B. Allnutt ..	2-2-1928	Train Lighting ..	3	8	2	1st	
		Production Section ..		5	26		
		Drawing Office ..	1	0	29		
D. G. Hogan ..	2-2-1928	Millwright ..	0	11	18	1st	
		Machine and Fitting ..	1	8	23		
		Millwright ..	0	11	19		
		Production Section ..	0	6	20		
		Millwright ..	0	6	17		
		Drawing Office ..	0	4	22		
W. H. Collins ..	2-2-1928	Train Lighting ..	0	11	1	1st	
		Power House ..	4	3	8		
H. C. Banerjee ..	2-2-1928	Machine and Fitting ..	3	3	3	2nd	
		Millwright ..	0	4	28		
		Production Section ..	0	6	26		
		Millwright ..	0	6	10		
		Drawing Office ..	0	7	17		
L. M. Mistry ..	2-2-1928	Carriage Building ..	1	0	16	1st	
		Saw Mill and Saw ..	4	4	23		
		Doctoring ..					

STOPPAGE OF RECRUITMENT OF APPRENTICE TRAIN EXAMINERS FOR THE OPERATING DEPARTMENT, EAST INDIAN RAILWAY.

*843. Recruitment has been suspended for this year.

APPOINTMENT OF TRAINED *ex*-APPRENTICES IN THE EAST INDIAN RAILWAY WORKSHOPS, LILLOOAH.

*844. (*a*) No.

(*b*) Yes. This is a fact. No suitable apprentices or *ex*-apprentices were available when the mechanic in question was transferred to the Saw Mill.

(*c*) The men concerned were not trained for a few months only; one of them joined the service in 1924 and being a fully trained Millwright was posted to H (Millwright) shop in 1925. The other served his apprenticeship for five years before being appointed as a mechanic in the A (Forge and Smithy) Shop.

(*d*) It is not proposed to replace the mechanics in question, so long as their work is satisfactory.

UNIONS RECOGNISED BY THE PRINCIPAL RAILWAY ADMINISTRATIONS.

*1219. The following list shows the Unions recognised by the principal railway administrations as at the end of April, 1933:

Railways.	Names of Unions recognised.
Bombay, Baroda and Central India ..	B. B. & C. I. Railway Employees' Union, Parel. B. B. & C. I. Railway Employees' Association, Ahmedabad.
East Indian	National Union of Railwaymen of India and Burma. E. I. Railwaymen's Union, Lucknow.
Bengal Nagpur	B. N. Railway Indian Labour Union, Khargpur. B. N. Railway Employees' Union Gardenreach, Kidderpore. Anglo-Indian and European Labour Union, Calcutta.
Bengal and North Western Railway ..	B. & N. W. Railwaymen's Association.
Great Indian Peninsula	National Union of Railwaymen of India and Burma. All-India and Burma Covenanted Non-gazetted Railway Services Association. G. I. P. Railway Administrative and Executive Offices Staff Union.
South Indian	South Indian Railway Employees' Association.
Eastern Bengal	Eastern Bengal Railway Indian Employees' Association, Calcutta. Kanchrapara Railway Workmen's Union, Kanchrapara. All-India and Burma Covenanted Non-gazetted Railway Service Association (Eastern Bengal Railway Branch, Kanchrapara). National Union of Railwaymen of India and Burma.
North Western	North Western Railway Union.

Mr. President (The Honourable Sir Shanmukham Chetty) : In continuation of what I said on the adjournment motion just now, I would like to give a suggestion for the guidance of Honourable Members so that they may not be faced with similar difficulty in future. In a similar case what I would advise Honourable Members to do is this. If Honourable Members are not in full possession of the facts with regard to a particular case, and if no short notice is taken of their questions, what they should do is actually to ask for the leave of the House to move the adjournment motion and then ask the leave of the Chair for permission to waive objection on the question of urgency until the full facts are available to Honourable Members. If that course is adopted, and if the Chair is satisfied that it is a proper case, necessary permission could be given to move the motion on a later day. (Applause.)

Mr. G. R. F. Tottenham (Army Secretary) : May I make a small explanation on this subject ? I received these two short notice questions and I was prepared to answer them. I was fully prepared to answer them. But I thought it would be advisable first of all to consult the various parties in the House as to whether they would prefer an alternative procedure, because I understood that His Excellency the Viceroy was prepared to receive a deputation from the whole House on the subject. It was after discussion with the parties in the House on these lines that I understood from the parties that they would prefer not to take a deputation to see His Excellency the Viceroy, but to have the matter ventilated on the floor of the House in the ordinary way. During the course of those discussions, no suggestion was ever made to me or to the Foreign Secretary that there was any desire to move an adjournment of the House on this matter, and I understood that the House would prefer to get information, as I say, in the ordinary way from the questions that were being asked. I particularly asked both Honourable Members who had given me short notice questions whether they would object to my refusing to accept short notice and I understood from both of them that they were content with the position as it rested after the conversation with the parties. It was on that understanding that I refused to accept short notice, because I thought the House would prefer to hear what we had to say on this subject in the ordinary way in answer to questions which had already been put down on the question paper.

Mr. M. Maswood Ahmad : I think my Honourable friend has forgotten what I said downstairs that it was better for Government to reply to the short notice questions.

Maulvi Muhammad Shafee Daoodi : I would now ask the Government to reply to my question tomorrow.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He has refused.

Maulvi Muhammad Shafee Daoodi : I will now ask the Army Secretary through the Chair to reply to my question.

Mr. G. R. F. Tottenham : I am prepared to answer all the questions on the subject even at the present moment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member must give short notice of the question.

Maulvi Muhammad Shafee Daoodi : All right.

RESOLUTION *RE* RELEASE OF MR. GANDHI, MUFTI KIFAET-ULLAH AND OTHER POLITICAL PRISONERS.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : With regard to the Resolution that stands in my name, I wish to say a few words. I do not want to waste the time of the House in discussing this Resolution in view of the fact that Mahatma Gandhi and Mufti Kifaet-Ullah have already been released by Government. Though I strongly feel that all the political prisoners should have been released, but in view of the release of the two gentlemen specifically mentioned in the beginning of the Resolution, I beg leave of the House to withdraw it.*

The resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* RAISING OF DUTY ON FOREIGN COTTON IMPORTS.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, I move :

"That in view of recent enhancement in duty on Japanese cloth, resulting in immediate boycott of Indian cotton by Japanese, this Assembly recommends to the Governor General in Council either to raise duty on all foreign cotton imports in India so as to extend better protection to cotton growers in India and give rise to consumption of Indian cotton or to introduce without delay a legislation prohibiting imports of foreign cotton into India altogether."

As every body knows, since the enhancement of the duty on Japanese cotton goods, the Japanese decided to boycott Indian cotton. I do not know what effect that boycott has on Indian cotton. But the fact remains that Japan wants to retaliate against India on account of the enhancement of duty on their goods by boycotting Indian cotton. Protection was given by Government to the Indian manufacturer and, on account of that, India is consuming large quantities of Indian cloth, but, at the same time, I find that the Indian manufacturers are importing foreign cotton from abroad, from America, Japan and many other places. And, on account of that, they are consuming foreign cotton instead of Indian cotton. I have collected a few figures from which I find that within the last three years we have imported into India foreign cotton very enormously. In 1930-31, we imported 58,000 tons of foreign cotton and from the 2nd September, 1931, Government have put a duty on foreign cotton of six pies per pound, because they want more revenue. But in spite of that duty, also in 1931-32 the cotton imported into India was 79,000 tons and, in 1932-33, it was 84,000 tons. So you find, Sir, that every year the quantity of cotton imported into India is increasing whereas, on account of India's consuming more Indian mill cloth, our export is diminishing. I have collected figures for three years, from

*"This Assembly recommends to the Governor General in Council to release Mr. Gandhi, Mufti Kifaet-Ullah and other political prisoners."

which I find that in 1929-30 we exported 7,26,000 tons of cotton, and in 1930-31, 7,01,000 tons and in 1931-32, 4,23,000 tons, *i.e.*, about 40 per cent. less in 1931-32. It might be said that this foreign cotton, which the manufacturers are importing, is long staple cotton which cannot be produced in India. But I do not agree with that, because long staple cotton, according to my information, is produced in India, specially in the Punjab and Sind and they are producing that cotton since very long. And my information is that they get very little support from the manufacturers or mill-owners in India, and, at the same time, on account of this organisation of their selling agencies, that cotton is not properly introduced in the market. I am told that the Punjab has got a long staple cotton known as F. 4 and that is produced since long, and in Sind also Egyptian and American cotton was produced for a very long time, but, due to want of marketing facilities or support from the purchasers, its quality and quantity could not be improved. Since the duty of six pies was put on imported cotton, I find that within the last four years the F. 4 cotton of the Punjab has found a market mostly in Karachi and there was difference between *desi* cotton and F. 4 cotton of only Rs. 2 or Rs. 2-4-0 per maund, and on account of this new duty today we find from 2 to 5 rupees difference between *desi* cotton and F. 4 cotton in the market. So it seems to me that if more duty is put on foreign cotton, the mill-owner in India will probably purchase more F. 4 cotton than he does at present. I find that for a very long time the Government's policy has been to neglect the agriculturists, not only in this matter of cotton, but also in enhancing railway freights. Since 1930, the freight of cotton from the Punjab to Karachi was nearly doubled from Rs. 2 to Rs. 4-8-0 per maund,—if not that, at least 75 per cent. more, on cotton and wheat from the Punjab to Karachi. I know that there is heavy expenditure on railways. My Honourable friend, Mr. B. Das, pleads for Indianisation and my Honourable friend, Mr. Joshi, wants something to be done for labour. On account of these things, the expenditure on the railways increases and this expenditure is put on the shoulders of the cultivators and they enhance the freight of cotton and wheat. Sir, I want to give you one example about wheat. Two years ago, Government put an import duty on wheat. In 1930, I remember the rate of wheat in the Punjab market was only 14 annas to Rs. 1-4-0 per maund and, after that duty, I find for the last 1½ years from the 1932 crop that the present rate is Rs. 2-8-0 or Rs. 3-0-0 a maund. And, if that duty is not enhanced on wheat, I am sure that up till now the wheat market cannot grow more than Re. 1 or Rs. 1-4-0. So the cultivators and the zamindars may be unable to pay any sort of revenue to the Punjab Government if the price of wheat does not go up. Today the price of cotton, I think, is less than in 1913-14, whereas the railway freight has nearly doubled, and, besides that, a new difficulty arises which is that the foreign countries are purchasing less and less cotton from India. Sir, if things go on like this and no sort of help is given by Government, the time is not distant when these cultivators and zamindars will not only refuse but will be unable to pay any revenues to Government and the Government will come to pieces. Sir, my Resolution may be appreciated by the Treasury Benches, because I suggest more duty which will bring them more revenue, but I am appealing and suggesting to them that they may not only get more revenue, but that that income should be spent on

List of Apprentices who will complete their indentures in 1933—contd.

Names.	Date of admission.	Particulars of Training. Shop.	Years.	Months.	Days.	Technical School Results. Division passed.	Remarks.
J. Banerjee	2-2-1928	Saw Mill	1	0	8	1st	
		Machine and Fitting	2	2	8		
		Millwright	1	0	4		
		Production Section	0	6	19		
		Train Lighting	0	3	13		
		Drawing Office	0	5	25		
R. A. Bowen	2-2-1928	Carriage Building	0	11	12	2nd	
		Carriage Repair	0	9	16		
		Machine and Fitting	1	11	29		
		Millwright	0	3	23		
		Production Section	0	1	28		
		Tool Room	0	2	9		
		Millwright	0	3	23		
P. B. Gupta	2-2-1928	Millwright	3	8	3	..	Absent at the examination through illness.
		Production Section	0	6	20		
		Millwright	1	5	7		
Bisseswar Dass ..	16-7-1928	Carriage Building	1	8	8	1st	
		Saw Mill	0	6	24		
		Train Lighting	1	6	4		
		Production Section	0	6	19		
		Millwright	1	0	27		

List of Apprentices who completed their indentures in 1932 and have had to be discharged as there were no vacancies.

Names.	Date of appointment.	Particulars of Training. Shop.	Years.	Months.	Technical School Results. Division passed.	Remarks
T. C. Jackson	2-2-1927	Carriage Building	2	5	2nd	
		Blacksmith Shop	1	5		
		Machine and Fitting ..	0	8		
		Drawing Office	0	7		
K. L. Mitra	*	Machine and Fitting ..	2	3	1st	Transferred from Tatanagar.
		Millwright	0	10		
M. R. Hume	2-2-1927	Millwright	1	7	..	Discharged from Technical School for adopting unfair means.
		Sawmill	3	4		
		Underframe	0	8		
M. K. Mukerjee	2-2-1927	Carriage Building	1	11	2nd	
		Carriage Repairing	0	8		
		Machine and Fitting ..	1	11		
		Millwright	1	0		
S. C. Ganguly	2-2-1927	Carriage Building	1	11	1st	
		Carriage Repairing	0	10		
		Train Lighting	1	2		
		Production Section	1	5		
S. K. Bose	2-2-1927	Machine and Fitting ..	3	3	1st	
		Millwright	0	9		
		Production Section	1	5		

* This Apprentice was appointed with the Peninsular Locomotive Company on 24th June, 1926. When their works closed, he was temporarily transferred to Lillooah from 8th September, 1927. On the re-opening of the Loco. Works under the East Indian Railway management he was returned to Tatanagar on 4th July, 1928. He was re-transferred to Lillooah on 11th March, 1929, completing his apprenticeship in these Workshops.

[Seth Haji Abdoola Haroon.]

improving the quality and quantity of the cotton in the Punjab, Sind and other places. With these words, I commend my Resolution to the acceptance of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Resolution moved :

"That in view of recent enhancement in duty on Japanese cloth, resulting in immediate boycott of Indian cotton by Japanese, this Assembly recommends to the Governor General in Council either to raise duty on all foreign cotton imports in India so as to extend better protection to cotton growers in India and give rise to consumption of Indian cotton or to introduce without delay a legislation prohibiting imports of foreign cotton into India altogether."

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I cordially associate myself with the spirit of the observations that Seth Haji Abdoola Haroon made in moving this Resolution which is of momentous importance for the future development of our agricultural resources and for preparing the industrial magnates to work in co-ordination with agricultural interests. When we denounced the most-favoured treatment given to Japan, we read in the newspapers that Japan was preparing to embark on a course of retaliation and Japan, who is certainly one of our principal purchasers so far as indigenous cotton is concerned, was prepared to look elsewhere for her purchases. So far as our industries are concerned, we have definitely made up our mind to give our industries adequate support against foreign dumping, and, on that point, there has not been any difference on this side of the House, or between this side of the House and the other side. Now, comes directly from that policy another problem which faces the cotton growers in India. They are losing or they are threatened with the loss of one of their principal customers. Surely, we are not going to take things lying down, if Japan were to tell us "either take this course of our not purchasing your cotton, or your abandoning the course that you have now embarked upon". Our position, especially when Japanese representatives are coming to this country, is this : we refuse to be threatened, and, at the same time, we want our agriculturists should be protected at least to the same extent as the Government have been protecting our industrialists. The agriculturists of this country, especially when we know that India's essential wealth consists of agricultural products, have been receiving Cinderella treatment from the Government. For instance, notwithstanding the fact that Sir Joseph Bhore, the Railway Member, is deeply interested in the advance of this country, he has not, so far as I am aware, shown any gesture of reducing the heavy freights in regard to the moving of our cotton products from one part of the country to another. As very ably pointed out by the Mover of this Resolution, it has been possible for foreign importers of long staple cotton to bring it in large quantities into this country, thus discouraging the cotton growers of the Punjab and Sind. Time was when the Punjab and Sind produced long staple cotton : time was when some of the finest products.....

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I must ask the Honourable Member's pardon for interrupting him : but I should be glad to know, as one who has studied this question for many years past, at what time Sind produced long staple cotton in any quantity.

Mr. C. S. Ranga Iyer : Leaving Sind out, time was when finer counts, finer cloth and fine muslins were produced out of Indian cotton which found a welcome market in the oriental world. I would ask the Honourable gentleman to read Macaulay's Essays on the subject (Laughter) and to see how English and European ladies were proud of purchasing fine Indian-made muslins. When I said that time was when cotton was produced in India and when foreign cotton was not imported, the Honourable Member took advantage of the manner in which I was proceeding to curb my enthusiasm. I stand corrected. What I was trying to point out was this : that time was when India was one of the best cotton growers and cloth makers in the world, and we have ample evidence in historian Horace Hayman Wilson's books as to the position that Indian manufactured articles occupied in India and elsewhere. I do not want to labour that point. What I am trying to point out is this : as pointed out by my Honourable friend, Seth Haji Abdoola Haroon, they are growing long staple cotton in Sind : I hope the Honourable gentleman does not contradict that.

The Honourable Sir Frank Noyce : They are doing it now to some extent—I hope to an extent which will rapidly increase.

Mr. C. S. Ranga Iyer : I am very glad, I appreciate the way in which the Honourable Member has expressed his sympathy for the future long staple cotton growers of Sind. I now want that that sympathy should crystallise into a fact by a definite assurance by the Honourable the Railway Member and the Honourable the Labour and Industries Member that every effort will be made to encourage the long staple cotton growers and in good time every opportunity given by prohibitive action being taken against the importation of foreign long staple cotton, so that the indigenous agriculturist may have an opportunity and the indigenous millowner will more and more take indigenous long staple cotton instead of foreign cotton. Probably the argument of the millowner will be this : "We have to fight Manchester and Lancashire ; and, therefore, in order to fight Manchester and Lancashire we have to buy in the same market the same cotton that Manchester and Lancashire buy". My answer to that will be this : I would first fight those who are fighting us, like Japan, with methods of dumping. I will also try to provide the cloth that the masses of India want, and if Manchester and Lancashire have to be fought, I will fight them on fair terms by purchasing indigenous long staple cotton and also exploring the possibility of growing that cotton in as many parts of India as possible or in the same parts of India where they are grown now, in larger quantities, as the Honourable Member for Industries has just said. That is our case and in this Resolution, therefore, is involved the growth of our industries in harmony with the development of our agriculture, and it is the creation of this harmony between the indigenous industries and indigenous agriculture that will destroy the depression, both commercial and agricultural, with which we are face to face in the country today.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I strongly support this Resolution. As one coming from Sind, I am in a position to say that the present Sukkur Barrage that has been constructed at a heavy cost will suffer very much if a Resolution like this is not accepted. It was objected that in Sind long staple cotton was not

[Mr. Lalchand Navalrai.]

growing. But I am very glad to hear from the Honourable Member in charge of Industries that he is conceding that long staple cotton is being grown now in Sind. I can assure the House that I personally know that this improvement of cotton is going on a very large scale in Sind. Mr. Jenkins, who is in charge of this Agricultural Department in Sind, is doing his very best to see that Sind produces long staple cotton and very fine cotton too. It will be a blow to this barrage and to the growers of cotton in Sind if this Resolution is not accepted and no restrictions are put upon the imports of cotton into India. It is the whole of India that suffers on that account. It is not only the agriculturist who suffers, but the industrialist also suffers, and, therefore, it is high time now that the Government should recognise, when our own country is able to produce cotton of various kinds, the necessity of putting embargo on the import of cotton from foreign countries. The facts and figures that have been put forward by my friend, the Mover, who, in a way, I may say, is an expert in these things, as he has been dealing in cotton for a very long time, cannot be disputed for a moment, and his knowledge of this trade is first hand. Therefore, taking the facts and figures that he has prepared and given to the House, it is quite plain that this industry is suffering very much in this country, and the public are very anxious that the industries of India which have been annihilated should be revived. This is, therefore, one of the ways by which India's cotton industry can be rehabilitated, and as this industry is helping the growers, all possible help should be given to see that it is not handicapped in any way. Sir, this is a very modest Resolution, because it only asks that there should be some better protection given to cotton by imposing taxes or introducing some kind of prohibitory legislation to prevent the pouring into India of foreign cotton. Stress has been laid on the fact that this cotton industry is advancing in Sind and in the Punjab. It is no doubt true that it is growing in a larger quantity there, but it is growing elsewhere also, and, therefore, I think, Sir, the whole of India will be protected if this Resolution is accepted.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Mr. President, I have great pleasure in supporting the Resolution moved by my friend, Haji Abdoola Haroon. I represent the agriculturists and also a constituency where cotton is grown in abundant quantities, and I may say that, on account of the fall in prices of cotton, and also on account of the Japanese boycott, cotton growers are on the brink of ruin. Therefore, Sir, I have absolutely no hesitation in supporting this Resolution which seeks to levy duties on imported cotton or to prohibit the importation of cotton, in order to induce the millowners to consume more of the cotton that is produced in this country.

Sir, only yesterday we heard the address of His Excellency the Viceroy who stated that the customs revenue had considerably fallen in this country on account of the diminution of imports of various goods into this country and of larger exports from this country. Of course, the country requires a favourable balance of trade, and it is good for it, but, at the same time, by having lesser imports, the customs duties will naturally go down, and that should give an anxious time to the Honourable the Finance Member. Hence I expect that the Honourable the Finance Member will lend his support to any measure which will give him more revenue ; but, Sir, I find the Honourable the Finance Member sitting by the side of the Honourable the Commerce Member, and it gives me a certain amount of misgiving, and I hope that my misgivings are not correct.

Sir, the Honourable the Mover of this Resolution has given some figures which show that India requires foreign markets for her over-abundant production of cotton. We find from the figures that Japan is our chief customer, and that she has been importing Indian cotton to a very large extent. I will give a few figures to show how much Japan has been importing cotton from India till they started the boycott. In the year 1930-31, Japan imported nearly 301,000 tons of cotton to the value of 21 crores of rupees, and out of the total exports in 1931-32 of cotton which amounts to 23 crores of rupees, Japan alone has imported 11½ crores worth of cotton, and all the other countries are far behind Japan in the way of consuming Indian cotton, and hence we can readily understand what a blow it is to Indian cotton growers when a country like Japan which has been consuming such large quantities of Indian cotton has boycotted it. On the other hand, we find from the sea-borne trade of India that imports of cotton to India from other countries have been increasing in spite of the fact that India has been producing large quantities of cotton. We imported from Kenya nearly 19,000 tons of cotton to the value of 2 crores 80 lakhs of rupees in 1929-30, and in 1930-31, we imported 22,686 thousand tons to the value of 287 lakhs, and for the year 1931-32 my friend has given the figure and the imports of cotton are far in excess of the figures I have quoted. We are also importing cotton from Egypt and the United States. In the year 1931, when the Honourable the Finance Member came forward with the proposal to impose a duty on the importation of cotton, some of us felt that it would be detrimental to the textile industry of India. At that time when we opposed the Government, we were under the impression that the textile industries of India would consume more and more of indigenous cotton and thus encourage the consumption of indigenous cotton. But what do we find from the figures ? We find that the textile industries of India, especially the Bombay mill industry, have been importing larger and larger quantities of cotton from Kenya. The reason why they are importing larger and larger quantities of cotton from Kenya is that many Indians and many Parsis have gone and settled in Kenya and have been growing long staple cotton, and naturally the Bombay mill industry want to help them by importing larger and larger quantities from Kenya. It is said that India is not producing long stapled cotton, and hence we have to go to Kenya and other places for long staple cotton for Indian mills. But, Sir, we find from the statistics that India also is growing long staple cotton to the extent of 15 lakhs of bales out of a total quantity of 60 lakhs of bales of cotton produced in India, and of this I find that the textile industry is using only about 50 per cent. and the other 50 per cent. is being wasted in mixing with short staple cotton and thus fetching a lower price. Hence, this duty on long staple cotton will encourage the cultivation of more and more long staple cotton in this country.

1 P.M.

There is another argument used by the millowners, namely, that we should not impose any duties on raw products, and they quote the Tariff Board's report in support of that contention. My submission is, however much that theory may hold good with regard to other countries, it does not hold good with regard to India. The reason is this. We find that great industrial countries like the United Kingdom, France and others have to depend upon raw products that are imported from other countries. They

[Mr. T. N. Ramakrishna Reddi.]

are highly industrial countries and they have not sufficient land to cultivate the raw products. Hence they have mainly to depend upon the importation of raw products from other countries. Therefore, any duties levied upon raw products will add to the cost of the manufactured goods which have to compete with the manufactured goods of other countries in open market. That is why it is advantageous for those countries not to levy any import duties upon raw products ; whereas India is differently situated. In India we are growing large quantities of cotton ; we are growing to the extent of nearly 60 lakhs of bales of cotton of which only 25 lakhs of bales are consumed here and large quantities are being exported. India being an agricultural country, we produce large quantities of raw products and this rule cannot apply.

The protection for Indian cotton proposed by the Honourable the Mover is indirectly of benefit to the industries also. They are now importing long staple cotton from miles and miles away after paying heavy freights and incurring other expenses due to the long distance. If the production of long staple cotton is developed in this country by giving this protection, then the mill industries will have the raw products at their very doors and thus they would save enormous cost ultimately. Hence, this duty is indirectly and ultimately beneficial to the industries themselves.

Again, it is said, and will be repeated by the industrialists, that India is producing larger quantities of short staple cotton only, and if the industries in India want to develop, they must have long staple cotton as the mills must produce finer kinds of goods. It is quite essential that Government should help in every way the growing of long staple cotton in India. In that case India will have a wider market for its cotton. At present it is only Japan and China and one or two other countries that are consuming Indian cotton. It is only those countries that have been producing larger and larger quantities of coarser goods, and hence there is a very good market for Indian cotton. Therefore our markets are very much restricted on account of our growing short staple cotton in larger and larger quantities. If India begins to grow long staple cotton in larger quantities, then she will have a world wide market, because all the European countries are producing finer goods and they require long staple cotton. Hence we need not depend upon only one or two countries for the consumption of our cotton, but we will have a wider field if India develops the production of larger and larger quantities of long staple cotton.

By levying duties on imported goods, it might be argued that we might provoke other countries to retaliate. That is a thing to be considered. There is the fear of retaliation from other countries. But what exactly will be the position in case of duty on imported raw cotton ? The two countries that have been consuming almost all our exports of raw cotton are Japan and China. On account of the imposition of heavy duties on the cotton goods imported from Japan for helping our indigenous textile industries, we have seen that Japan has already boycotted Indian cotton. We need have no fear in that direction, because they have completely boycotted us. As regards the other country, China, she is not in a position, on account of the chaotic conditions there, to boycott our goods. Leaving out these two countries, there are no other countries from whom we expect retaliation by our levying this duty on cotton.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got only one minute more.

Mr. T. N. Ramakrishna Reddi : There is another argument that is stated to the effect that cotton duties do not go in any way to help the cotton grower at present, because we are importing only long staple cotton which does not compete with our cotton and hence the Indian agriculturist, who produces only short staple cotton, will not be benefited by the protective duties at all. For this I would only quote the speech of the predecessor of the Honourable the Leader of the House when he supported the duty to be levied on the importation of cotton during the debate on the Indian Finance (Supplementary and Extending) Bill. Sir George Rainy said :

" The very utmost that the industry could possibly complain of is, as I have said, that a desirable development would be unable to proceed quite so rapidly as in other circumstances perhaps it might have done. On the other hand, we have to set off the advantage to the cultivator. I do not propose to go into that in any detail but merely to say this. It does not in the least follow, because more than half of the cotton crop of India is exported and therefore no import duty can benefit the industry as a whole, it does not in the least follow that the duty may not be of very distinct benefit to a particular section of the cotton cultivators, and when my friend *(he was referring to Mr. Mody, who is the protagonist of the industrialists)* says that he presumes no one would say that the competition of imported cotton had kept down the price of Indian varieties, I would merely remind him of what my Honourable friend, the Finance Member, said on that subject that the effect of the duty, according to his information, had been to raise the prices of the Indian variety which, I think, comes to very much the same thing."

Thus any rise in duty will tend to raise the prices and it would conduce to the growth of more and more of long staple cotton. Sir, with these words, I have great pleasure in supporting the Resolution moved by the Honourable the Mover.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I extend my wholehearted support to the Resolution moved by my Honourable friend, Seth Abdoola Haroon. There is no doubt that it is in the interests of the cotton growers and I happen to be one of them. Therefore, it is my bounden duty not only to my brother cotton growers, but also to my constituents that the proposition should be carried through. A doubt has been expressed that the motion is premature in view of the negotiations which are bound to come up for consideration between the Government of India and the representatives of Japan, and they point out that this action by the Assembly in carrying through this motion may prejudice the negotiations and the successful termination of those negotiations. Sir, we have to see the effect of the Cotton Textile Industry (Protection) Bill introduced by the Leader of the House. Then there is a fear that the duty proposed might affect the supply of long staple cotton which is grown only in the Punjab.

Mr. Lalchand Navalrai : It is also grown now in Sind.

Rai Bahadur Kunwar Raghubir Singh : And in Sind also. That long staple cotton will not be available in sufficient quantities for mills. But, Sir, the question of Japan has been before business men for long and they do not place much reliance on the words of those who say that Japan will start a complete boycott of Indian cotton. They say that it is only a fetish to think that Japan will be able to boycott all Indian cotton as her demands cannot be satisfied by the American cotton, and everybody knows that Japan's growing prosperity is an eye-sore to the United States of America ; hence it is hardly possible. It is, however, refreshing to think that an industrialist and a businessman like the Honourable Seth Abdoola Haroon should have thought of the prosperity of the cotton grower and to protect his interests. We should at this moment consider the pros and cons of the whole matter before we decide one way or the other. The needs of the situation should certainly be looked into and we should encourage the growing of finer cotton which would do away with the remedies as proposed in the present motion and there is no doubt that the growing of better cotton will receive an impetus by the action which has been proposed. I appeal to the Government to favourably consider the request of the agriculturists and also of businessmen. As my friend, Mr. Reddi, has shown, it would be as much in the interests of the businessmen and industrialists as the cotton growers themselves. I hope the Government will have regard for agriculturists and their prosperity especially in view of the great industrial awakening in the country that the finer cotton should be grown in India in sufficient quantities and thus this is one of the steps in the right direction and, therefore, I support the motion.

Sir Leslie Hudson (Bombay : European) : Sir, if I do not see eye to eye with the Mover of this Resolution, the wording of which I think could have been better framed, it is not that I have not the greatest sympathy with the agricultural community which is, in the last resort, the backbone of this country. But, Sir, there are two sides to this question. There is the cotton grower, but there is also the indigenous mill industry of India to which consideration must also be given and I cannot believe that any Honourable Member of this House really at the back of his mind believes that a tax on raw materials is a sound one, raw materials, that is to say, which are not produced at present in this country. It is true that in the Punjab American cotton is being grown, but it is not the equivalent of the longer staple cotton which we get from East Africa, Egypt and America and which is a necessity for our cotton mills. Mr. Lalchand Navalrai has told us that long staple cotton is now being grown in Sind.

Mr. Lalchand Navalrai : Also longer staple cotton.

Sir Leslie Hudson : As the Sukkur Barrage has been in operation now for somewhat less than 18 months, the production of long staple cotton in Sind cannot be very great at present. No doubt it will grow and we all hope that it will be grown. When India is able to provide from her own soil the long staple cotton that is required by the mill industry of India, in order to make cloths to compete with those being imported into India from Japan and elsewhere, then, I am perfectly certain, that the nationalist spirit of the millowners will urge them to purchase the Indian produced article, provided it is of equal quality, rather than import it from abroad. I would specially stress the fact that these long staple cottons are necessary in the manufacture of our mills in India. The Honourable Member, Mr. Reddi, has given a considerable array of figures and I do not wish to

trouble the House to any extent with any more, but a comparison of the consumption of indigenous cotton in the Indian mills, with the imports of East African and American cotton, might be of interest.

In 1925-26, the consumption of bales of 3½ cwts. each, in Indian mills, was 20 lakhs, imports of long staple cotton 1¼ lakhs. In 1926-27, 21 lakhs consumption and imports 4¾ lakhs. In 1927-28, 18 lakhs consumption, imports 188 thousand bales. In 1928-29, 20 lakhs consumption, imports 122 thousand bales. In 1929-30, 24 lakhs consumption, and imports 1½ lakhs bales. In 1930-31, 23 lakhs consumption, imports 4¾ lakhs (that considerable increase is due to special circumstances in that year). In 1931-32, 24 lakhs consumption of Indian cotton in Indian mills and 5 lakhs imports. In this present year 1932-33, consumption in Indian mills of Indian cotton for a period of 11 months only has been 22 lakhs bales whereas imports have been less than 2½ lakhs. I think the statement made by an Honourable Member opposite that the consumption of Indian cotton in Indian mills was being reduced or rather that the import of foreign cotton was being increased, thereby reducing the consumption of Indian cotton in Indian mills is not true. The figures that I have just given go to prove that that statement is not correct, if anything it is increasing, whereas the import of long staple cotton from abroad is going down. We have also heard about the question of export of cotton to Japan. I think I am right in saying that until a very recent date, the export of cotton from India to Japan averaged over 15 lakhs of bales per year. Last year, for the 10 months to the end of July, the exports of cotton to Japan were 4,70,000 bales and those in the present year for the same period are exactly double, namely, 9,40,000 bales. It is true that Japan has declared a boycott against Indian cotton and the latest information that I have received from Bombay is that the boycott is definite and effective. That boycott will remain in force no doubt until the result of the conference which is to be held here in the course of the next month is known. I feel, Sir, that the present Resolution could have been worded differently and still have attained the object desired by the Mover. We all want to see the cotton growers in India prosper, we all want to see the cotton growers in India grow longer staple cotton so that it can be used in the Indian mills, and I go further, there is no reason why, if a sufficient quantity of proper quality is grown, it should not be exported. But there is the other side of the case and I think the House should consider very very closely before they agree to this Resolution that a further duty should be placed on the import of raw materails used by the cotton mills in India which not only supply a vast consuming public, but also employ a very large quantity of labour.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, it is a matter for some little regret that my Honourable friend has framed this Resolution in the terms in which it appears on the notice paper. Government have every sympathy with the cotton grower and, had this Resolution been framed in somewhat different terms, I do not think they would have the slightest difficulty in accepting it. I am sure that after my Honourable friend and those who have given him their support in this House have heard what I have to say, they will agree with me that no useful purpose would be served by pressing the Resolution in the terms in which it now stands before the House. I abstain from any but a passing reference to the Japanese boycott. There is much that I could say about it, but I refrain for obvious reasons. When a delegation from Japan is on its way to enter into negotiations, it is incumbent on every one of us to

[Sir Joseph Bhore.]

abstain from saying anything which may sharpen the acerbity of feeling which unfortunately manifested itself in certain quarters a little time ago. I, therefore, deliberately deprive myself of this opportunity of removing many misapprehensions and of refuting many misrepresentations in this matter lest anything that I say should stir up, instead of allaying, feelings of resentment. What we want at the present moment is to foster a friendly atmosphere for the fruition of friendly negotiations. But I cannot refrain from placing certain facts before this House, facts which have been already referred to by my Honourable friend, Sir Leslie Hudson. I will do so without any comment, but I would request Honourable Members to examine very carefully the implications of the figures which I am placing before the House. I propose to give the House the figures of cotton exports from India to Japan in the last two years. I have brought those figures as much up-to-date as I possibly could. From September, 1931, to 10th August, 1932, the exports were in the neighbourhood of 5,00,000 bales. From September, 1932, to 10th August, 1933, the exports were 10,55,988 bales. Or if you prefer, let us confine ourselves to the last month and a half. The figures of export from Bombay to Japan are, from 1st July to 10th August, 1932, 5,000 bales, from 1st July to 10th August, 1933, 57,000 bales. Equally striking increases are to be found in the shipments of cotton from Karachi to Japan, the increase being in approximately, the same period, from 13,000 bales in the last year to about 47,000 bales in this year. Now, Sir, I will say no more on the subject of the boycott. After all, Sir, the reference to boycott in my Honourable friend's Resolution is, I take it, merely incidental and it is possible to deal with the substance of that Resolution without referring any further to boycott. Now, Sir, what is it that this Resolution wants us to do or recommends the Government of India to do? It recommends that either a prohibitive duty or, what amounts to an embargo, should be placed on foreign imports into this country; and what is the object of that? The object is stated to be to "*give rise to consumption of Indian cotton*", presumably in India. I am sure, there is no one in this House who does not know that Indian cotton is consumed in Indian mills, so that I presume it is just a question of a slight looseness of phraseology. What my Honourable friend obviously meant, I think, was to *increase* the consumption of Indian cotton by Indian mills. Of course, Sir, the fact of the matter is that most or all of the coarser counts or rather the less finer counts, for which alone Indian cottons are at the moment suitable, are being woven from Indian cotton. I should like to bring to the notice of the House that whereas in the year 1928-29 the Indian mills consumed something like 1,900,000 bales of Indian cotton, in the year 1932-33 they consumed something like 2,275,000 bales. In this year, namely, 1932-33, 83 per cent. of the cotton consumed by the mills in India was Indian cotton. From what I have said, Sir, it will be clear, firstly, that Indian cotton is being consumed in the Indian mills, that the bulk of the raw material used by Indian mills is Indian cotton, and that they have in the last few years been increasing year by year their consumption of Indian cotton.

Now, Sir, with the possibility of a misapprehension upon that major point out of the way I will come to a question which may naturally be asked by Honourable Members in the House. Taking as a basis, the figures of 1932-33 which I have just quoted, eighty-three per cent., as I have said, consists of Indian cotton. The House may very well inquire,

what about the remaining 17 per cent? Let us analyse that 17 per cent. Of that 17 per cent., no less than 9 per cent. consists of long staple cotton from Egypt and Africa, definitely longer,—and I make this statement deliberately,—than anything that is grown in this country and which cannot be replaced commercially by any cotton in the country at the present moment. Now, Sir, practical agriculturists and cotton growers in this House will, I am sure, agree with me when I say that there would be as much sense in attempting to protect the Indian cotton grower by preventing the ingress of cotton which is not grown in this country at the present time as by preventing the importation of, say, musical instruments. But, Sir, we now come to the balance of 8 per cent. and, in the year to which I am referring, that 8 per cent. amounted to something like 200,000 bales, almost entirely from America. Much of this class of import does enter into competition with Indian cotton, but, Sir, with reference to what has been said by more than one Honourable Member, I would bring to the notice of the House, that imports of this particular kind of cotton, and, as a matter of fact, of foreign cotton generally, have definitely decreased. From 1st September, 1931, to 10th August, 1932,—and my Honourable friends will observe that I have taken the trouble to get them almost up to date figures,—American cotton imported into this country amounted to 280,000 bales. From 1st September, 1932, to 10th August, 1933, the import had fallen to 75,000 bales. That fall is also reflected in the total foreign cotton imported into this country. From 1st September, 1932, till 17th August, 1933, the total of foreign cotton which entered Bombay was 239,000 bales as against 538,000 bales in the corresponding period of the previous year. Now, Sir, there are three main points that I would like to make. The first point which, I think, emerges from the figures which I have given to the House, is that that portion of the foreign cotton which really enters into competition with the better qualities of Indian cotton is, speaking comparatively, extremely small; having regard to the total production and the total consumption, I might almost describe it as infinitesimal. Then the second point that I would like to make is this, that at the present moment foreign cotton has to pay the following charges: half an anna a pound as import duty, freight and other similar charges, approximately another half an anna, fumigation charges, about 1|10th of an anna,—totalling something like 1,1|10th anna per pound. I do submit that that does constitute a measure of protection which is not by any means unsubstantial and I claim that this duty has had this effect that it has made Indian mills take a greater interest in Indian cotton. Now, Sir, the third point that I would like to make,—and this is a somewhat important and possibly a complicated point,—is this. I have attempted to show that the quantity of imported cotton which comes into competition with the finer qualities of Indian cotton is extremely limited. If we wanted to exclude that competition, if we wanted to eliminate that competitive importation, we would have to proceed in one of two ways. We might impose a prohibitive duty on and thus exclude all cotton of a staple competing with Indian cotton or we might entirely exclude all foreign cotton. The first of these is, from the practical point of view, not possible. It is not possible for Customs officers, except with an immense amount of trouble, to differentiate between imports of cotton of different staples and levy varying rates of duty according to the length of the staple. Therefore, we are driven to the other alternative, which is the entire

[Sir Joseph Bhore.]

exclusion of foreign cotton. Now, Sir, let us consider what would be the effect of the entire exclusion of foreign cotton. Very little cloth, I am told, is manufactured by the Indian mills purely and entirely from foreign long staple cotton. The bulk, indeed, is used in conjunction with the shorter staple Indian cotton, the long staple foreign cotton providing the finer warp and the short staple Indian cotton, the coarser weft. The resultant cloth is—and that is the point I wish to emphasise—an article which enters into competition with foreign cloth and not with the cloth made by the Indian mills from Indian cotton. Now, to place an embargo upon foreign cotton would mean not merely that you would, to that extent, cripple the activities of the Indian mills, but that you would prevent the use of the shorter staple Indian cottons which are being used in conjunction with the longer staple variety for the production of these types of cloth. I do want to make it perfectly clear, however, that nothing that I have said and no arguments that I have used should be employed to criticise the Government at a later stage if they found it necessary for purely revenue purposes to increase the duties on cotton, and, secondly, I also want to make it perfectly clear that in altered circumstances it may so happen that the question of a protective duty for cotton may be deserving of very serious consideration.

3 P.M.

What I want really to submit to the House is this : that so far as we are concerned, we can help and we are, as a matter of fact, helping the cotton grower in finding wider markets for his cotton. Honourable Members may remember that it was one of the conditions of the Trade Agreement entered into at Ottawa that the United Kingdom should do all in its power to extend the use of Indian cotton in Manchester. That undertaking is, I am glad to say, being implemented both in the letter and in the spirit. (*Mr. B. Das* : "Question.") My Honourable friend is ready to question anything, because I am afraid he has a sublime disregard for facts and figures. (Laughter.) This object is being steadily pursued. A Committee has been set up in England whose duty it is to do everything in its power to push the sale of Indian cottons. That Committee has taken from this country samples of Indian cotton, and it has actually got woven, from it, in conjunction, I take it, with other cotton from other countries, something like 80 varieties of cloth : these different varieties of cloth have been exhibited before the Manchester textile manufacturers and I have no doubt that that will ultimately bear very good and substantial fruit. Increased consumption cannot be secured in a day ; but even as it is, there are indications that in Manchester there is growing a greater interest in Indian cotton. Let me give to the House certain figures which, I am sure, will support what I have said. From the 1st September, 1931, to the 31st July, 1932, there were exported from Karachi to the United Kingdom 76,000 bales ; in the same period 1932-33, export had risen to 121,000 bales. From Bombay in the same period there was an export of 23,000 bales which had risen in the next year to 62,000 bales : that means a total of 183,000 bales in 1932-33 as against 99,000 bales in 1931-32. I hope Honourable Members will be satisfied from what I have said that the adoption of the course recommended by my Honourable friend, the Mover, is likely not merely to form a handicap for the cotton textile industry, but is likely to have some adverse effect upon the

Indian cotton grower himself. What we really want is, as has been said by more than one speaker, to help the growing of longer staple cotton in this country. If that is done, I have not the faintest doubt that not only will the Indian mills and Manchester take increasing quantities, but it will remedy what has been described as "India's vulnerability to any big variation in the demand for short staple cotton". Much, therefore, depends upon the improvement of cotton in this country. A great deal has been done, as Honourable Members are aware, by the Indian Central Cotton Committee which spends large sums of money every year on research. But the improvement of cotton is a very slow process. I think my Honourable friends, the practical cotton growers in this House, will admit it. It depends on research and on experiment and cannot be effected in a day. If this Resolution were so altered as to suggest that the Government of India should do all in their power to assist the growing of cotton, that they should do all in their power to try and obtain wider markets for Indian cotton and that, in ultimately fixing the level of duties or in coming to any trade agreement, they should place the interests of the cotton grower as high as they place any industrial interests in this country, Government would have no hesitation in accepting it. (Hear, hear.) With the assurance I have given, I hope my Honourable friend will be satisfied and will withdraw his Resolution.

Seth Haji Abdoola Haroon : Sir, after hearing the speeches on my Resolution and, particularly, after hearing my Honourable friend, Sir Joseph Bhore, I want only to say this. When I framed the Resolution, I had read in the newspapers about the boycott of Indian cotton by the Japanese. I framed the Resolution under an excitement. But after hearing the facts and figures given today showing the comparison between 1931-32 and 1932-33, I must say that the depression and exchange difficulties account for the lower figures of the former year. However, as my Honourable friend, Sir Joseph Bhore, has given full assurance to protect the Indian cultivator and grower of cotton, I gladly withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* REPAYMENT OF HALF CURRENCY NOTES.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I beg to move the Resolution that stands in my name. It reads thus :

"That this Assembly recommends to the Governor General in Council to reconsider the present policy of Government discouraging and, for that purpose, penalising the cutting of Currency Notes into halves for facility of transmission by post, as such transmission is considered by the business world to be required in the interests of business."

Sir, in moving this Resolution, I need hardly point out that for a very long time past, as a matter of fact, ever since the advent of British rule in this country, the business community has adopted a particular form for transmission of funds from one part of the country to the other. It has been the practice, for the purpose of making remittances from one part of India to another, and especially to such parts where there are no banks, to employ the post office as the medium of transmission, and, in

[Mr. Muhammad Muazzam Sahib Bahadur.]

to pay for spurious claims. That is very reasonable. The next consideration, but a consideration which in this particular case ought not to weigh very much with the Government, is that it stands to lose a good deal of its revenue by the method which the business community has chosen to adopt. May be that because the business community insures half notes for a nominal sum the post office is deprived of its revenue. No doubt it is, but when it is recalled that such a practice has grown all these years and has taken a deep hold on the business community and that legislation which has been passed from time to time—currency legislation—could not but take note of it, could not but recognise it as a custom which is prevalent, it is not safe that the Government should pay much heed to the consideration of revenue. As I said, the main consideration ought to be that no spurious half notes are changed at the currency office for the full value of the notes. It may be that the Government are actuated by a desire to get rid of this practice altogether. But, as I have said, the practice is deep rooted, and it is deep rooted, because of the absence of other facilities to which recourse would have been had if they were preferable to the one to which the business community has been used. If it is the determined idea of the Government to do away with; to put a stop to, to prohibit the cutting of these currency notes into halves, the first thing that they should do is to increase the number of branches of the Imperial Bank, to increase the number of the Government treasury offices and then to insist that no currency note should be divided into two. Then Government will be perfectly justified, but, as it is, they have not entirely prohibited the cutting of currency notes into two. They only say that they want to discourage this practice, and, to effect that object, the Controllers of Currency have been working the rules which have been framed under the Indian Currency Act, with the utmost rigour. The result of that unfortunately is that private persons have off and on lost half the value of their remittances, and some banks, I understand, have lost enormous sums. When a half note which bears one part of the serial letter and number is produced before a Currency Officer, payment is made for the value of that half note. Suppose it is a 100-rupee note, payment is made of Rs. 50. And if it happens that the other half is missing through post missing in the course of transit by the postal authorities as an insured letter, and notice is given at once to the authorities concerned and a claim is made by the presenter of the first half note for the value of the other half which is missing, the Controller says : " You cannot get it, because we must be convinced that the other half will never be produced before us." That is the interpretation which I understand has been put by the Controller of Currency in giving effect to Rule 6 (*a*) of the Rules made under the Indian Currency Act which reads as follows :

" Claims to the value of a half note shall be rejected unless the number of the note is identified by the enquiring officer on the half note and the half note is entire and has not been divided and joined together."

In giving effect to this rule, the Controller of Currency has issued a communiqué on the 2nd August, 1932, in the following terms :

" It has come to notice that some misapprehension exists as to the rules regarding the payment of value of currency notes of the denomination exceeding Rs. 10 which have been divided into halves. It is therefore notified for general information that no chage has been made in the Rules which were promulgated in the Government of India Finance Department, Notification No. F.-4 (XV)-F.-27, dated the 19th May 1927, and that cut notes will be paid as usual provided both halves presented form parts of the same note and provided the numbers on each half are clearly identifiable. A large number of claims have been made recently for full value of cut notes although the notes have been cut in such a way that the serial letter and number on one of the halves have been divided. Attention is invited to Rule 6A of the Currency Notes (Refund) Rules."

The worst thing about it is that in working the rules, the currency officers are very rigid. Now, take for example a hundred rupee note. The serial letters and numbers are very close to the dividing line and if the note is cut at the dividing line, it is just possible that one of the serial numbers or letters is also cut, but I submit that if the two halves are placed together by the Controller of Currency or the Currency Officer, he will feel convinced that one forms a complement to the other. When they are placed side by side, there ought to be no difficulty in identification of these notes, but knowing that it is the object of the Government to discourage the sending of these notes in halves, they intentionally enforce this rule with the utmost rigour. Sir, in this connection, I think I should point out to the House that the various Chambers of Commerce, both European and Indian, were unanimous in adopting a Resolution against the rigour at Calcutta early in January this year. I believe the Honourable the Finance Member was present at the meeting of the Associated Chambers of Commerce. Speaking there, the Honourable the Finance Member said that if the Government of India are convinced that the facilities now provided are not adequate for remittance purposes, some change will perhaps have to be made, but that they were not so convinced. At the end of his speech, the Honourable the Finance Member said that, in view of the creation of a Reserve Bank in the near future, it is but meet and proper that the difficulty which are encountered in the Currency Department of the Government of India should not be allowed to fall on the shoulders of the Reserve Bank and that it is in a way to facilitate the work of the issue department of that bank that Government are discouraging this practice with a stern hand. Sir, as I have explained, looking to the depressed condition of the business community and the lack of facilities which we find in this country and looking to the enormous area of this country and the very limited number of banks or treasury offices in this country through whose medium these remittances can be made, I think the Government of India would be perfectly justified if they will at least issue instructions to the currency authorities to apply these rules with less rigour as was the case a few years ago. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That this Assembly recommends to the Governor General in Council to reconsider the present policy of Government discouraging and, for that purpose, penalising the cutting of Currency Notes into halves for facility of transmission by post, as such transmission is considered by the business world to be required in the interests of business."

There are three amendments on the Order Paper and the Chair finds that Mr. Ramakrishna Reddi's amendment is the most comprehensive of all and the Chair thinks that on the whole it will suit the convenience of the House if Mr. Ramakrishna Reddi is called upon to move his amendment.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I beg to move the amendment

[Mr. Muhammad Muazzam Sahib Bahadur.]

so employing the post office, with a view to saving the charges and to expedite the business, it has been the practice to cut currency notes into halves, to send one portion of the halves by insured post insuring the packet for a nominal amount and the other portion likewise insured for another nominal amount. It must be conceded that the Government of India have recognised it at every step when passing legislation on currency matters. As a matter of fact, the last legislation on the subject was enacted by the Indian Currency Act of 1923, and in that enactment specific reference is made, while dealing with payments to be made in the case of currency notes mutilated or defaced, to the powers which are reserved to the Governor General in Council to frame rules with a view to seeing that the interests of the business community do not suffer when they follow the practice of transmitting the currency notes in halves. This is a practice which, during all these long years, has taken a firm hold of the business community, and, if it is the intention of the Government of India to discourage this practice, I think the rigour which is being applied by the Currency Department at the present day ought, in all propriety, to be applied at a period probably 50 years hence by which time the business community will become much more educated and much more familiar with the ordinary business methods. As it is, Sir, a great part of the business community, I mean those engaged in banking and in trade—I do not allude here to those banks which are more or less recognised by the State,—I am referring to those classes of bankers who carry on mostly *Hundi* transactions,—a large portion of this class of the business community is not far advanced yet, and if today they are pursuing the same old practice with a view to curtailing charges which otherwise they would have had to pay if they had recourse to transmission through banks or by post in the ordinary way as is done by private persons when remitting money from one place to another, I mean, if they adopt these methods, I think they are perfectly entitled to do so, especially in view of the fact that the facilities which they can have access to, the facilities which the Government have provided, are not quite adequate to meet their needs.

Now, Sir, there are four forms, four methods by which a business man can make remittances from one part of the country to another. The first is the system of what is known as supply bills, which, I take it, are brought into effect through Treasury Offices maintained by Government. But, Sir, may I ask, what is the total number in this wide continent of India of such Government Treasury Offices which afford reasonable facilities to the business community to carry on their transactions ? I am afraid, Sir, the total number of these treasury offices is not more than 300 in the whole of India. Then, Sir, when it is remembered that the bulk of the business community is not well educated and is unfamiliar with business methods, it is easy to realise that they want to avoid as much as possible the formalities which have to be gone through and the delays consequent upon their resorting to this method of transmission. Unless, therefore, Sir, sufficient facilities are afforded to the business community to transact business through these treasury offices by the medium of supply bills by increasing the number of these treasury offices, especially in up-country stations, it will be impossible for these business people to carry on their every day transactions.

Next, Sir, we have what are known as the facilities afforded by the banks, and those consist of bank drafts and currency telegraphic transfers. It is well known that the charges which have got to be paid on telegraphic transfers and bank drafts are very high considering the volume of business which the commercial community transact. As a matter of fact, the usual charges that are levied are four annas per Rs. 100 up to Rs. 1,000 in the case of bank drafts, and two annas for every Rs. 100 up to Rs. 10,000, and over Rs. 10,000 the charge is Re. 0-1-0 per Rs. 100. It is easy to realise that businessmen who have got to remit funds, who have got to make remittances, almost every day of their life, of sums amounting to thousands of rupees, cannot afford to spend as much as the banks charge, and to avoid the formalities and the prohibitive charges and the delays consequent upon the identification of the parties to be paid at the other end in the case of bank drafts, they resort to the easiest, the quickest and the cheapest method which at the outset I have described in detail, namely, the cutting of currency notes into halves and sending them by insured post for a nominal amount. Then, Sir, what is the total number of the branches of the Imperial Bank of India, on which the business community are asked to rely for the purpose of such transactions ? It is not more than, I believe, 108 throughout India.

The last method to which resort is generally had, but towards which the business community are very, very shy at the present moment on account of the trade depression, is the system of *hundis*. In these days of depression, the *hundi* business is done on a very small scale as it is rather foolish to make remittances of large amounts through *hundis* unless the party who issues them is perfectly sound at least up to that amount. It may happen in up-country places where business firms have their agents to make purchases on their behalf and have to meet their liabilities in time that a banker is not available who is of a status such as will ensure to the transmitter his absolute soundness and recourse has necessarily to be had to other forms of transmission, and as I have already submitted, the quickest, the cheapest and the simplest course is to adopt the method which they have all along adopted. Sir, I would even go to the extent of saying that the ordinary method of sending notes by insured post, insured up to the full amount of the notes contained in the envelope, has in some cases resulted in the absolute ruin of the remitting merchants. I refer to those cases in which these notes insured up to the full amount have been lost and the procedure which has to be adopted before payment can be made of these lost notes is such that the man who has lost them has got to wait for months together before he can get their value, and in the business world where one has to meet one's commitments and liabilities in time—where time is of the essence of the contract—it is easy to imagine what the result is of such delay in getting payments of currency notes lost in transit which have been insured to their full value. To obviate all these difficulties, merchants have, if I may say so, from time immemorial, resorted to this practice which I assert is perhaps the best method of making remittances from one part of the country to another.

Two main considerations, I believe, would weigh with the Government when making legislation as to the refund of the value of currency notes. The foremost consideration would be that Government are not cheated in these matters ; that is to say, that Government have not got

[Mr. T. N. Ramakrishna Reddi.]

which stands in my name to the Resolution which has been moved so ably by my friend, Mr. Muazzam Sahib Bahadur :

" That at the end of the Resolution the following be added :

' and to amend the rules with retrospective effect, in such a manner as to secure the following objects :

(*i*) When the owner of currency notes has received payment of half the value, being able to produce one half of the notes, the other halves being lost, he should be able, either on immediate proof of his ownership, after due public notice or on non-production or non-presentation of the other halves, within a fixed period to obtain payment of the value of the lost half.

(*ii*) When the second halves of currency notes are presented for payment after half their value has been paid on the presentation of one-half of these notes, payment should not be made to such presenter without notice to the person who has received the previous payment and except on proof that he had the preferential title to the currency notes.

(*iii*) When the owner of a currency note, having received payment of half the value, being able to produce one half of the cut note which bears the complete undivided serial letter and number, produces the other half of the cut note which has been cut in such a way that the serial letter and number has been divided, but when both the halves are put together, are identifiable as parts of the same note, and its serial letters and numbers are clearly identifiable, he should be able to obtain payment of the value of the other half '."

Sir, the Honourable Member who moved this Resolution has clearly brought out the difficulties under which the public suffer owing to the changes that have been made in the Paper Currency Act with regard to the sending of currency notes by post and, if that Resolution has stood by itself, it only brought out the difficulties which the public suffer under the present rule, whereas if these amendments are added, they will show the way in which those difficulties could be removed. As has been pointed out so lucidly by the Mover, there are only four facilities provided for the public to transact business of sending money from one place to another. There are Government treasuries of which only very few people take advantage and there is the banking system which has come into this country only very recently of which excepting English educated people and business concerns very few other people take advantage. The other method is by means of *Hundis* and the last method is to send the money by means of post office. The last one is the only popular method of sending the money from one place to another for the masses. This method of cutting notes has been in vogue in this country for a very long time and for very valid reasons. In the first place, it ensures economy and, in the second place, it ensures safety. When we send half notes by post office, we do not insure those half notes to the full value, but we give only a nominal value : hence, the postal charges will not come up to much. That is the reason why this method has become so popular in this country. Then there is the safety. If we send full notes by insurance through the post office, they might be lost and might not be traced at all. In many instances the whole notes are lost for ever. On the other hand, if we send the half notes, they will not be of value to any person who steals them : hence there is still a remedy in the hands of the person who sends the money to recover the value as he is in possession of the other halves of the notes. Therefore, it is no wonder that the country took to the method of sending money from one place to another by means of cut notes. Now, the rules that existed till 1923 were very favourable. According to them

if half notes were lost during the transit, the person who was the owner of the notes could go to the Currency Officer and show to him the other halves. He could prove to the Currency Officer that he was the owner of the lost halves also, and if the latter was satisfied that there was sufficient proof of the ownership, he would immediately pay the whole amount or would ask him to execute a certain indemnity bond and pay that amount, or he might fix certain time within which to find out if the other halves were produced by anybody and then he would pay the full amount of the notes to the owner. Under the changed rule which came into vogue in the year 1927, the owner of the other halves cannot receive the full value ; he will be paid only half the value.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

He will be asked to prove to the satisfaction of the Currency Officer that the other half notes will not, for ever, be produced at all. It is an impossible condition, because the owner may not know under what circumstances the other half notes were lost and in whose hands the other half notes have fallen. He cannot say whether the person who has stolen those half notes will produce them or destroy them. All these things the owner is not expected to know. Hence the Currency Officer, before whom he preferred his claim, may not be satisfied that he has proved to his satisfaction that the other half notes will not be produced. I will give an illustration. Certain half notes are sent by the post office and they are stolen away during the transit. The owner goes to a Currency Officer and says that half notes have been stolen during the transit and he is not responsible at all for the loss, and claims the full payment on his producing the other halves. The Currency Officer wants him to give an undertaking that the other half notes will not be forthcoming at all. You can easily imagine, Sir, how impossible it is for him to give that undertaking. They might have fallen into the hands of a thief or they might have fallen into the hands of another person who might produce them sometime hence, and claim payment for them. So it is not possible for him to prove this. Then there is another difficulty. The Currency Officer will say that he will pay only for the half of the notes, that is to say, half the value of the full notes which he has lost. So, if the other half has fallen into the hands of a thief and if he happens to know that the owner has already preferred his claim to a Currency Officer, he will not produce the other halves lest he might be caught and consequently would destroy them completely. In that case, the Government will stand to gain the half of the value of these notes though they have solemnly undertaken to pay the whole amount when the currency notes are produced. It is not a mere illustration, but it is actually what happens every day.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member has got two minutes more.

Mr. T. N. Ramakrishna Reddi : Sir, there is the Bank of Hindustan, Limited, in Madras. Two of its branches have sent as much as Rs. 35,000 of currency notes in halves to their head office in Madras which were duly received. The branches subsequently sent the other halves and these halves were lost by the negligence of the Postal Department. Then the head office immediately went to the Currency Officer and reported the

[Mr. T. N. Ramakrishna Reddi.]

matter and also reported it to the Police saying that the other halves have been lost during the transit. The Currency Officer said that under the rules they will be entitled to get only half of the whole amount and not the whole amount. Those are the difficulties and, it is in order to remove those difficulties, that I have moved parts 1 and 2 of my amendment.

With regard to part 3, as there is not sufficient time at my disposal, I shall try to be brief. When the note is cut for the purpose of transmission, it must be cut exactly in the middle. If the scissors go to the other side and cut out a portion of the serial number, then the Government refuse to pay for that portion of the half the numbers of which have been divided. And they will pay a moiety only for the one-half which contains the full number. It is really a very great hardship as many people are liable to cut the serial numbers by inadvertence when cutting these notes into halves for transmission. This rule came into vogue only from 1927 and, before that, there was no such restriction. My amendment is intended to remedy this grave injustice. My amendment is that if a person, who has received half the amount after producing the half which bears the complete number, is able to produce the other half of the note which has been so cut as to divide the serial number and when both the halves are brought together, he could prove clearly that they form part of one and the same note and that they contain the serial numbers, then he must be entitled for the payment of the whole amount. That is the purpose of my amendment which I have moved.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

" That at the end of the Resolution the following be added :

' and to amend the rules with retrospective effect, in such a manner as to secure the following objects :

(*i*) When the owner of currency notes has received payment of half the value, being able to produce one half of the notes, the other halves being lost, he should be able, either on immediate proof of his ownership, after due public notice or on non-production or non-presentation of the other halves, within a fixed period to obtain payment of the value of the lost half.

(*ii*) When the second halves of currency notes are presented for payment after half their value has been paid on the presentation of one-half of these notes, payment should not be made to such presenter without notice to the person who has received the previous payment and except on proof that he had the preferential title to the currency notes.

(*iii*) When the owner of a currency note, having received payment of half the value, being able to produce one half of the cut note which bears the complete undivided serial letter and number, produces the other half of the cut note which has been cut in such a way that the serial letter and number has been divided, but when both the halves are put together, are identifiable as parts of the same note, and its serial letters and numbers are clearly identifiable, he should be able to obtain payment of the value of the other half '."

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, this is my maiden speech, an old maiden's speech in this House and if I am not able to express myself clearly on this occasion, you will please excuse me. As the time proceeds and as I gather more experience, I shall try to make myself clearer to the House. Now, Sir, to come to the subject, my Honourable friend, Mr. Muhammad Muazzam Sahib, had put in his Resolution practically in the form in which it has been now moved as an amendment, but the Assembly Department put their scissors into it and

the result was that the first portion of it got into the ballot and the second portion disappeared and as such it became practically useless like a currency note which is cut ! The Assembly Department accepted the first part, but would not agree to give full value to the second part. However, that is a minor matter and we need not discuss it any more.

Now, one thing which I do not understand is why the Government are so very keen to penalise everybody who cuts a currency note. The Government go out of their way to interpret the rules in such a way that it becomes practically impossible for anybody to get full value of the note the wording of which is " I promise to pay on behalf of the Government of India the sum of Rs. ....." The main thing is the payment of money. If it were the case of any other negotiable instrument, other than a Government currency note, it would be open to a party to compel the man who wrote the promissory note to give another in lieu of it, but as the Government rules are very arbitrary, one-sided and very stringent, they have themselves fully recognised the right of the public to cut these notes into halves and it is for that purpose that the rules were promulgated so that the public may not suffer by any mutilation or cutting of these notes. I do not see why the Government now at this stage, after having allowed the practice to get established so wide and for such a long time and which the public has found so very convenient, should come forward to enforce these new rules. I understand, as has been given out by my Honourable friend, that the new Reserve Bank is coming and as such the Government do not wish to saddle it with the inconvenient procedure or responsibility in the matter of payment of half currency notes as they have been doing all these days. I think this brilliant idea of discouraging the cutting of currency note started with Sir Basil Blackett who intended to give a Reserve Bank to India. He planned well, he tried to give India a Reserve Bank, but sometimes as it happens our best laid plans go wrong. The result is, we never got a Reserve Bank, but we got these stringent rules. I very much sympathise with the present Finance Member who got an inheritance of these bad rules and the unpopularity of working these rules, but not the Reserve Bank. I learn that the practice of cutting currency notes is so large and so wide that practically 75 per cent. of the currency notes of the denomination of Rs. 100 go back to the currency offices only cut. It is not only the commercial community or the ignorant public that is responsible for cutting the notes. I understand that Government servants and even the Members of the heaven born services also cut the notes. But what could they do ? Supposing a member of that service resides in a district and there is no branch of any bank there and he wants to remit the funds, what has he got to do ? The easiest and natural way is to cut these notes and send them in halves, and when he is cutting them and also talking with some other person, the scissors go a little astray and the letter or number of the note is also cut and the Currency Officer says : " No, we will not pay the money." The result is that that gentleman is put in a fix. But, as he belongs to the heaven born services, he takes up the matter seriously with the Treasury Officer and when he addresses the Currency Officer he might probably say : " His is a *bona fide* case and so he should be paid." But, in the case of those who have not the good fortune to belong either to those services or to any particular community, they have to suffer. Now, my Honourable friend has already told you the few methods of remittances which

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are available. He has omitted to say about the postal money orders ; but if you send any money by postal money order, you have to pay practically one per cent. and at the same time you cannot send more than Rs. 600 by a money order though you can send several money orders. Similarly, if you want to insure your full currency notes, you cannot do it for more than Rs. 3,000. Of course, it is said that you can send 30 or even 300 covers of Rs. 3,000 each, but the difficulty of writing out those forms and then signing them at the other end and complying with all these formalities is great. Besides, the charges are very prohibitive. It is said that it is in India only that this practice of cutting currency notes exists and nowhere else. How is it ? But they forget that in other countries like France, the Bank of France practically allows free remittance throughout the country. Similarly in England they have got over ten thousand Bank Offices or Branches and the habit of banking and of drawing cheques is also very well developed, and it is not at all necessary for them to cut the notes. Rather it is easier for them to write a crossed cheque and send it out than cutting these notes and then pasting them at the other end. Sometimes we have to paste them at the post office where the gum pot is so full of foul bacteria or germs that it is hardly possible for anybody to make use of it.

I will now come to the main point in the amended Resolution that has been proposed. I may add that when the original rules of 1921 were altered in 1927, they were done under the universal protest of the public. Though the public were against it and all the Indian Chambers and the English Chambers were against it, the Government of India insisted on making these changes in the refund rules in spite of all opposition. I should like to read some of the views expressed by the Associated Chambers on that occasion so that the House may know definitely how the rules were promulgated in spite of the vehement protests of both the commercial community and the general public.

4 P.M.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : I would remind the Honourable Member that his time is limited.

Mr. Vidya Sagar Pandya : Thank you, Sir :

" The Association pointed out that the facilities for transferring money from the larger Indian cities to towns, mines, plantations and agricultural estates in the mofussil were insufficient to meet the requirements of commerce and industry, and the public would be very seriously inconvenienced if the restrictions outlined by the Government of India were imposed. It was added that bankers and merchants consulted on the subject saw no alternative to the practice of remitting money in halves of currency notes to trading and industrial concerns away from the larger Indian cities, and obstacles ought not therefore to be placed in the way of those who resorted to the practice.", etc., etc.

As my time is limited, I will not read any more, but deal with the subject of clauses (*i*) and (*ii*) of the amendment. I wish to draw the attention of the House to the difference in the rules made in 1921 and in 1927. Under the rules of 1921, the position was quite satisfactory. Under rules 13 and 14 thereof, if the party which lost one half of the currency notes could prove to the satisfaction of the Currency Officer and the Deputy Controller that the whole note was his property at the time of the loss, the Deputy Controller, if satisfied with the proof, acted in one of two ways : either the claim was paid at once or was ordered

to be paid after the expiration of a specified period in order to see if any other persons claimed the ownership and value of the note. This latter procedure was quite suitable to cases where the missing half was lost in transit or was alleged to be stolen and by the provisions relating to the delay and indemnity the Currency Department could make their position completely safe. But these rules were changed in 1927. Under the new rule 14, when a half note is presented, the Currency Officer is authorised to pay only half the value unless he is satisfied that the counterpart has been lost or destroyed in such circumstances that there is no probability of its being presented at some future date. And the meaning which the Currency Department puts on the word " lost " is very peculiar. What they mean by " lost " or " completely destroyed " is that it will never be recovered or presented. My friend has spoken about the case of the Bank of Hindustan, Limited, Madras. There all the formalities required by the Currency Officer were duly complied with and the Currency Officer was completely satisfied that the notes belonged to them. But the interpretation he put on the rules was that it must be proved that there is no physical possibility of the lost half notes being again presented. Now, the Police Department and the Postal Department have informed the Currency Department of the loss and they know perfectly well that the thief would never dare to produce these notes and yet they say that they will not pay. But what is most curious and amazing is that they say that even if the thief,—these are not the exact words, but this is really what it amounts to,—that even if the thief comes forward and presents the missing halves, they will pay him and, at the same time, they will not inform the Bank of Hindustan, Limited, Madras. That is a peculiar way of dealing with things and there are a number of cases like that. I do not think it is the intention of the Finance Member to balance a deficit budget by means of recovering money out of these lost or mutilated or half-cut notes. I do not think there is any intention of that kind.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member's time is up.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I fully support the original Resolution and the amendment moved in this matter. India is more or less an agricultural country and there are very few banking facilities in the mufassil towns and even the post offices in the mufassil are sometimes five or ten miles apart. There are few *mahajans* in the interior who can afford to pay the money at once. In these circumstances, banking facilities which occur in the western countries cannot be availed of by the ordinary public, nor can the homely system, which is prevalent in this country, be availed of easily. In those circumstances, the ordinary and the only course left to the people to send money to distant places is to cut the notes in half and send them by insured or registered post. I do not understand why there should be any difficulty on the part of Government, in cases in which one-half of such notes is lost, to pay money upon proof satisfactory to them that the whole of the money belonged to the person and has been lost. It is only a matter of proof and, if some facility is given in the matter of proof, I do not see that there can be any difficulty on the part of Government. I do not think it is Government's intention to disapprove of the method, which has been in existence from the time when the notes came to be circulated in this country, of cutting the notes

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They know perfectly well that in a country like this, where banking facilities are so few, the notes should be and ought to be allowed to be transferred from place to place and safely by means of cutting them in two. I am surprised to find,—I did not know it,—that there has been a change in the procedure as regards the rules of 1927. The former rules were all right and I remember I availed myself of that rule on more than one occasion. It often happens that the packet has been lost in transit. All that is needed for the safety of Government is to have ample proof that the whole of the notes belonged to me and was sent by me. I think the money should be given upon indemnity or after some time having expired after due notice is given in the newspapers. I do not see why that procedure cannot be adopted even at the present time, and I do hope the Finance Member, with his wide outlook for business facilities for the public, will accept the Resolution.

Mr. Lalchand Navalrai : Sir, the first question involved in this consolidated amendment is with regard to the cutting of currency notes into two. How coincident it is that the original Resolution which was presented on a paper, which I might call a note, was cut into half in the ballot ! It has been said that one half of it was accepted by the ballot and the other half was not successful ; but it is a happy thing that in this House both the halves have been patched up into a consolidated amendment and presented like a whole patched up currency note for consideration of the House. This incident is a good augury for allowing a currency note to be cut into halves and patched up subsequently.

First, as regards the cutting of notes : the whole claim is based upon the difficulty in practice. From several points of view it is necessary that these notes should be sent in halves to the banks and to other people. This practice was in vogue before and now certain impediments or, what I might call, fantastic difficulties have been placed in the way. When you send half a note, it is absolutely secured, because if you send the whole and, if the whole is lost, then the whole of the value is gone.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But if half a note is sent and the other half is lost, the money can be recovered under certain circumstances under the present rules. So I cannot see why the old practice should not be continued and why these notes should not be cut into halves. The difficulties that are now placed in the way of cutting notes are, if I may call them, merely fanciful, because it gives discretion to the officer who receives these notes to pay or not as he likes : I can give an example which I got from a very reliable authority. An officer got a Rs. 500 note, probably as his pay, and he had to send it to the bank. He thought as usual that it was safe to send half of it first : and so he began to cut it : but, in cutting it, he severed it in such a way that one half of the figure one was in one half and the other in the other half note : that was the only fault ; and, when the note went to the Currency Officer, he said the note would be rejected. When the two halves were put together, they formed one whole, but on this technical objection the note was about to be forfeited. Of course, in this case, the person concerned happened to be an officer of standing and he put his case in a persistently strong manner and he was allowed

to get the full value of his note. But I do not know what would have happened if it had been a person in an ordinary position : perhaps the note would have been forfeited to Government. Therefore, I submit that it would be wholly beneficial to the public if the old practice and the old rule is followed so far as this matter is concerned.

As regards the second portion of the amendment, I cannot for a moment see why this rule should stand. The former rule was that when half the note was presented to a Currency Officer, he was allowed to give the whole money on getting a certain indemnity ; and the indemnity was that if anybody came thereafter to lay a claim, he would be responsible. Thus, under the old rule, in 1921, the whole payment was being made on this condition. That was a very good and salutary provision. But that has now been changed and, at present, it is left to the discretion of the officer to give the whole of the money only on one condition, *i.e.*, that if the officer is satisfied that there will be no probability of the other half coming forward or if he is satisfied that it is actually lost, then only he can give the whole of the money and not otherwise. Can this not be a case of misappropriation by Government, if I may call it so ? It is not possible to satisfy an officer that the other half will or will not be forthcoming. If it has been stolen and if subsequently the number is notified, it may not be presented at all : the thief may cut it up or put it on as a wall paper ! How can the Currency Officer, therefore, be satisfied that the other half will not be forthcoming ? Is not this fantastic ? I, therefore, hope that Government will accept the second amendment.

I think the third portion is a very reasonable one. It says that payment should not be made to the presenter of the second half without notice to the person who has received previous payment except on proof that he had a preferential title to the currency note. I think this is reasonable, because, when the other man brings the note, he will come and ask for the money ; but the other half has been paid to another man. If he has taken it wrongly, then he must explain ; for that purpose it is necessary that both men should be before the Currency Officer for determination of the note's identity and the ownership ; and, therefore, it is very necessary that he should be given notice and, further, the other man, who comes with the other half, must be called upon to prove that he has got a preferential title ; otherwise he should not be given the money. I think the whole consolidated Resolution is a very good one and I hope it will commend itself to the House.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I support this Resolution with its amendment. I would like to know from the Honourable the Finance Member if Government are definitely against the policy of cutting notes of higher denominations into halves : if that is so, I think it should be plainly stated and there should be rules prohibiting it. I also want to know from the Finance Member if people took advantage of this device and cheated the Government when the older rules prevailed. That might be a consideration with the House not to accept the Resolution. If Government are not opposed to the policy of cutting notes or from their past experience when the more convenient rule was prevalent Government did not suffer in any way, then it lies heavily on the Honourable the Finance Member to prove to the House why they have changed the old rules to the new one. It must be admitted, as it has been strongly stressed by all the Honourable

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Members that India is not in a par with other advanced countries as regards use of instruments of credit. We have not several banks nor have we acquired the habit of using bank-cheques, not to speak of villages, but even in our big towns and cities. Therefore, the proposition that in other countries there are Reserve Banks and the method of cutting notes there is prohibited is not applicable to India. I think it needs no argument to convince the Honourable the Finance Member that, though in an ideal State, as my Honourable friend, the Mover, put it, say 30 years hence, it may be possible to prohibit this method, you cannot do so now, and that view is strongly supported by the Associated Chambers of Commerce. For the time being, therefore, the older facilities for remittance of money by cutting notes into halves should be permitted.

In this connection I should like to quote another portion from the remarks of the Associated Chambers of Commerce, which were forwarded to the Government of India. A portion has been already read by my friend, Mr. Pandya. This is what they say :

"It was considered that the wide circulation and general acceptance of currency notes throughout the country, particularly the notes of small denominations, was of the utmost importance, as tending to accustom the public to the use of instruments of credit in preference to minted coin and discouraging hoarding of the precious metals. It was felt that the Government of India's proposals would tend to detract from the developing popularity of currency notes, and this objection outweighed the advantages which Government expected to derive from the proposed restrictions. The Association asserted that the time had not yet come for discouraging or prohibiting a means of remittance which was so useful and so popular, and there was reason to apprehend that curtailment of the privilege of cutting notes would cause a permanent discount on currency notes in places where they, at the moment, are circulated at par or at a small premium.

The Association reminded Government that Indian currency notes were used in countries adjacent to India. In Iraq the law provided that whole notes should not be remitted by post, and Indian trade in that country, as also in Baluchistan, Southern Persia, the Persian Gulf, Aden, Somaliland and the East Coast of Africa would be seriously hampered if obstacles to meeting claims on cut notes were imposed on India."

Therefore, Sir, it is clear that it is not only the Indian Chamber of Commerce, but the Associated Chambers of Commerce also agree that the Indian people, at least for some time to come, should have the older privilege of sending their notes in halves. Sir, on these grounds, I support the Resolution.

The Honourable Sir George Schuster (Finance Member) : Sir, I think perhaps the House has heard enough of the case for this Resolution and it is time that something was said on the other side. Before I commence my serious remarks, I should like to congratulate my friend opposite, the self-styled "old maid" from Madras on what, I think I may describe, as a very precocious maiden speech. At the outset I should like to make two points, because I think the House perhaps has been led into a somewhat misleading atmosphere on this question. Most of the speakers have implied in their remarks that Government have quite recently adopted a most unreasonable practice. I would remind Honourable Members that the rules which we are now discussing were introduced in May, 1927, that is to say, they have been in operation for 6½ years. They operated throughout all that period without causing any great sense of grievance, and I think that I detect in the outcry, which has now been raised, the reactions which have been perhaps stimulated by my friend

from Madras whose bank or the bank with which he has been connected has suffered a very serious loss through the operation of these rules. I think, Sir, that it is significant that this is the first,—I think I may take it,—that this is the first occasion where these rules, although they have been in operation for 6½ years, have led to any serious complaint.

Mr. T. N. Ramakrishna Reddi : But what about the resolution of the European Chambers of Commerce ?

The Honourable Sir George Schuster : I am aware of that, but I think the actual experience, to which I am referring, is most significant.

The other point that I want to make as a preliminary is this. It has been said that the Government, in adopting this attitude, are adopting a very unreasonable attitude. I think I am correct in saying that there is no country in the world whose currency law permits the deliberate mutilation of its currency as we do in India. If we offer facilities, they are unique facilities. I believe I am correct in saying that in Australia such mutilation is even a penal offence. Now, Sir, that points to the fact—and I am sure all Honourable Members will admit this,—that the practice of remitting money by cutting notes is a very primitive practice, it is a practice which, I am sure, they would all like to see eliminated in the sense that they would like to see India come into line with all the civilized countries of the world and adopt more reasonable and businesslike methods for the remitting of money. I do not wish to weary the House by going into all the objections to this practice, but I would just like to point out one or two objections.

In the first place, the practice is adopted, because it enables people to send through the post notes in a form which they think relieves them from risk without following the usual practice as regards remittance of valuables, that is to say, without insuring those notes. Well, that in fact,—so I am informed,—puts a most unreasonable temptation in the way of the postmen who carry letters. If the notes were sent as whole notes, they would have to be insured, the formalities adopted would make it possible to trace the course of an insured envelope, and arrangements in that case are made for delivery to be taken actually at the window of the post office, so that the packet which contains the notes does not go out in the hands of an ordinary postman without any notice or without any distinction from ordinary packets. Those precautions are necessary in order to enable packets which contain valuables to be traced, but if valuable notes are sent in halves uninsured in ordinary packets, then there is no way of tracing a loss when it occurs, and I am told that postmen can detect packets which contain half notes, and therefore, this practice does put an unreasonable temptation in the way of post office officials, and also, as I say, makes it impossible for the post office to detect fraud when it occurs.

Another point, of course, is that it enormously increases the work of all those who have to handle the notes when they are presented. I am told that, according to statistics, in the case of low value notes which are not cut, the tellers are able to work up to 8,000 pieces a day ; in the Bank of England they actually work up to 10,000. In the case of cut notes, the numbers on both sides have to be compared, and the two notes have frequently to be pasted together to avoid their coming apart at a later stage,—the result is that in the case of those notes,

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the sorters can only work up to 2,500 pieces. There are a great many other reasons which cause a great deal of increased expenditure, and I merely mention those as instances to illustrate the objectionable nature of this practice. But much more serious than that is the fact that if we were to revert to the old practice, the currency authority is placed in a very difficult position in dealing with claims, and although we have been able to support that position as long as the currency authority was the Government, it has been the considered view of the Government, ever since the question of setting up a Reserve Bank was mooted, that it would be essential to alter the position before the responsibility for the currency was transferred to a Reserve Bank. We feel that we could not possibly put on to the shoulders of a private institution the burden of maintaining the old practice. I would go further than that and say that we feel that we cannot really put on the Reserve Bank even the burden of maintaining the position as it is regulated by the present rules. I do not want to go into that in great detail because the suggestion that I have to make may perhaps put before the House a practical way of dealing with this matter. With regard to what my Honourable friend, the Leader of the Opposition, said, I want to make it quite clear that the Government, when they adopted these new rules in 1927, did so with the deliberate intention of discouraging the use of cut notes. They felt that it would be rushing matters too much, in fact the time had not arrived for prohibiting the practice altogether, but they definitely wanted to make it unattractive to remit money by means of cut notes. That purpose has been to some extent fulfilled. It is very difficult to give the exact figures because there are so many sources from which returns come, but roughly speaking, I think the position is this. A few years ago something over 70 per cent. of the 100-rupee notes that were presented were presented cut. I wonder if Honourable Members realise that, because nobody can cut a 5-rupee or 10-rupee note,—that is not permitted,—and 50-rupee notes are hardly used at all. So, this practice really begins with 100-rupee notes, and as I say, over 70 per cent. of the notes that were presented were presented in a cut form. Recent statistics show that the percentage is going down to somewhere between 30 and 40 per cent. so that there has been a substantial decline in that practice. That is our position—that originally in 1927 the rules were tightened up in order to discourage the practice and that, now that the actual setting up of the Reserve Bank is coming so near, we now feel that the time has come to review the position, and if it has to be changed at all, that it ought to be changed in the direction of tightening them up.

The position that I want to put to the House is this. This matter will naturally come up for consideration in the Select Committee on the Reserve Bank Bill if this House agrees to the proposal to refer that Bill to a Select Committee. I think that it would be suitable that the Select Committee of the two Houses should have an opportunity at least of considering the question. I would ask the House to take that into account with regard to a resolution of this kind. My own idea is that the Select Committee on the Reserve Bank Bill might propose—and I would very sympathetically consider the proposal—that a small expert committee should be set up to consider what is the right thing to do now in relation to this practice. I quite recognise that it cannot be immediately terminated. I quite recognise that something of the kind will have to continue for some time to come.

On the other hand, we want to consider it in relation to the position as it will be when the Reserve Bank is set up. If such a committee were set up, I would suggest that it should consider two points : first of all, what should be the nature of the rules regarding the use of cut notes, and secondly, whether the other facilities, the normal facilities, for remitting money are sufficient, and, if not, whether there is any action that the Government could take in order to increase those facilities. I quite recognise that the two points must be considered together. If we are going to restrict facilities of remitting money by cut notes, then we must satisfy ourselves that the facilities for remitting money in other ways are reasonably adequate. I think that some of those Honourable Members who have spoken on the existing facilities have not been quite fair to those facilities. There are, after all, something like 10,000 post offices in existence through which money can be sent, and money can be sent without risk by insuring that money. I know, of course, that my Honourable friend from Madras thinks that the insurance charges are too high. Possibly that may be so ; possibly the insurance charges are capable of reduction. The actual insurance charges through the post office amounts now to something like one-eighth per cent., and I believe that my Honourable friend, whose bank has, I understand, after this actual experience, desisted from the practice of sending money by cut notes and adopted the practice of sending it by whole notes, has been able to arrange for insurance with an insurance company at a premium of one-thirtysecond per cent. I believe I am correct in making that statement. I do not think that that is an unreasonable charge. If insurance companies are willing to assess the risk of sending packets through post office at that rate, possibly the postal authorities might themselves do something to reduce the present charges. I merely throw that out as a possibility, but I would certainly say this that the Government would not wish to do anything to discourage the facilities for remitting money which really are necessary for the encouragement of the banking habit.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : What will be the fate of those cut notes which are already in rural areas ?

The Honourable Sir George Schuster : I am afraid I do not understand my Honourable friend's question.

Mr. M. Maswood Ahmad : There are very many cut notes in the rural areas in the possession of the public. What will be the fate of those notes ? Will those notes be taken by the Government and full payment made for them ? That question is very keen in Bihar.

The Honourable Sir George Schuster : I am afraid I do not quite understand the point of my Honourable friend's question. At present the rules as regards cut notes are well known and something would have to be done, as I have said, to continue the practice of making payment on half notes as we do at present. In other respects the provisions might have to be tightened up. But as I am not myself proposing any definite means of tightening them up I cannot answer my Honourable friend's very hypothetical question as to what the position of these particular half notes would be. That would be a matter for consideration by an

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expert committee if an expert committee is set up in the way that I have suggested.

Now, Sir, I quite recognise that the suggestion that I have made does not meet the point of my Honourable friend from Madras. My Honourable friend I think is concerned with recovering a sum of something like Rs. 1,75,000 which has been lost. I certainly do not want to retain my Honourable friend's money. We did not introduce these rules for the purpose of making money out of them, and I might remind the House in passing that, even if we did retain that money, it would be of very little benefit to me or my immediate successor because we should not take credit for that money for something like 30 or 40 years. Therefore the sum in question would interest the Finance Member of the distant future. But in any case, it is not the intention of these rules that the Government should make money out of them. I quite recognise that my Honourable friend's position of having lost this money is very unsatisfactory. On the other hand, if we were to reopen the question and do anything on the lines suggested in one of the clauses of one of the amendments that the rules should be relaxed retrospectively, we should defeat the whole object, which we have already been able to achieve, of to some extent discouraging this practice. Therefore, I do not think that we could consider any question of reopening hard cases until we had secured the position by new and clearer rules. Therefore, the most that I can say to my Honourable friend is that if as a result of the work of this expert committee it was possible to devise clearer and more restricted rules which would regulate the position for the future, then I might be willing to consider looking into hard cases that had occurred in the past. I want to be cautious about this. Before committing myself in any way it will be necessary to inquire how many cases it will be necessary to reopen. My Honourable friend will understand that we could not make an exception in his favour. But we should have to limit ourselves in some way so as to make this a workable proposition and I would remind the House that the total number of transactions in claims on half notes that are dealt with in the currency offices every year average something like 4,500; so that we would have to go into the question of how many cases it would be necessary to reopen, if we met my Honourable friend's position sympathetically. That is Government's position. We feel that this is a serious question and the time has now come when it must be considered. Therefore I am very glad that this Resolution has been moved, so that the attention of Honourable Members might be called to it. But if it is considered it should not be considered in a one-sided way. It must be considered, having regard to what really are in the best interests of the country and having regard to the fact that a Reserve Bank will have to be set up in the very near future and that they will have to take on all the difficulties which are created by the continuance of this practice. I, therefore, suggest that the matter should be left for discussion in the Select Committee on the Reserve Bank Bill and it is our intention that that committee should recommend the setting up of a small and expert committee to go into the whole question, to consider whether the rules should be tightened up, if so in what form and if they are tightened up, whether the other remittance facilities are adequate and if not whether anything can be done to make them more adequate. I think that is meeting the views that have been

expressed on the other side very reasonably and I trust that my Honourable friends will consider this an adequate response to the effort which they have made in order to call attention to this matter and that my Honourable friends will withdraw the Resolution and the amendments.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : I want to put one question. If the decision goes against the recommendation contained in the Resolution, will the Government consider the particular case which has now been mentioned by my friend, Mr. Pandya.

The Honourable Sir George Schuster : I have already made my position clear. We cannot re-open that case as long as the existing rules are in force, because to do so would defeat the object of the rules, but if new rules are devised which make the position absolutely clear for the future, then we might be ready to consider dealing with hard cases under the existing rules.

Mr. D. K. Lahiri Chaudhury : If the decision is against us, then what will be the position ?

The Honourable Sir George Schuster : I cannot carry the matter any further than that.

Mr. Muhammad Muazzam Sahib Bahadur : In view of the assurance given by the Honourable the Finance Member, and in view particularly of the fact that he is setting up an expert committee to go into exceptionally hard cases, I would ask the leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Friday, the 1st September, 1933.

LEGISLATIVE ASSEMBLY.

Friday, 1st September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Mr. Bertrand James Glancy, C.S.I., C.I.E., M.L.A. (Political Secretary).

QUESTIONS AND ANSWERS.

Allowances of Members of Different Committees and Commissions.

318. ***Mr. Muhammad Anwar-ul-Azim** : (*a*) Is it a fact that the Finance Department issued certain instructions in September, 1931, for fixing the allowances of members of different committees and commissions ?

(*b*) Is it a fact that the said instructions contained two different categories of committees :

(*i*) continuous committees, *i.e.*, " committees likely to sit continuously for 15 days ", and

(*ii*) intermittent committees or " committees which meet at intervals for a day or so at a time " ?

(*c*) Is it a fact that membership of a committee of the continuous type will extend over joining time, as defined in Government of India Supplementary Rules (S.R.-304), at the beginning and end ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) Yes, but it has now been made clear that the second category also includes Committees likely to sit continuously for less than 15 days.

(*c*) Yes. I would add that Supplementary Rule 304 has no application to journeys of the kind in question and that the definition of joining time is contained in the Fundamental Rules, not the Supplementary Rules.

Committee on the Great War Pensions.

319. ***Mr. Muhammad Anwar-ul-Azim** : (*a*) Will Government be pleased to state whether the committee on the Great War Pensions was a committee of the Legislature as defined in the foot-note No. 213 of the

Audit Code which prescribes that " the cost of committees which are appointed by the Legislature, with instructions to report to it, should be charged to the Minor Head, Legislative Body " ?

(*b*) If the answer to (*a*) above be in the negative, will Government be pleased to state whether the said committee was treated as an intermittent committee or a continuous committee ?

(*c*) Is it a fact that the first meeting of the said committee was held in New Delhi on the 6th April, last, and, that subsequent meetings of the committee were held in Simla from the 5th to the 15th May ?

(*d*) Will Government be pleased to state whether by including the " joining time at the beginning and end ", together with the 11 days of actual sitting of the said committee, it is to be considered as a *continuous committee* ? If not, why not ?

The Honourable Sir George Schuster : (*a*) No, as it was not appointed by the Legislature.

(*b*) As an intermittent committee.

(*c*) Yes.

(*d*) The inclusion of joining time is only for the purpose of calculating the subsistance allowance admissible to members and is not relevant to the classification of a committee as ' continuous ' or ' intermittent '.

RAIL ROADS CONFERENCE HELD AT SIMLA.

320. ***Mr. Muhammad Anwar-ul-Azim** : (*a*) Will Government be pleased to state whether the last Rail Roads Conference, which was held in Simla in April last, was treated as an intermittent, continuous, or a committee of the Legislature, and for how many days was it held ?

(*b*) At what rate were the non-official members paid ?

The Honourable Sir Frank Noyce : (*a*) The recent Road Rail Conference was neither a continuous nor an intermittent committee of public enquiry, nor was it a committee of the Legislature. It was a Conference called by the Government of India and met on the 24th, 25th and 26th April last.

(*b*) The non-official members of the Conference were of two categories, namely, representatives from the Central Legislature and representatives of private bodies. Travelling allowances were in both cases paid at the same rate, *i.e.*, at 1½ first class railway fares to and from Simla, while halting allowance was paid at the rate of Rs. 20 *per diem* in the case of the former and at Rs. 15 *per diem* in the case of the latter.

CONSIDERATION OF THE HEDJAZ PILGRIMS (*Muallims*) BILL IN THE CURRENT SESSION OF THE LEGISLATIVE ASSEMBLY.

321. ***Mr. M. Maswood Ahmad** : Is it a fact that Government want to move in this Session that the *Muallims* Bill as reported by the Select Committee be taken into consideration ?

Mr. G. S. Bajpai : No, but the matter is under consideration.

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to say if there is any mention about the *Muallims* in the confidential report of the Standing Committee ?

Mr. G. S. Bajpai : I have never admitted that there is such a thing as a confidential report.

Mr. M. Maswood Ahmad : I have made inquiries and I have come to know that the conclusions and items of the Standing Committee are not confidential. May I know that in Simla in the Standing Committee for Hedjaz some items of the confidential report were discussed ?

Mr. G. S. Bajpai : My Honourable friend is a member of the Select Committee himself and I cannot imagine that that Committee could have discussed a confidential matter and not treated it as confidential. He will forgive me if I do not associate myself with him in disclosing confidential matter.

Mr. M. Maswood Ahmad : I inquired from the Honourable Sir Fazl-i-Hussain himself who told me that the conclusions of the Standing Committee and the items on which those conclusions had been arrived at were being treated as confidential. May I ask the Honourable Member if it is a fact that the conclusions of the Standing Committee are not confidential ?

Mr. G. S. Bajpai : It is not a fact.

Mr. M. Maswood Ahmad : Does the Honourable Member then differ with the opinion expressed by the Honourable Member in charge of the Department ?

Mr. G. S. Bajpai : Sir, I am not aware whether the Honourable Member to whom my Honourable friend has referred has expressed any such opinion.

GOLD BULLION IN RESERVE IN THE CURRENCY.

322. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that on the 15th July, 1933, gold bullion of 29,06,59,942 was in reserve in the Currency ?

(*b*) Will Government be pleased to state how many tolas of gold were in treasury on that date ?

(*c*) Will Government be pleased to state the rate per tola at which they have calculated the price of the gold ?

(*d*) If the reply to part (*b*) be in the ounces, will Government be pleased to state what is the weight of a rupee (in ounce) ?

The Honourable Sir George Schuster : (*a*) The correct figure is 29,06,50,942.

(*b*) None.

(*c*) Gold in the Reserve is valued at Re. 1 per 8.47512 grains troy of fine gold.

(*d*) Does not arise.

SILVER BULLION IN RESERVE IN THE CURRENCY.

323. *Mr. M. Maswood Ahmad : (a) Is it a fact that on the 15th July, 1933, silver bullion of 9,43,96,977 was in reserve in the Currency ?

(b) Will Government be pleased to state how many tolas of silver was in treasury on that date ?

(c) Will Government be pleased to state the rate per tola at which they have calculated the price of the silver ?

The Honourable Sir George Schuster : (a) Yes.

(b) The Mints held silver bullion to the value of Rs. 51,59,623 on treasury account on the 15th of July, 1933.

(c) All silver in the Reserve is valued at Re. 1 per 165 grains troy of pure silver.

Mr. M. Maswood Ahmad : Part (b) of my queston is " Will Government be pleased to state how many tolas of silver was in the treasury on that date ? "

The Honourable Sir George Schuster : If my Honourable friend will do a little sum of arithmetic and combine the answers which I have given to parts (b) and (c), he will be able to work out the sum in tolas for himself.

Mr. M. Maswood Ahmad : Do Government realise that the working out of the figure will take some time and that we will not be able to put supplementary questions ? (Laughter.)

The Honourable Sir George Schuster : I should be very pleased if that were the result. (Renewed Laughter.)

Mr. M. Maswood Ahmad : Is it a fact that silver of that amount, that is, 9,43,96,977, as mentioned in part (a) of the question, was actually not in the treasury ? Was it not rather the fact that if silver in coins were to be taken into consideration, the amount of silver would come to this figure ?

The Honourable Sir George Schuster : The amount of silver bullion referred to represents the amount of silver bullion held in the Currency Reserves in addition to all the silver coins which are held in the Currency Reserves.

SUBSCRIBED CAPITAL OF THE IMPERIAL BANK OF INDIA.

324. *Mr. M. Maswood Ahmad : (a) Is it a fact that the subscribed capital of the Imperial Bank of India on the 7th July, 1933, was 11,25,00,000 ?

(b) Will Government be pleased to state what amount of the capital has been subscribed by Indians ?

The Honourable Sir George Schuster : (a) Yes.

(b) Government have no information but under the Imperial Bank of India Act, 1920, the register of shareholders is open to the inspection of any shareholder.

PUBLICATION OF ADVERTISEMENTS IN CONNECTION WITH THE SERVICES AND EDUCATIONAL MATTERS, ETC., IN THE GAZETTE.

325. *Mr. M. Maswood Ahmad : Do Government propose to issue a circular letter to the effect that all advertisements in connection with the services and educational matters, etc., and all information which requires publication should be published in the Gazette ?

The Honourable Sir Harry Haig : The policy of Government is to publish in the Gazette of India matters which concern the public generally or which must be published under some provision of the law. In pursuance of this policy it is already the practice to publish notices issued by the Public Service Commission inviting applications for posts which are filled by selection and giving details of dates, syllabus, etc., for competitive examinations held by them. The results of public examinations held in centrally administered areas by Boards of Education, etc., are also published in the Gazette.

Mr. M. Maswood Ahmad : Is it a fact that vacancies in other departments and the vacancies which are not to be filled up by the Public Service Commission are not published in the Gazette ?

The Honourable Sir Harry Haig : I have no information about that.

Mr. M. Maswood Ahmad : Is it a fact that advertisements are generally published in different newspapers ?

The Honourable Sir Harry Haig : What kind of advertisements ?

Mr. M. Maswood Ahmad : About vacancies ?

The Honourable Sir Harry Haig : I have observed in my perusal of the Indian press advertisements in various newspapers in connection with vacancies, but I imagine that it is convenient to the public on the whole, as they read the newspapers more diligently than they do the Gazette of India.

Mr. M. Maswood Ahmad : Is it a fact that the advertisements are given only to those newspapers which are in the list of favourites ?

The Honourable Sir Harry Haig : That, Sir, seems to me to be getting on to a different point on which I have no information at the moment.

Mr. M. Maswood Ahmad : Do Government realise that if these vacancies are published in different newspapers, it becomes very difficult for the public to know them ? Will it not be better to publish them in the Gazette which all the candidates could read or to announce them in a particular paper in which Government advertisements should usually be published for the convenience of the candidates ?

The Honourable Sir Harry Haig : The matter will be examined.

Mr. M. Maswood Ahmad : Thank you.

Mr. Gaya Prasad Singh : Is it not a fact that the publication in different papers should give a greater publicity to the advertisements than if they are merely published in the Gazette ?

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Audit Code which prescribes that " the cost of committees which are appointed by the Legislature, with instructions to report to it, should be charged to the Minor Head, Legislative Body " ?

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The Honourable Sir Harry Haig : The matter will be examined.

Mr. M. Maswood Ahmad : Thank you.

Mr. Gaya Prasad Singh : Is it not a fact that the publication in different papers should give a greater publicity to the advertisements than if they are merely published in the Gazette ?

The Honourable Sir Harry Haig : That was what I had suggested in a previous answer.

Mr. M. Maswood Ahmad : I do not suggest that they should not be published in other newspapers except one paper. What I want the Government to do is to mention one particular paper and in that paper particularly all the advertisements should be published. It may be published in other papers as well, but in the particular papers all the advertisements must appear.

(No answer.)

MILITARY EXPENDITURE IN 1930-31.

326. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the military expenditure in the year 1930-31 under different heads was not in accordance with the military budget ?

(*b*) Is it a fact that the original estimates were upset and disturbed seriously the appropriations under every head of the military budget ?

(*c*) Will Government be pleased to disclose the important factors which seriously affected the original estimates ?

Mr. G. R. F. Tottenham (*a*), (*b*) and (*c*). The attention of the Honourable Member is invited to paragraphs 7 to 10 of the Appropriation Accounts of the Army, Marine and Military Engineer Services for the year 1930-31, a copy of which is in the Library.

LOSS ON COINAGE IN THE CURRENCY DEPARTMENT.

327. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that loss on coinage takes place in the Currency Department ?

(*b*) Is it a fact that in the year 1930-31 the loss on the nickel coinage was much more than usual ?

The Honourable Sir George Schuster: (*a*) No.

(*b*) The so-called loss is merely an accounting adjustment showing that a large number of nickel coins, which had passed into circulation in previous years, returned from circulation in that particular year.

Mr. M. Maswood Ahmad : What was the reason for this loss in that particular year.

The Honourable Sir George Schuster : The reason is that an abnormally large number of nickel coins were returned from circulation in that particular year.

SELLING PRICE OF MILK AND CREAM AT THE WELLINGTON FARM.

328. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the selling price of milk and cream at the Wellington Farm in the year 1930-31 was much below the cost of production as shown below ?

	All-in-cost. per lb.	Average selling price.
	Rs. a. p.	Rs. a. p.
Milk	0 7 4·4	0 3 1·7
Cream	4 10 6·5	1 12 0

(*b*) Is it a fact that the supply is made to the troops stationed at Coonoor and Wellington ?

(*c*) Do Government propose to raise the selling price so as to cover the cost of production, or to close down the institute ?

Mr. G. S. Bajpai : (*a*) and (*b*). Yes.

(*c*) A similar suggestion was made by the Public Accounts Committee in its Report on the Accounts for 1930-31. The Government of India, however, decided that consideration of the question should be postponed until the Accounts for the year 1932-33 had been prepared, as the economies introduced in the working of the Farm from the 1st April, 1932, were expected to reduce the cost of production. These Accounts have now become available and show that in 1932-33 the costs of production of milk and cream were 3 annas and Rs. 2 per lb., respectively, while the average selling price was 3 annas 2 pies per lb. of milk and Re. 1-12-0 per lb. of cream. The selling price of milk is now higher than the cost price ; that of cream is still slightly lower than the reduced cost price. The question whether the selling price of cream should be raised is being considered.

Mr. M. Maswood Ahmad : Will the Honourable Member please state whether this loss was shown in the army expenditure or in the civil budget ?

Mr. G. S. Bajpai : As a matter of fact, the accounts are kept on the civil side and, so, if there was any loss, it was debited to the civil side.

Mr. M. Maswood Ahmad : If this is a fact, may I take it that the military budget is actually much higher than what is shown in the military budget, because some portion of that is shown on the civil side ?

Mr. G. S. Bajpai : My Honourable friend's generalisation is a little too sweeping, because the amount of loss in this case is not very large.

Mr. Gaya Prasad Singh : But is he substantially correct ?

Mr. G. S. Bajpai : I am not in a position to answer that question.

LOSSES INCURRED IN WORKING THE EXECUTIVE COMMISSARIAT DEPARTMENT IN THE ANDAMANS.

329. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the losses incurred in working the Executive Commissariat Department in the Andamans in the year 1930-31 were partly due to the sale of the products of the Butchery and the Dairy at a rate lower than the cost price, particularly in the case of supplies made to the Army ?

(*b*) Was the attention of the Chief Commissioner, Andamans, drawn to the facts mentioned in part (*a*) above ? If so, what was the reply ?

The Honourable Sir Harry Haig : (*a*) I would refer the Honourable Member to pages 228—230 of the Appendix to the Appropriation Accounts of the Central Government (Civil) for the year 1930-31 in which the reasons for the losses under the Andamans Commissariat Department are fully explained.

(*b*) The recommendation of the Public Accounts Committee contained in their Report on the Accounts of 1930-31 was brought to the notice of the Chief Commissioner who has taken certain measures, the results of which will be seen in the Accounts for 1932-33.

Mr. M. Maswood Ahmad : May I take it that this loss also was not mentioned in the army budget ?

The Honourable Sir Harry Haig : I cannot suppose that it was included both in the civil and the military budget.

Mr. M. Maswood Ahmad : Perhaps the Army Secretary might inform us whether this loss was mentioned in the military budget ?

Mr. G. R. F. Tottenham : I must have notice of that question.

STORES AND STOCKS IN FACTORIES UNDER THE ARMY DEPARTMENT.

330. ***Mr. M. Maswood Ahmad :** Will Government be pleased to lay on the table a statement showing the value of Stores and Stocks in hand in the factories under the Army Department on the 31st March, 1929, 1930, 1931, 1932 and 1933 ?

Mr. G. R. F. Tottenham : A statement giving the information desired by the Honourable Member is laid on the table.

The figures for 1929 to 1932 will be found in the published Appropriation Accounts of the year in question. The figure for March 31st, 1933, was Rs. 3.04 crores as compared with Rs. 3.29 crores on 31st March, 1932.

Statement showing the value of Stores and Stocks in hand in the Factories under the Army Department on the 31st March, 1929.

The value of mobilisation and working stocks held by the Army Ordnance and Clothing Factories on the various dates was :

	Rs.
31st March, 1929	2,81,07,000
31st March, 1930	3,06,53,000
31st March, 1931	3,28,74,000
31st March, 1932	3,29,15,000
31st March, 1933	3,04,15,000

EXCESS IN EXPENDITURE UNDER "PAY AND ALLOWANCES" OF RESERVIST.

331. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that there was an excess in expenditure under 'pay and allowance' of Reservist in the year 1930-31 ?

(*b*) What was the explanation given by the department to the Auditor General in India ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). The attention of the Honourable Member is invited to paragraph 78 of the Appropriation Accounts of the Army, Marine and Military Engineer Services for 1930-31, paragraph 58 of the Proceedings of the Military Accounts Committee reproduced on page 35 of the Report of the Public Accounts Committee

on the Accounts for that year, and Appendix A, Item 13 of the Appropriation Accounts for 1931-32. Copies of these papers are in the Library.

Mr. M. Maswood Ahmad : Is the explanation mentioned in part (*b*) also in the papers which have been mentioned now ?

Mr. G. R. F. Tottenham : Yes, Sir. It is contained in item 13 of Appendix A to the Appropriation Accounts for 1931-32.

DISCOURAGEMENT OF THE FORMATION OF MUSLIM TRADE UNIONS.

332. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that Government policy is to discourage origination of Trade Unions by Mussalmans ?

(*b*) Is it a fact that Government policy is that Muslim labour should not be organised ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). The Government of India are anxious to encourage healthy trade unionism and they would regret, therefore, to see a development of communalism within the trade union movement. But it is no part of their policy to attempt to regulate the manner in which the membership of trade unions of private workmen should be composed. So far as unions of Government servants are concerned, I propose to give further information in reply to the next question.

Mr. M. Maswood Ahmad : Have Government issued any circular that in future Muslim trade unions should not be registered ?

The Honourable Sir Frank Noyce : If the Honourable Member is referring to Government servants, I shall give him an answer in reply to the next question.

RECOGNITION OF MUSLIM TRADE UNIONS.

333. ***Mr. M. Maswood Ahmad :** (*a*) Have Government recognised any Trade Union of Muslim labour ?

(*b*) Have Government received any application for recognition from any Trade Union of Muslim labourers ?

(*c*) Do Government propose to recognise Muslim labourers Trade Unions ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Not so far as I am aware.

(*c*) The Government of India do not propose to accord recognition to any trade union of their employees which may be formed on a communal basis.

Mr. M. Maswood Ahmad : May I know if Government have issued any circular that Muslim trade unions should not be registered ?

The Honourable Sir Frank Noyce : No, Sir.

Mr. M. Maswood Ahmad : Have Government issued any circular that trade unions formed on communal lines should not be registered ?

The Honourable Sir Frank Noyce : The Government of India are not concerned with the registration of trade unions which comes under the Act passed to regulate trade unions.

Mr. M. Maswood Ahmad : Do Government suggest that they have not issued any circular about registration of trade unions ?

The Honourable Sir Frank Noyce : Not as far as I am aware. There are definite recognition rules and, as I have said, these recognition rules do not permit of the formation of trade unions on a communal basis so far as Government employees are concerned.

Mr. M. Maswood Ahmad : My question is about registration and not recognition. My Honourable friend is always referring to recognition. I want to know whether the Government of India have issued any circular in connection with registration of trade unions ?

The Honourable Sir Frank Noyce : I have already told the Honourable Member twice that Government have issued no circular in regard to the registration of trade unions as they are not concerned with it. It is regulated by an Act which has been passed for that purpose.

Mr. Gaya Prasad Singh : Is it not a fact that the very object of trade unions will be frustrated if they are run or organised on communal lines ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That is asking for opinion.

Mr. N. M. Joshi : May I ask whether Government have any power to issue instructions to the Registrar of Trade Unions under the Act ?

The Honourable Sir Frank Noyce : None, Sir.

†334*.

UNEMPLOYMENT IN INDIA.

335. ***Shaikh Sadiq Hasan :** (*a*) Are Government aware that there is great unemployment in India ?

(*b*) Will Government be pleased to state the number of unemployed in British India ?

(*c*) If the answer to (*b*) be in the negative, will Government be pleased to state the reasons why statistics are not kept ?

(*d*) What steps have Government taken to fight unemployment during this year ?

(*e*) How do they intend to reduce unemployment in future ?

The Honourable Sir Frank Noyce : (*a*) I would refer the Honourable Member to the reply given to part (*a*) of Lala Rameshwar Prasad Bagla's starred question No. 775 on the 26th September, 1932.

(*b*) and (*c*). I would refer the Honourable Member to the answers given by me to Mr. S. G. Jog's starred question No. 1134 of the 5th April last and to the supplementary questions thereto.

(*d*) and (*e*). As has been explained more than once in this House, the question is one primarily for the Provincial Governments. But the proposals which we intend to lay before the House in the Factories Bill, if accepted, should have some effect in spreading employment in

†This question was withdrawn by the questioner.

certain industries ; and in Delhi, where the Central Government has more direct responsibility, we have proposals for fresh building work which should be of assistance in this direction.

Shaikh Sadiq Hasan : Is it not the duty of Government to help the public at such a critical juncture ?

The Honourable Sir Frank Noyce : As I have stated in reply to the question, this is primarily a matter for Local Governments, who are paying considerable attention to it. If the Government of India can help them in any way, they will be glad to do so.

DIVERSION OF THE EAST INDIAN RAILWAY PUNJAB MAILS FROM THE MAIN LINE TO THE GRAND CHORD.

336. ***Mr. Badri Lal Rastogi :** (*a*) Are Government aware that the East Indian Railway authorities intend to divert the Up and Down Punjab Mails through the Grand Chord ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state the reasons that led the East Indian Railway authorities to do so ?

(*c*) Are Government aware that the Punjab Mail trains are running on the main line from time immemorial ?

(*d*) Are Government aware that the proposed diversion of the Punjab Mails from the main line will put the travelling public of North Bihar and Patna to a considerable inconvenience and hardship while travelling long distances ?

(*e*) Are Government aware that the Bombay Mail is already running *via* the Grand Chord Line ?

(*f*) Are Government aware that the diversion of the Punjab Mails from the main line means the running of two mail trains *via* the Grand Chord Line ?

Mr. P. R. Rau : (*a*), (*b*), (*d*) and (*f*). I would invite my Honourable friend's attention to the reply I have already given to Mr. Gaya Prasad Singh's question No. 123 on the subject.

(*c*) and (*e*). Yes.

TRAINS RUNNING ON THE GRAND CHORD AND MAIN LINE OF THE EAST INDIAN RAILWAY BETWEEN HOWRAH AND MOGHALSARAI.

337. ***Mr. Badri Lal Rastogi :** (*a*) Will Government be pleased to state (*i*) the number of junction stations, (*ii*) the approximate number of passengers travelling, and (*iii*) the number of express trains running on both the Grand Chord and Main Lines, respectively, between Howrah and Moghalsarai ?

(*b*) Is it a fact that the idea of diverting the Punjab Mail from the main line is merely to avoid the so-called train-wreckers ?

Mr. P. R. Rau : (*a*) (*i*). The number of junction stations on the main line and the Grand Chord between Howrah and Moghalserai is 17 and 14 respectively.

(*ii*) I regret that statistics of the number of passengers travelling on separate sections or by individual trains are not available.

(*iii*) I understand the number of express trains running on the Main Line and the Grand Chord between Howrah and Moghalserai is 6 in each case.

(*b*) No.

INTRODUCTION OF A NEW PATTERN OF FIVE-RUPEE NOTE.

338. ***Mr. Badri Lal Rastogi :** (*a*) Will Government be pleased to state the reasons that led them to introduce recently a new pattern of five-rupee note ?

(*b*) Are Government aware that this new five-rupee note is very unpopular among the masses because of its liability to damage, and deterioration on account of the thinness of its paper and smallness of size ?

(*c*) Are Government aware that this new note runs the risk of being destroyed, defaced and even torn because of its being handled and folded frequently and constantly ?

The Honourable Sir George Schuster : (*a*) The change is expected to result in a considerable economy without causing any inconvenience to the public.

(*b*) No. The note is less liable to damage and the paper though thinner is actually stronger than before.

(*c*) As a small note is likely to be subjected to less folding than a large note and as the paper of which the new notes are composed is of strong quality, Government consider that notes of the new pattern should last at least as long as the old notes.

Mr. M. Maswood Ahmad : Is it a fact that the numbers on these notes are printed only in one place ?

The Honourable Sir George Schuster : If my Honourable friend would care to read the questions, which are not asked by himself, he will find that that particular question is asked in the next question on the paper.

INTRODUCTION OF A NEW PATTERN OF TEN-RUPEE NOTE.

339. ***Mr. Badri Lal Rastogi :** (*a*) Are Government aware that ten-rupee notes of the same pattern and of similar character as five-rupee notes are going to be issued shortly ?

(*b*) Are Government aware that these new pattern notes contain only one number in the middle while the old ones have two numbers on opposite corners ?

(*c*) Do Government propose to have the two numbers printed on opposite corners of these new notes as usual ? Are Government aware that the one number note cannot be halved and if halved, the number is likely to be made doubtful at the time of gumming the two halves together ?

The Honourable Sir George Schuster : (*a*) Ten-rupee notes of the new pattern have already been issued.

(*b*) Yes.

(*c*) No. There are very few instances of the cutting of five and ten-rupee notes and Government are ready to pay full value on such notes which have been accidentally torn if the halves are identifiable as part of the same note.

GOLD EXPORTED FROM INDIA SINCE ENGLAND WENT OFF THE GOLD STANDARD.

340. ***Mr. Badri Lal Rastogi :** (*a*) Will Government please state the quantity of gold exported from India and imported into it up to the 15th August, 1933, since England went off the gold standard ?

(*b*) Do Government propose to levy some export duty on gold, with a view to bringing in a good revenue to them ?

The Honourable Sir George Schuster : (*a*) The approximate figures up to the 5th of August, 1933 are :

Exports	145 crores.
Imports	3¼ crores.

(*b*) Government do not give intimation in advance of their intentions about taxation.

SILVER BARS LEFT IN STOCK WITH THE GOVERNMENT OF INDIA AFTER PAYMENT OF THE SAME TO AMERICA AS A WAR DEBT.

341. ***Mr. Badri Lal Rastogi :** (*a*) Will Government be pleased to state the total number of silver bars left in stock with the Government of India after payment of the same to America as a war debt ?

(*b*) Do Government propose to buy silver bars for making up the shortage effected as a result of payment to America ?

The Hnourable Sir George Schuster : (*a*) The amount of silver bullion left in stock with the Government of India after the payment to America was 911.35 lakhs of tolas as shown in the Abstract of the Accounts of the Currency Department published by the Controller of the Currency on the 19th of June, 1933.

(*b*) No.

CANTONMENTS IN INDIA.

342. ***Mr. B. R. Puri :** Will Government be pleased to state the total number and names of Cantonments in India :

(*a*) Where Class I Executive Officers have been posted ?

(*b*) Where Class II Executive Officers have been posted ?

(*c*) Where part-time Executive Officers are working ?

(*d*) Where Civilian Executive Officers paid from Cantonment Fund are working ?

Mr. G. R. F. Tottenham : A statement giving the information asked for is laid on the table.

Statement giving the information about Cantonments and their Executive Officers.

(*a*) Class I Executive Officers have been posted to 22 Cantonments, *viz.*, Peshawar, Nowshera, Rawalpindi, Ambala, Jullundur, Lahore, Quetta, Karachi *cum* Manora and Drigh Road, Dehra Dun *cum* Landour, Meerut, Ranikhet, Lucknow, Dinapore, Jubbulpore, Mhow, Belgaum, Kirkee, Poona, Secunderabad, Wellington, Nasirabad and Mandalay. At present Civilian Executive Officers have been appointed temporarily at Peshawar and Belgaum, *vice* permanent incumbents granted leave, and a part-time Executive Officer at Nowshera pending the appointment of an officer of the Cantonments Department to this cantonment.

(*b*) Class II Executive Officers have been posted to 12 Cantonments, *viz.*, Sialkot, Ferozepore, Multan, Kohat, Hyderabad (Sind), Agra, Bareilly, Barrackpore, Allahabad, Cawnpore, Neemuch and Ahmednagar. At present a part-time Executive Officer is working temporarily at Barrackpore pending the appointment of an officer of the Cantonments Department to that cantonment.

(*c*) Part-time Executive Officers are working in 10 Cantonments, *viz.*, Loralai, Lansdowne, Roorkee, Fyzabad, Fatehgarh, Jalapahar, Lebong, Pachmarhi, Baroda and Ahmedabad.

(*d*) Civilian Executive Officers paid from Cantonment Funds are working in 36 Cantonments, *viz.*, Risalpur, Cherat, Mardan, Campbellpore, Abbottabad, Jhelum, Murree Galis, Murree Hills, Kasauli, Amritsar, Bakloh, Dalhousie, Dagshai, Dharamsala, Jutogh, Subathu, Bannu, Dera Ismail Khan, Chakrata, New Delhi, Almora, Naini Tal, Muttra, Shahjahanpur, Sitapur, Shillong, Benares, Jhansi, Nowgong, Kamptee, Saugor, Aurangabad, St. Thomas Mount and Pallaveram, Deolali, Maymyo and Rangoon and Mingaladon.

EXECUTIVE OFFICERS OF CANTONMENTS IN INDIA.

343. ***Mr. B. R. Puri :** Will Government be pleased to lay on the table of the House a statement giving the following information regarding all the Executive Officers coming under category (*d*) in the preceding question :

(*i*) Academic qualifications ?

(*ii*) Experience of Cantonment work ?

(*iii*) Pay and other allowances drawn ?

(*iv*) Date since when working ?

(*v*) Name of the Executive Officer ?

Mr. G. R. F. Tottenham : The information has been called for and a reply will be laid on the table in due course. The appointments are made by General Officers Commanding-in-Chief, Commands.

WITHDRAWAL FROM CANTONMENT AUTHORITIES THE MANAGEMENT OF CLASS 'B' LAND AND ENTRUSTING THE SAME TO THE MILITARY ESTATES OFFICERS.

344. ***Mr. B. R. Puri :** (*a*) Will Government be pleased to state if it is intended to withdraw in the near future from the various Cantonment Authorities the management of all class 'B' land and entrust the same to the Military Estates Officers ?

(*b*) If the reply to (*a*) above be in the affirmative, are Government aware that a large number of Cantonment Authorities who now depend on revenue from 'B' Class land are likely to become insolvent ? If so, what steps do Government propose to adopt to avoid the financial loss ?

Mr. G. R. F. Tottenham : With your permission, Sir, I propose to answer questions Nos. 344 and 345 together.

The matters are under consideration but no final decisions have yet been reached.

CREATION OF AN ALL-INDIA CADRE FOR THE CIVILIAN EXECUTIVE OFFICERS OF CANTONMENTS.

†345. ***Mr. B. R. Puri :** Is it a fact that Government propose to create an All-India cadre for the civilian Executive Officers ? If so, will all the civilian Executive Officers at present working in the various Cantonments be absorbed in the cadre ? If not, what will be the standard to guide the Government in selecting candidates for the cadre ?

RE-EMPLOYMENT OF RETRENCHED PERSONNEL OF THE SURVEY OF INDIA.

346. ***Mr. B. R. Puri :** (*a*) Will Government be pleased to state the number of (*i*) Indian officers of the Class II service of the Survey of India, who had served for 15 years or under and were retrenched as a result of the recommendations of the Class II Retrenchment Board ; and (*ii*) Anglo-Indians so retrenched ?

(*b*) Are Government aware of the fact that a letter dated the 16th January, 1933, was issued under the authority of the Assistant Surveyor General, Survey of India, Calcutta, to a retrenched Class II Officer of the same Department, saying that " if vacancies occur in the near future retrenched personnel of this Department will be given the first chance of being re-employed " ?

(*c*) If the reply to (*b*) above be in the affirmative, will Government be pleased to state if they intend to re-employ, in view of the letter referred to above, the retrenched personnel of the Class II service before making fresh recruitments to that Service ?

Mr. G. S. Bajpai : (*a*) (*i*) Four.

(*ii*) *Nil.*

(*b*) Yes.

(*c*) The Government of India had already considered this question before sanctioning the recruitment of new candidates this year. They came to the conclusion that the records of service of the retrenched officers did not justify the hope that their re-employment would conduce to the efficiency of the Department.

STRENGTH OF OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

347. ***Mr. B. R. Puri :** Will Government be pleased to state (*a*) the present strength of Class I officers in the Survey of India Department, and (*b*) the present strength of (*i*) Indians, (*ii*) Anglo-Indians in Class I Service of that Department ?

Mr. G. S. Bajpai : (*a*) 35.

(*b*) (*i*) *Nil.*

(*ii*) Five.

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†For answer to this question, *see* answer to question No. 344.

PROMOTION OF OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

348. *Mr. B. R. Puri: Will Government be pleased to state their policy regarding the promotion of Class II officers to Class I Service of the Survey of India?

Mr. G. S. Bajpai: Promotion is made by selection on grounds of merit.

PROMOTION AND RECRUITMENT OF OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

349 *Mr. B. R. Puri: (a) Will Government be pleased to state the number of (i) Indians, and (ii) Anglo-Indians, promoted from Class II to Class I Service of the Survey of India Department during the last six years?

(b) Will Government be pleased to state the present number and percentage of (i) Indians, and (ii) Anglo-Indians in the Class II service of the Survey of India?

(c) In view of the small population percentage of Anglo-Indians, will Government be pleased to state the reason why Anglo-Indians are recruited in the Class II service in much greater strength than their population percentage permits?

Mr. G. S. Bajpai: (a) (i) Two.

(ii) Twelve including four officers whose domicile was declared later to be non-Asiatic.

(b) The total cadre consists of 55 officers of whom 29 are Indians and 26 Anglo-Indians.

(c) Owing to the special circumstances of the Survey of India the policy has been to employ Anglo-Indians in Class II of the department in excess of the percentage to which they would be entitled on a strictly population basis. I may, however, state for the Honourable Member's information that the proportion of Anglo-Indians recruited has been steadily diminishing.

INCREASE IN THE PROPORTION OF INDIAN OFFICERS IN THE SURVEY OF INDIA DEPARTMENT.

350. *Mr. B. R. Puri: Are Government prepared to increase the proportion of Indian officers in the Class II service of the Survey of India? If not, why not? If so, do Government propose to bear this point in mind when making fresh recruitments, as it is intended to do, in November, 1933?

Mr. G. S. Bajpai: The Honourable Member is presumably referring to the proportion of officers of unmixed Asiatic descent as compared with that of Anglo-Indians. As stated by me in the reply which I have just given to his preceding question, the proportion of Anglo-Indians recruited has been steadily diminishing. While the practice before 1920 was to recruit three Anglo-Indians to one Indian, Government have recently decided in respect of fresh recruitment during the current year that only two out of seven vacancies should be filled by Anglo-Indians.

RECOMMENDATIONS OF THE HAJ ENQUIRY COMMITTEE.

351. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state whether they have accepted all the recommendations of the Haj Enquiry Committee?

(b) Do Government propose to publish the evidence taken by the Haj Enquiry Committee, or to keep a copy of the same in the library of the Central Legislature?

Mr. G. S. Bajpai: (a) Most of the recommendations of the Committee have been accepted by Government either wholly or in a slightly modified form.

(b) No. The evidence has not been printed up.

Mr. M. Maswood Ahmad: Will Government be pleased to state whether they have accepted the recommendations of the Haj Inquiry Committee which were printed in book No. G.I.P.D.-L-50 (C)-C-P?

Mr. G. S. Bajpai: I am afraid it is not possible for me to identify the document to which my Honourable friend refers.

Mr. M. Maswood Ahmad: Is it a fact that the confidential report No. G.I.P.D.-L.-50 (C)-C.P. was not printed in the Government of India Press?

Mr. G. S. Bajpai: I have no information.

PROPOSAL FOR THE INTRODUCTION OF A MODIFIED SYSTEM OF COMMERCIAL ACCOUNTS IN THE BENGAL CINCHONA DEPARTMENT.

352. *Mr. M. Maswood Ahmad: (a) Is it a fact that there was a proposal for the introduction of a modified system of Commercial accounts in the Bengal Cinchona Department, and that the Bengal Government have dropped the proposal on account of the present financial stringency and that the Government of India were to reach a decision in the matter?

(b) Will Government be pleased to state if they have reached any decision on the question mentioned in part (a) in respect of the transactions of the Government of India and of the verification of stocks of cinchona bark at Mungpoo?

Mr. G. S. Bajpai: Reply to both parts of the question is in the affirmative.

RUNNING OF THE FRUIT FARM AT QUETTA ON COMMERCIAL LINES.

353. *Mr. M. Maswood Ahmad: (a) Is it a fact that the Fruit Farm at Quetta is working on a clear loss?

(b) Will Government be pleased to state what steps were taken by them to reduce the loss and to run the farm on strictly commercial lines?

Mr. G. S. Bajpai: (a) and (b). The farm is working at a loss, but the amount of this has recently been considerably reduced. The net loss in 1931-32 was reduced to Rs. 12,069 as compared with Rs. 21,210 in the previous year. The farm exists for experimental demonstration and propaganda purposes. It is not a commercial concern and the receipts cannot be expected to cover the whole expenditure.

Mr. M. Maswood Ahmad : Is it a fact that the depreciation on those stocks was counted when mentioning the lesser loss ?

Mr. G. S. Bajpai : I am not aware to what my Honourable friend refers. As far as I am aware, there is no depreciation on trees.

Mr. M. Maswood Ahmad : I am referring to the stock.

Mr. G. S. Bajpai : There is no other stock.

Mr. Lalchand Navalrai : Is it a fact that all fruit farms and all agricultural farms in India are running at a loss ?

Mr. G. S. Bajpai : If my Honourable friend wishes information as regards farms throughout India, I would request him to address himself to the Annual Reports of the various provinces. I have no information about all farms in India.

Mr. Lalchand Navalrai : What about fruit farms ?

Mr. G. S. Bajpai : I have already mentioned about the only fruit farm with which the Government of India are at present concerned, namely, the fruit farm at Quetta.

Mr. Lalchand Navalrai : Am I to understand that there are no fruit farms elsewhere ?

Mr. G. S. Bajpai : My Honourable friend perhaps has appreciated the fact that I am answering in regard to farms which are directly under the control of the Government of India. Whether there are fruit farms under the control of the Local Governments, I am not in a position to say.

Mr. Lalchand Navalrai : Then am I to understand that the Quetta fruit farm is the only one under the control of the Government of India ?

Mr. G. S. Bajpai : That is perfectly true ; that is the only fruit farm.

AMENDMENT OF LEAVE RULES AS RECOMMENDED BY THE INCHCAPE COMMITTEE.

354. ***Mr. M. Maswood Ahmad** : (*a*) Have Government accepted the Inchcape Committee's recommendation to amend the leave rules which seemed to them to be unnecessarily complicated ?

(*b*) Have Government finished the consideration of the draft revised rules and the scope of their application ?

(*c*) Will Government be pleased to lay on the table a copy of the revised rules, if any, accepted by them ?

The Honourable Sir George Schuster : (*a*) Government accepted the suggestion of the Inchcape Committee that the leave rules for the subordinate services should be reconsidered and the matter was consequently carefully examined.

(*b*) and (*c*). The revised leave rules for new entrants are still under consideration. The Honourable Member's attention is invited in this connection to the answer which I gave yesterday to question No. 281.

DECISIONS OF THE TRIBUNAL ON CAPITATION CHARGES.

355. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether the tribunal appointed to settle the question of capitation payments made from Indian Revenues to Departments of the Imperial Government for services arising out of the maintenance of British troops on the Indian Establishment, have submitted their report ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to circulate a copy of the same to the members of this House ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). I regret that I am not yet in a position to add anything to the replies which I gave to Mr. Sitaramaraju's starred question No. 622 on the 3rd March last. The Secretary of State, however, informed the Joint Select Committee on the 28th July, 1933, that he hoped to be able to make a fuller statement on the subject in the autumn.

CLAIMS OF THE POSTS AND TELEGRAPHS DEPARTMENT AGAINST THE RAILWAYS.

356. ***Mr. M. Maswood Ahmad** : Is it a fact that the claim of the Posts and Telegraphs Department against the Railways is under consideration of the Railway Board since 1927-28 ?

Mr. P. R. Rau : I am not aware what particular claim, my Honourable friend is referring to, but both the Posts and Telegraphs and Railway Departments are commercial departments and there are always certain claims and counter-claims under consideration and investigation by both the departments. There are certain claims of the Posts and Telegraphs Department at the present moment on which discussions have been proceeding for some time. The representatives of the two departments met recently and have arrived at an agreement on the general principles on which these should be settled. The details are being worked out at present by the Posts and Telegraphs Department.

Mr. M. Maswood Ahmad : Is it a fact that the items which are under consideration have been pending since 1927-28 ?

Mr. P. R. Rau : I do not remember exactly on what date the original claim was made, but, as I have already said, discussions have been proceeding for some time.

Mr. M. Maswood Ahmad : Did the Honourable Member notice that in the question that was particularly asked ?

Mr. P. R. Rau : If my Honourable friend had told me what claim he was referring to, I could have given him a reply.

Mr. M. Maswood Ahmad : The claims which were mentioned by the Director General, Posts and Telegraphs, before the Public Accounts Committee.

Mr. P. R. Rau : I wish my Honourable friend had specified these claims in his question. In the question the word " claim " is used in the singular.

DECLARATION OF DEBENTURES OF THE CENTRAL LAND MORTGAGE BANK OF MADRAS AS TRUSTEE SECURITIES.

357. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state whether it is a fact that in August, 1931, the Government of India informed the Madras Government that necessary legislation would be taken up at the Simla Session of this House to declare the debentures of the Central Land Mortgage Bank of Madras as trustee securities, and that towards the end of the same year the Government changed their attitude ?

(b) If the reply to (a) above be in the affirmative, will Government be pleased to state what happened between August and December to warrant a change of policy ?

(c) Has there been any correspondence with the Madras Government in this connection since February, 1933 ?

Mr. G. S. Bajpai : (a) No.

(b) Does not arise.

(c) The subject is now under discussion with the Government of Madras.

EXPENDITURE OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

358. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state under what head of expenditure the contribution of the State-managed Railways to the Railway Conference Fund was shown in the year 1932-33 ?

(b) What was the total cost of the Association during the year 1932-33 ?

Mr. P. R. Rau : (a) The expenses in connection with the Indian Railway Conference Association of the State-managed railways are shown under head I (ii) of Abstract G.—Miscellaneous Expenses—of the Accounts of the respective railways.

(b) The total expenditure of the Indian Railway Conference Association for the year 1932-33 was Rs. 3,88,375.

Mr. N. M. Joshi : May I ask whether any railways that are not State-owned contribute to this fund ?

Mr. P. R. Rau : Yes, Sir.

Mr. M. Maswood Ahmad : Do Government propose to allow Muslim Railway Employees' Associations to send their representatives also to attend this Conference ?

Mr. P. R. Rau : This, Sir, is not a Conference of employees.

Mr. M. Maswood Ahmad : When will the Honourable Member be pleased to state who attends this Conference if not the employees ?

Mr. P. R. Rau : Representatives of the railway administrations.

PREPARATION OF ROLLING STOCK PROGRAMME OF RAILWAYS.

359. *Mr. M. Maswood Ahmad : (a) Is it a fact that the rolling stock programme is prepared by the Railway Board in consultation with the Agents of the different railways in the absence of the members of the Standing Finance Committee for Railways ?

(b) Is it a fact that the programme is placed before the Standing Finance Committee for Railways for sanctioning the expenditure in the absence of the authorities of the different railways ?

(c) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to state whether they are aware of the difficulties which are generally felt by the Standing Finance Committee for Railways ?

(d) Do Government propose to prepare the rolling stock programme in consultation with the Agents and the Standing Finance Committee for Railways, or to include this item in the agenda of Central Advisory Committee for Railways for their opinion ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) I am not aware what difficulties the Honourable Member is referring to, but as a member himself of the Standing Finance Committee he has full opportunities for discussion of these difficulties and suggestions for improvement of the procedure in the Committee itself.

(d) Government are of opinion that the present procedure is the most convenient from the practical point of view, and see no reason to change it. They consider that any difficulties that are at present being experienced by members of the Standing Finance Committee can be discussed more suitably in that Committee itself initially than in the Central Advisory Council.

Mr. N. M. Joshi : May I ask whether Government will give an opportunity to this House to discuss the question of the Statutory Railway Authority ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think that question arises out of this.

MARKING OF SIXTEEN SQUARE FEET SPACE FOR EACH PILGRIM IN PILGRIM SHIPS.

360. *Mr. M. Maswood Ahmad : (a) Is it a fact that the Haj Enquiry Committee have mentioned in their Report that by marking 16 square feet space for each pilgrim the carrying capacity of the pilgrim ships will be decreased ?

(b) Is it a fact that for the reason mentioned in part (a) above, Government do not propose to mark 16 square feet space for each pilgrim ?

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

(b) The Honourable Member's attention is invited to the official report of the debate in this House on Saturday, the 8th April, 1933. As I then undertook to do, provision has been included in the rules which it is hoped to publish before the next Haj season for the demarcation by lines of small blocks capable of accommodating groups of pilgrims varying in number from 5 to 12.

Mr. M. Maswood Ahmad : Is it a fact that the Haj Enquiry Committee have mentioned in their report that by marking 16 sq. ft. off for each pilgrim the carrying capacity of the pilgrim ship will be decreased ?

Mr. G. S. Bajpai : Probably my Honourable friend did not follow what I said in reply to part (*a*) of his question : I said, Yes.

Mr. M. Maswood Ahmad : Does it mean that actually 16 sq. ft. is not given to the pilgrims on the ships ?

Mr. G. S. Bajpai : My information is that on an average passengers do get 16 sq. ft.

Mr. M. Maswood Ahmad : Do Government realise that when pilgrims on ships are full, according to the number which is announced by the survey officer, 16 sq. ft. space is nearly impossible for each pilgrim ?

Mr. G. S. Bajpai : I do not quite know what my Honourable friend means by the pilgrims being full : I think he is thinking of the ship.

Mr. M. Maswood Ahmad : I mean the total number which is announced by the survey officer to be on a ship : if that number is on the ship, then, in that case, 16 sq. ft. space is not provided to pilgrims ?

Mr. G. S. Bajpai : I have already said that on an average pilgrims do have 16 sq. ft.

Mr. M. Maswood Ahmad : But not in all cases ?

Mr. G. S. Bajpai : I am talking in terms of averages. If my Honourable friend would investigate the matter a little further, he will find that even if 16 sq. ft. were allowed to each individual pilgrim, it would not be occupied.

Mr. Lalchand Navalrai : Have they got sufficient space to lie down straight ?

Mr. G. S. Bajpai : Yes, except when their hardier neighbours encroach upon the space to which they are entitled by law.

SPACE FOR ALLEY-WAYS IN PILGRIM SHIPS.

361. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether the statement " There are several small blocks in the ship and all these small blocks are measured in the way in which it has been suggested by the Haj Enquiry Committee, alley-ways being excluded " is correct ?

(*b*) Will Government be pleased to state whether any deduction for the space for alley-ways between two rows of unberthed pilgrims is made at the time of the survey of pilgrim ships ?

Mr. G. S. Bajpai : (*a*) The system of measuring is described in Appendix C to the report of the Haj Enquiry Committee.

(*b*) There is no such rule at present, although in actual practice deduction is made for an alley-way space 1½ ft. in width on the upper deck. Government now propose to make a rule that an alley-way shall be provided on the upper deck as well as in every compartment on the between decks.

DOCTORS IN CHARGE OF HOSPITALS ON PILGRIM SHIPS.

362. ***Mr. M. Maswood Ahmad** : Is it a fact that all the doctors in charge of the hospitals on the pilgrim ships (last Haj season) were Muslims ?

Mr. G. S. Bajpai : No.

STEAMING CAPACITY OF CERTAIN PILGRIM SHIPS.

363. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that there is a rule that pilgrim ships sailing between May, 20th and September, 20th in any year must be capable of steaming at least eight knots an hour in ordinary monsoon weather ?

(*b*) Do Government propose to increase the minimum speed limit of pilgrim ships from eight to ten knots an hour ?

(*c*) How many knots is Jeddah from Bombay and from Karachi ?

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

(*b*) No. If shipping companies were required to provide, for the pilgrim traffic, steamers capable of a higher speed they might find it necessary to enhance the fares.

(*c*) The distance from Bombay to Jeddah is 2,350 miles and from Karachi to Jeddah 2,180 miles.

EMPLOYMENT OF MUSLIM DOCTORS AND HOSPITAL ASSISTANTS ON PILGRIM SHIPS.

364. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether they have made any rule to employ suitable Muslim doctors and hospital assistants on pilgrim ships ?

(*b*) If the reply to (*a*) above be in the negative, do they propose to make such rules for the next coming Haj seasons ? If not, why not ?

Mr. G. S. Bajpai : (*a*) and (*b*). The rules which will be published shortly will contain a provision that every medical officer and attendant employed on a pilgrim ship should preferably be Muslims.

Mr. N. M. Joshi : May I ask whether it is the policy of Government to provide communities in this country with doctors on communal lines ?

Mr. G. S. Bajpai : This is rather a special case, because the ships are utilised exclusively for Muslim passengers.

Mr. N. M. Joshi : May I ask whether if a particular village or a particular part of the country consists of only Hindus, Government will provide only Hindu doctors ?

Mr. G. S. Bajpai : Medical administration being a transferred provincial subject, I suggest that this might be addressed to Ministers in Provinces.

Mr. Lalchand Navalrai : Has there been a specific demand by the Muhammadans that there should be Muhammadan doctors ?

Mr. G. S. Bajpai : That is the recommendation of the Haj Enquiry Committee.

EXCLUSION FROM CUSTOMS DUTY OF *Tabarrukats* IMPORTED BY HAJ PILGRIMS.

365. ***Mr. M. Maswood Ahmad :** Do Government propose to exempt from customs duty all *Tabarrukats* (articles brought by Haj pilgrims with them from Hedjaz on their return to India) imported by Haj pilgrims ?

The Honourable Sir George Schuster : Exemption is already allowed subject to certain limits in respect of articles having a substantial commercial value.

REFUSAL BY MESSRS. TURNER MORRISON COMPANY TO ISSUE CONCESSION TICKETS TO POOR PILGRIMS.

366. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that in the past Messrs. Turner Morrison Co. used to issue two or three hundred concession tickets every year for poor pilgrims on their pilgrim ships ?

(*b*) Are Government aware that, when requested this year, Mr. E. Brown, Managing Director, Messrs. Turner Morrison, Bombay, refused to issue such tickets ?

(*c*) Will Government be pleased to state whether the issue of the concession tickets was stopped this year by the Company on the instruction of the Government, or on account of the views of the Haj Enquiry Committee who were opposed to the grant of any concession ?

Mr. G. S. Bajpai : (*a*), (*b*) and (*c*). The Honourable Member's attention is invited to the reply given by me on the 27th February, 1933, to Shaikh Fazal Haq Piracha's starred question No. 572.

PROVISION OF FACILITIES FOR TIBBI TREATMENT ON PILGRIM SHIPS.

367. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware that on account of the alcohol used in many of the allopathic medicines, many pilgrims do not use those medicines ?

(*b*) Are Government aware that alcohol is *haram* according to Islamic *Shariat* ?

(*c*) Do Government propose to provide facilities for Tibbi treatment on pilgrim ships ?

Mr. G. S. Bajpai : (*a*) Government are aware that some pilgrims may object to the use of allopathic medicines.

(*b*) I am prepared to accept the Honourable Member's statement.

(*c*) The Honourable Member will remember that when he moved, during the last Session, an amendment to the Indian Merchant Shipping (Amendment) Bill to provide for the employment of Hakims on pilgrim ships, I pointed out that these ships were governed by the International Sanitary Convention and that it was necessary to employ only such doctors as could be recognised internationally. Should, however, a Port Haj Committee wish to make provision for the pay of a *Unani Tabib* and his medicines on board a pilgrim ship, it would be open to the Committee to negotiate the details regarding his employment with the shipping company concerned.

Mr. M. Maswood Ahmad : Do Government propose that in future when International Conventions take place, at least the views of Muhammadans in this connection will be placed before them ?

Mr. G. S. Bajpai : I am not sure that any effort on the part of Government, to put the views of the Muslim community as regards the employment of *tabibs*, would carry much weight with international medical opinion.

Mr. M. Maswood Ahmad : Just as it has been said by my Honourable friend that as doctors are only appointed on account of International Convention, so I wanted to know whether they are prepared to place before International Conventions that such restrictions should be omitted, because there is a great desire in India for *hakims* as well ?

Mr. G. S. Bajpai : I have already stated in reply to part (*c*) of the question that it would be open to the Port Haj Committees if they are prepared to find the funds to employ *tabibs* and *hakims* on these ships in addition to allopathic doctors whom the shipping company employs.

Mr. M. Maswood Ahmad : Do not Government propose to place this fact before the International Convention ?

Mr. G. S. Bajpai : I do not myself think that any useful purpose will be served by Government making such representations.

SILVER TRANSACTION WITH ENGLAND FOR PAYMENT OF WAR DEBT TO AMERICA.

368. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) the policy which they have followed with respect to the recent silver transaction with the Home Government for payment of the latter's War Debts to America ?

(*b*) when it was first that they themselves were consulted in the matter ?

(*c*) whether it was before or after the Honourable the Finance Member left this country on official business abroad ?

(*d*) the rate per fine ounce at which the sale was effected by them ?

(*e*) the rate per fine ounce at which the Home Government parted with the stock to America in payment of their War Debts ?

(*f*) whether any profit arose out of the transaction to any party anywhere ? If so, to whom and where ?

(*g*) whether they are aware that a lot of public feeling has been roused over their recent silver deal ?

The Honourable Sir George Schuster : (*a*), (*d*) and (*e*). The attention of the Honourable Member is invited to the replies given to starred questions Nos. 89 and 92 asked by Seth Haji Abdoola Haroon and Mr. Gaya Prasad Singh on the 28th August, 1933.

(*b*) and (*c*). The attention of the Honourable Member is invited to the reply given to starred question No. 109 asked by Mr. Bhuput Sing on the 28th August, 1933.

(*f*) and (*g*). These are matters of opinion.

FALLING OFF IN THE NUMBER OF STUDENTS IN THE BENARES AND ALIGARH UNIVERSITIES.

369. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state whether reports have come to them of the falling off in the number of admissions of students to the post-graduate classes and Law Department in the Benares and Aligarh Universities owing to the unusual financial stringency consequent upon trade depression, extensive retrenchment of salaries and emoluments and widespread unemployment ?

(b) If so, what steps have Government so far taken for meeting the situation ?

Mr. G. S. Bajpai : (a) and (b). The Quinquennial Reports of the Benares Hindu and Aligarh Muslim Universities for the period 1927-32 submitted by the authorities of those Universities show that there has been a fall in the number of admission of students to the various classes only of the Aligarh University. The decrease is said to be largely due to the economic depression. The authorities of that University have, with the approval of the Government of India, accordingly decided to remit the registration fee which the University used to charge from students on their admission to the University.

FORMATION OF THE STATUTORY RAILWAY BOARD IN INDIA.

370. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state whether they have been asked for any opinion by the Home Government about the formation of the future Statutory Railway Board in India ? If so, will they please state the specific views which they have expressed on the subject ?

(b) Will Government be pleased to state whether they have been apprised of the specific recommendations that the majority of the London Committee on that subject have recently made there ? If so, what are those recommendations ?

Mr. P. R. Rau : (a) Yes, but the correspondence is confidential and Government are unable to state what are the views they have expressed on the subject.

(b) Yes ; the report has been published in full in the Press, and copies circulated to Members of the Legislature.

UNSATISFACTORY WORKING OF THE OTTAWA AGREEMENT IN SOME PARTICULARS.

371. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state (a) whether it is not a fact that it has been found that the Ottawa Agreement has not been working quite satisfactorily in some particulars so far as some Dominions are concerned ?

(b) Will Government be pleased to state whether it is not a fact that directly after the World Economic Conference finally adjourned, a Conference of the Dominions and British Delegates took place in London in order to remove some of the obstacles and implement some provisions of the agreement in view of recent experiences ?

(c) If the answer to (b) above be in the affirmative, will Government be pleased to state whether they were duly represented at that Conference ? If so, by whom ?

(d) Will Government be pleased to state whether the Legislatures will be duly informed of the specific complaints removed and specific provisions supplemented as a result of that Conference ?

(e) Will Government be pleased to state whether the Ottawa Agreement formed the subject-matter of any debate or discussion at the World Economic Conference ? If so, in what connection ?

The Honourable Sir Joseph Bhore : (a) The Government of India have no information. They have not so far entered into any Trade Agreement with the Dominions.

(b), (c) and (e). The Government of India have no information.

(d) Does not arise.

ARREST AND DEPORTATION OF MR. GEORGE MRAZ WHO WAS RUNNING A GERMAN THERAPEUTIC INSTITUTE IN DELHI.

372. *Mr. Gaya Prasad Singh : Is it a fact that a German Doctor, Mr. George Mraz, who was running a German Therapeutic Institute in Delhi, has been recently arrested and deported ? If so, for what offence and on what evidence ?

The Honourable Sir Harry Haig : George Mraz was deported under the provisions of section 3 of the Foreigners Act, 1864, as being an undesirable character. I understand that he is not a German subject.

STORES PURCHASE POLICY OF THE CALCUTTA PORT TRUST.

373. *Mr. Gaya Prasad Singh: (a) Is it a fact that the Indian Chamber of Commerce, Calcutta, recently addressed Government on the subject of the stores purchase policy of the Calcutta Port Trust, and in the course of their communication pointed out that " the existence and growth of the Port Trust depends ultimately on the prosperity of Indian trade and industry, and that the Commissioners should in respect of their stores purchase follow a policy which tends to encourage goods produced and manufactured in India " ?

(b) Will Government be pleased to make a statement regarding the stores purchase policy of the Calcutta Port Trust, and lay on the table a comparative statement showing the value of stores purchased in England and abroad, and those purchased in India during the last five years ?

The Honourable Sir Joseph Bhore : (a) Yes, Sir.

(b) Certain information is being called for and a complete reply will be laid on the table in due course.

RETRENCHMENT IN THE CALCUTTA PORT TRUST.

374. *Mr. Gaya Prasad Singh : Will Government be pleased to state the general plan of retrenchment pursued by the Calcutta Port Trust, indicating how many Indians and how many foreign employees and officials were retrenched during the last three years and the amount of saving effected under each head ?

The Honourable Sir Joseph Bhore : The information asked for is being obtained and will, when received, be laid on the table.

REVENUE EARNED AT THE DOCKS BY THE CALCUTTA PORT TRUST.

375. ***Mr. Gaya Prasad Singh** : Is it a fact that about one-third of the Revenue earned at the docks by the Calcutta Port Trust goes every year to Messrs. Bird and Co. for the supply of labour ; and that if the Port Trust elects to employ itself the labour required for handling cargo at the docks, it will save about four lakhs annually ? What approximately is the amount paid to Messrs. Bird and Co. every year for the contract to supply labour ? And for how long ?

The Honourable Sir Joseph Bhore : In 1932-33, the year for which information is available, the payment to Messrs. Bird and Company for the supply of labour at the Calcutta Docks amounted to about 14½ lakhs while the receipts at the Docks in that year were nearly 50½ lakhs. The advisability of employing more departmental labour has been considered by the Port Commissioners but they regard it as extremely doubtful whether any saving would be affected by this means, as in that case they would have to engage more supervising staff and incur heavy capital expenditure on coolie lines. The total payments made to Messrs. Bird and Company for the supply of labour to the Port Commissioners during the last five years were approximately as follows :

1928-29	.. .. ..	Rs. 29.28 lakhs.
1929-30	.. .. ..	Rs. 29.53 „
1930-31	.. .. ..	Rs. 21.63 „
1931-32	.. .. ..	Rs. 18.83 „
1932-33	.. .. ..	Rs. 15.73 „

This Company has supplied labour to the Port Commissioners for over forty years.

Mr. Gaya Prasad Singh : May I know if tenders were invited from other contractors also for the supply of labour during this long period ?

The Honourable Sir Joseph Bhore : I cannot give my Honourable friend information on that point, because my Honourable friend will realise that it is not a matter which is directly under the administration of the Government of India.

Mr. Gaya Prasad Singh : Will Government take it from me that no tenders were invited as a matter of fact, and that the contract with Messrs. Bird and Company is terminable at three months' notice ?

The Honourable Sir Joseph Bhore : I am quite prepared to take it from my Honourable friend until the contrary is proved.

Mr. Gaya Prasad Singh : Are Government aware that there are only five Indian Commissioners on the Port Trust of Calcutta as against fourteen non-Indian Commissioners, and that the majority of them are non-Indians ?

The Honourable Sir Joseph Bhore : I do not carry the figures in my head, but I have no doubt that my Honourable friend's information is quite correct : but I would like for the information of the House to make

the position clear in regard to the constitution of Port Trusts. I know this is a matter on which Honourable Members in the House feel strongly and it is a matter which has been constantly before me. The constitution of a Port Trust reflects the commercial interests concerned. Now, Sir, as Indian commercial interests grow, they will naturally, from time to time, I take it, be represented by larger numbers. This was, as a matter of fact, done some years ago when the Act was revised, and I have no reason to believe that as Indian interests begin to grow larger and larger, that fact will not also be reflected in time in the constitution of Port Trusts.

Mr. Gaya Prasad Singh : Are Government aware that Indian commercial interests are not represented on this Port Trust of Calcutta except by means of nomination by the Government ?

The Honourable Sir Joseph Bhore : I think that is right.

Mr. Gaya Prasad Singh : Whereas the European commercial interests are allowed representation by direct election ?

The Honourable Sir Joseph Bhore : But does my Honourable friend mean to say that the representation of Indian interests, though it is by nomination, is not a suitable representation ?

Mr. Gaya Prasad Singh : If nomination is a suitable method of securing proper representation, why don't they extend it to European commercial interests as well ?

The Honourable Sir Joseph Bhore : I am quite prepared to consider the question of nomination as against election, but I am not prepared here on the floor of the House to commit myself to either one or the other method.

Mr. N. M. Joshi : May I ask whether Government are aware that the Royal Commission on Indian Labour has recommended that dock labour should be represented on the Port Trusts ?

The Honourable Sir Joseph Bhore : I am afraid, Sir, my recollection of the recommendations of the Labour Commission is somewhat distant by this time.

Mr. Gaya Prasad Singh : Are Government aware that out of the 12 elected Commissioners, six are returned by the Bengal Chamber of Commerce, one by the Calcutta Trades Association, one by the Corporation of Calcutta and four by such bodies as the Government select as being representative of the Indian commercial community ?

The Honourable Sir Joseph Bhore : I am afraid I do not remember the exact method of representation, but I take it that the facts given by my friend are correct.

Mr. S. C. Mitra : Will Government consider the desirability of giving better representation to Indian commercial interests when revising the constitution of the Port Trust of Calcutta ?

The Honourable Sir Joseph Bhore : I have already told my friend the fact that that aspect of the case is constantly kept in view, but I can give him the assurance that I will personally look into it again.

Mr. S. C. Sen : Is it not a fact that these four commercial bodies, whom the Governor General nominates as the forum entitled to elect the four nominees on the Board, appoint them by election amongst themselves ?

The Honourable Sir Joseph Bhore : I think so, Sir.

PROPOSAL OF RESTRICTING THE PASSAGE OF GOVERNMENT OFFICIALS, PROCEEDING TO ENGLAND, TO BRITISH STEAMERS.

376. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if any correspondence has passed between them and the India Office relating to the proposal of restricting the passage of Government officials, proceeding to England, to British steamers " in view of the serious position of British shipping, and also to avoid subsidising of Italian steamers " ?

(*b*) Is it intended to issue any instructions on the subject ? If so, on what lines ?

The Honourable Sir Harry Haig : I have nothing to add to the reply which I gave to Mr. Neogy's starred question No. 640 on the 6th of March, 1933, except that the matter is still under consideration.

Mr. Gaya Prasad Singh : May I know what is the answer to the last part ? I did not quite catch the Honourable Member.

The Honourable Sir Harry Haig : Except that the matter is still under consideration.

Mr. Gaya Prasad Singh : And that no instructions have been issued so far ?

The Honourable Sir Harry Haig : No decision has yet been reached.

POST OF OFFICE SUPERINTENDENT, KARACHI DIVISION, NORTH WESTERN RAILWAY.

377. ***Mr. Lalchand Navalrai :** (*a*) Is it a fact that one Mr. H. C. S. Bennet, an European, who was a Traffic Inspector on the North-Western Railway was transferred as Office Superintendent, Karachi Division and his post as Traffic Inspector declared surplus ? If so, why was the above-mentioned post of Traffic Inspector again revived after a short time, and another person, also an European or Anglo-Indian, allowed to officiate as Traffic Inspector in this appointment, Mr. Bennet having been allowed to remain as Office Superintendent ?

(*b*) Is it a fact that by this arrangement the claims of some Senior Indian Head Clerks in the Divisional offices of the North-Western Railway who aspired for the post of the Office Superintendent and were fully qualified for this appointment in every way, were ignored ?

(*c*) Do Government propose in view of their policy communicated to me in the Railway Board letter No. 1662-E.G., dated 23rd May, 1933, in reply to my starred question No. 1127, to issue instructions to the Agent, and Divisional Superintendent that racial discrimination in the Railway appointments has been removed, and that they should act up to it ?

(*d*) Is it a fact that Selection Boards are always held for selecting candidates for filling any posts of Office Superintendents ? If so, was any Selection Board held on the occasion of the transfer of Mr. Bennet as Office Superintendent ? If so, who were the other candidates who appeared before this Selection Board, and if not, why was a departure made from the usual procedure in this particular case ?

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

DANGEROUS CONDITION OF THE CITY WALL OF DELHI.

378. ***Rai Bahadur Kunwar Raghubir Singh** (on behalf of Kunwar Hajee Ismail Ali Khan) : (*a*) Is it a fact that the city wall of Delhi between Ajmeri Gate and Turkman Gate is in a very dangerous condition and many lives have been lost by its collapse during the monsoon of July, 1933 ?

(*b*) If the answer to part (*a*) above be in the affirmative, do Government propose to consider the question of improving the situation by demolishing the whole portion of the city wall between Ajmeri Gate and Turkman Gate ?

Mr. G. S. Bajpai : (*a*) During the recent rains a portion of the Delhi City Wall fell and resulted in the death of two persons and serious injury to a third.

(*b*) The dangerous portions of the wall have been dismantled. The major portion, however, has been left standing as it is not at present considered dangerous. The question as to whether any further portion should be demolished, or whether any repairs should be effected, is under consideration.

TROUBLES AT THE NORTH WEST FRONTIER OF INDIA.

379. ***Mr. Gaya Prasad Singh :** Will Government be pleased to make a statement relating to (*i*) the trouble and activities on the North West Frontier of India for some time, (*ii*) and the steps taken by them, and (*iii*) the present situation obtaining there ?

Mr. B. J. Glancy : I would refer the Honourable Member to that portion of the speech of His Excellency the Viceroy delivered on the 30th August in this House which dealt with Frontier affairs and which gave a full account of recent activities in that area.

Mr. Gaya Prasad Singh : Will Government kindly state the circumstances under which the recent bombing operations were resorted to for the purpose of suppressing any portion of the disturbances ?

Mr. B. J. Glancy : The reason why bombing was resorted to was that that was regarded as being likely to prove the most successful and economical method. Any other method would almost infallibly have led to serious loss of life. Peaceful methods were actually tried for two months, but without effect.

Mr. Gaya Prasad Singh : Are Government aware that their resort to bombing entails danger to innocent men, women and children ?

Mr. G. R. F. Tottenham : Sir, I am going to answer shortly a short notice question on the subject of bombing, and I would ask Honourable Members to reserve their fire until then.

OBJECTIONABLE ADVERTISEMENTS IN NEWSPAPERS.

380. *Rao Bahadur M. C. Rajah : (a) Are Government aware that all newspapers advertise remedies for impotency, health, strength, vigour and birth-control ?

(b) Are Government aware that such advertisements are forbidden on the Continent and in England ? If so, why are they being tolerated in India ?

(c) Have Government analysed any of the medicines so offered ? If not, why not ?

(d) Do Government contemplate to legislate in order to prevent the public from being swindled ? If so, when ? If not, why not ?

Mr. G. S. Bajpai : (a) It is a matter of common knowledge that such advertisements are published in newspapers.

(b) Government have no detailed information.

(c) Government have not analysed the medicines, but understand that a certain number have been analysed in England and other countries.

(d) The Honourable Member's suggestion is already under the consideration of Government in connection with the Report of the Drugs Inquiry Committee.

INDIAN RAILWAY GAZETTE OF CALCUTTA.

381. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

(a) the names of the State Railway Administrations which patronise the Indian Railway Gazette of Calcutta with their advertisements ?

(b) whether it is a fact that the Gazette in question occasionally receives news and official information for publication from the State Railways ?

(c) whether the Railway Board also extend their patronage to the Gazette ? If so, in what way ?

(d) whether reports of proceedings of Legislative Assembly Committee meetings for Railways are sent to the Gazette for publication and comment ?

(e) whether such reports are also supplied to other papers dealing mainly with Railway matters ?

(f) whether such reports are ordinarily supplied to newspapers which apply for them ?

Mr. P. R. Rau : (a) and (b). Government have no information. This is a matter within the competence of Railways to decide for themselves.

(c) The Railway Board subscribe for a copy of the Gazette.

(d), (e) and (f). Copies of the proceedings are supplied to the Gazette for information. They are also supplied to the Associated Press of India.

Any requests for such supply from other papers are considered on merits.

†382.*

RUNNING OF SPECIAL TRAINS BETWEEN BARSUI AND KISHANGANJ ON THE EASTERN BENGAL RAILWAY.

383. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state whether there was a proposal to run special trains for three days on or about 25th, 26th and 27th between Barsui to Kishanganj on the Eastern Bengal Railway ?

(b) Is it a fact that the special train which was to run on the third day was cancelled without previous notice ?

(c) Will Government be pleased to state the real situation and cause of the cancellation of the running of the special train on the third day ?

(d) Will Government be pleased to state the actual number of the passengers who travelled by each of the trains ?

(e) On whose recommendations and request was the running of the special train decided ?

Mr. P. R. Rau : (a) and (e). Government understand that it was proposed to run a Special train daily on the 24th, 25th and 26th June, 1933, but not on the 27th June, in connection with the Bihar Muslim Conference which was held this year at Kishanganj. The running of these Specials was arranged at the request of Messrs. Muhammad Shafi Daoodi, M.L.A., and Badi-uz-Zaman, M.L.A.

(b) The Special train which was to run on the 26th June was cancelled.

(c) The Agent, Eastern Bengal Railway, reports that stock, power and staff to work the Special train on the 26th June were ready on the spot. But as no passengers offered either at Barsui or at Kishanganj, it was, in consultation with the General Secretary, Reception Committee of the Muslim Conference, decided to cancel the Special.

(d) 24 passengers by Up Special on 24th June, 1933.
11 passengers by Down Special on 24th June, 1933.
5 passengers by Up Special on 25th June, 1933.
35 passengers by Down Special on 25th June, 1933.

Mr. M. Maswood Ahmad : Did Government sustain any loss on account of these trains ?

Mr. P. R. Rau : I think it is sufficiently obvious, Sir.

Maulvi Muhammad Shafee Daoodi : Are Government aware that there was a heavy downpour when the Conference was held there ?

Mr. P. R. Rau : I suppose, Sir, my Honourable friend is speaking from personal experience, and I am quite prepared to accept his statement.

†This question was not put by the questioner.

PAY OF INDIAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

384. ***Mr. M. Maswood Ahmad** : Is it a fact that on the East Indian Railway the starting pay of Indian Station Masters is only Rs. 40 rising to Rs. 120 in four grades in the old scale and Rs. 40 to Rs. 95 in the new one ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 384 to 395 together. I have called for certain information and will lay a reply on the table in due course.

PAY OF INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†385. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the Indian Assistant Station Masters on the East Indian Railway are not placed in the higher grade of Rs. 350 in the old scale and of Rs. 310 in the new one ?

(*b*) Is it a fact that in the special grade of Assistant Station Masters on the East Indian Railway carrying a salary of Rs. 350 per month, persons are not recruited on merit, but the posts in this grade are reserved for Anglo-Indians and Europeans ?

PAY OF GUARDS ON THE EAST INDIAN RAILWAY.

†386. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that guards on the East Indian Railway are subordinate to Assistant Station Masters, and trained only in guards' duties ?

(*b*) Is it a fact that their grades are Rs. 100 and Rs. 210 *plus* lump sum allowances which are added to the salary in deducting provident funds ?

PAY OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†387. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that Travelling Ticket Examiners on the East Indian Railway are to work under Assistant Station Masters and are qualified only in a part of coaching duties ?

(*b*) Is it a fact that the pay of their grade is Rs. 120 *plus* a fixed allowance of Rs. 65, *i.e.*, Rs. 185 altogether ?

PAY OF TRAIN CLERKS, TELEPHONE CLERKS, ETC., ON THE EAST INDIAN RAILWAY.

†388. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that Trains Clerks, Telephone Clerks, Booking Clerks, Goods Clerks, Signallers and Ticket Collectors, are all subordinate to Assistant Station Masters on the East Indian Railway ?

(*b*) Is it a fact that their grades are Rs. 80, Rs. 115, Rs. 210 ?

SUPERSESSION OF INDIAN ASSISTANT STATION MASTERS BY EUROPEAN AND ANGLO-INDIAN GUARDS ON THE EAST INDIAN RAILWAY.

†389. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the European and Anglo-Indian guards on the East Indian Railway after

†For answer to this question, *see* answer to question No. 384.

reaching the maximum of their grade of Rs. 210 enjoy the privilege of being promoted to Assistant Station Master's grade of Rs. 350, superseding the Indian Assistant Station Masters, without qualifying themselves in all the duties, as Indian Assistant Station Masters are required to do ?

(*b*) Do Government propose to see that the European and Anglo-Indian guards should be made to qualify themselves in all the duties of Indian Assistant Station Masters before they are taken in as such and that in the matter of promotion they should not be allowed to supersede the Indian Assistant Station Masters who might already be their seniors in office ?

UNIFORMS SUPPLIED TO THE ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†390. ***Mr. M. Maswood Ahmad** : Is it a fact that the European and Anglo-Indian Assistant Station Masters on the East Indian Railway get better kind of uniform than the Indian Assistant Station Masters get ?

DIFFERENTIAL TREATMENT OF EUROPEAN, ANGLO-INDIAN AND INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†391. ***Mr. M. Maswood Ahmad** : Is it a fact that if the eye-sight of an Indian Assistant Station Master on the East Indian Railway fails, he is made a Number-Taker, Booking Clerk or a Signaller, but, if the eye-sight of an European or Anglo-Indian servant of the Railway fails, he is forthwith provided with a high salaried post, such as a controller on pay of rupees four hundred, etc. ?

INTRODUCTION OF NEW SYSTEM OF HOURS OF REST ON THE EAST INDIAN RAILWAY.

†392. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state the difference between the new system of hours of rest, based on Washington and Geneva Conventions and the old system of hours of rest, on the East Indian Railway ?

(*b*) Were the Assistant Station Masters on the East Indian Railway consulted before the introduction of the new system of hours of rest ?

NIGHT DUTY OF ASSISTANT STATION MASTERS ON CERTAIN BRANCH LINES OF THE EAST INDIAN RAILWAY.

†393. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that over the B. Division on branch line on the East Indian Railway Indian Assistant Station Masters perform 12 hours' night duty each? If so, is it not in contravention of Geneva and Washington rules ?

(*b*) Are Government aware that such duty is described as intermittent ? Is it a fact that such duty is continuous and that they have to keep on in train passing duty for 12 hours, no fixed timing for engines and other goods trains being prescribed ?

†For answer to this question, *see* answer to question No. 384.

REST FOR CERTAIN STATION MASTERS ON THE EAST INDIAN RAILWAY.

†394. ***Mr. M. Maswood Ahmad :** Is it a fact that on some stations on the East Indian Railway where train passing is managed by switchman and supervised by one station master who does all coaching and goods duty, the said station master is not given any rest either weekly or fortnightly ?

DIFFERENTIAL TREATMENT OF EUROPEAN, ANGLO-INDIAN AND INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†395. ***Mr. M. Maswood Ahmad :** Is it a fact that Indian Assistant Station Masters on the East Indian Railway are debarred from promotion, or are reduced from the grade they hold, if they fail in the prescribed examination or in the Chandausi training or if they do not pass in the first chance the Chandausi training, but the European and Anglo-Indian Assistant Station Masters are exempted from this practice ?

MOPLAHS CONVICTED OF OFFENCES CONNECTED WITH THE MALABAR REBELLION IN JAILS AND IN THE ANDAMANS.

396. ***Mr. M. Maswood Ahmad :** (*a*) How many Moplahs, who were convicted of offences connected with the Malabar Rebellion of 1921, are now suffering imprisonment ?

(*b*) How many of the Moplahs, who were convicted of offences connected with the Malabar Rebellion of 1921, are in jails in the Madras Province and how many of them are in jails outside Madras ?

(*c*) How many of them are still in Andaman Island ?

(*d*) Did the release of such prisoners during the past few years disturb the peace of the district ?

The Honourable Sir Harry Haig : (*a*) 196.

(*b*) and (*c*). 62 in jails in the Madras Presidency, 5 elsewhere in India and 129 in the Andamans, 41 of whom have been ordered to be released and are awaiting a passage to India.

(*d*) I have nothing to add to the reply given by me on the 16th September, 1932, to part (*a*) of the Honourable Member's question No. 364.

MOPLAHS WANTED BY POLICE UNDER REGULATION III AND THE MOPLAH OUTRAGES ACT.

397. ***Mr. M. Maswood Ahmad :** What is the number of the Moplahs who are even now wanted by the Police under the State Regulation III and Moplah Outrages Act and in connection with the Malabar Rebellion of 1921 ?

The Honourable Sir Harry Haig : No Moplah is wanted by the police under Madras Regulation II of 1819 or the Moplah Outrages Act in connection with the Malabar Rebellion of 1921.

MOPLAHS DETAINED UNDER REGULATION III AND THE MOPLAH OUTRAGES ACT.

398. ***Mr. M. Maswood Ahmad :** (*a*) How many Moplahs have been detained under State Regulation III and Moplah Outrages Act ?

†For answer to this question, *see* answer to question No. 384.

(*b*) Do Government propose to grant a general amnesty to the Moplahs, *viz.*, to release those who are still suffering imprisonment in that connection, and to permit those who are detained to return to their homes ?

The Honourable Sir Harry Haig : (*a*) The information in my possession is that only one is under restraint under Regulation II of 1819. No Moplah is detained under the Moplah Outrages Act or under Regulation III of 1818 in connection with the Malabar Rebellion of 1921.

(*b*) No such proposal is under consideration. The Local Government are following a liberal policy of removing restraint wherever possible.

Mr. M. Maswood Ahmad : Since what time has that one man been under detention ?

The Honourable Sir Harry Haig : I am afraid I shall require notice of that question.

NOMINATION OF A MOPLAH MEMBER OF THE CENTRAL LEGISLATURE TO THE COMMITTEE TO BE FORMED FOR ARRANGING THE CONSTITUENCIES OF THE FEDERAL ASSEMBLY.

399. ***Mr. M. Maswood Ahmad :** (*a*) Do Government propose to form a committee to arrange the constituency for the seats allotted to Muslims by the Premier's decision for the Federal Assembly, and to decide the franchise for the same ?

(*b*) If so, do they propose to nominate any Moplah member of the Central Legislature to serve on the committee ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*). Government are not at present considering the appointment of any such Committee. The question of its personnel does not therefore arise at present.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

400 ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that the composition of the staff of postal and telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March 1932 in the Gazetted rank in the Direction was as follows :

(1) Europeans *cum* Anglo-Indians ..	10 in number
(2) Hindus	5 in number
(3) Muslims	1 in number
(4) Others	1 in number
Total ..	17 in number

(*b*) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(*c*) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (*a*) above ?

The Honourable Sir Frank Noyce : Sir, as the 120 questions, Nos. 400 to 459 and Nos. 486 to 545 inclusive, are all of the same general purport, and as the same considerations apply to them all I shall deal with them together, with your permission.

I regret that I cannot undertake the research and calculations necessary to give precise replies to these questions ; to do so would be both laborious and useless for the following reasons :

(*a*) The Honourable Member is aware that there are in force certain orders of Government regulating the admission to the services of members of different communities, and also that these orders relate specifically only to first appointments, not to the filling of posts by promotion. He nevertheless makes no discrimination in his questions between the staffing of cadres which are filled by direct recruitment and those which are filled otherwise. Furthermore the Honourable Member is probably aware that the staff on many individual cadres is scattered over different offices and circles, so that no significance attaches to the question of the composition of the staff of a particular office or circle in such a case.

(*b*) The Honourable Member is also aware that the orders to which I have referred have not been in force for very many years, whereas the actual composition of the staff in any cadre or branch of the service is the result of recruitments and promotions made extending over a long period possibly 25 or 30 years.

(*c*) The Honourable Member is also aware (if not, I would refer him to page 1871 of the Legislative Assembly Debates of the 10th March, 1933) that a system of check has been introduced which makes it impossible for recruiting officers in the Posts and Telegraphs Department to evade strict compliance with such orders as may be in force from time to time relating to communal recruitment.

The Honourable Member will thus see that only misleading or useless conclusions could be drawn from even the most detailed replies to the 120 questions with which I am now dealing. Comprehensive information as to the communal composition and recruitment of the different branches of the Posts and Telegraphs staff is however already available : I would refer the Honourable Member to paragraphs 71 and 72 of the Director General's Annual Report on the Posts and Telegraphs Department for the year 1931-32 ; I may add that arrangements have been made to have the corresponding information, to be included in the Annual Report for 1932-33, exhibited in greater detail than in past years.

I may mention that the Government are at present reconsidering the general orders to which I have referred, and will probably issue revised instructions in due course.

Mr. M. Maswood Ahmad : I am now in a very difficult position. The questions have been answered by one stroke of the pen and there are only five minutes left for putting supplementary questions.

Mr. Gaya Prasad Singh : Supplementary questions to what answers, because we must know the answers before we put supplementary questions ?

Mr. M. Maswood Ahmad : Are Government aware that about four days ago many of these questions were taken away from the starred list to the unstarred list, and have Government replied to the parts of the unstarred list as well ?

The Honourable Sir Frank Noyce : I was not aware of that fact as the unstarred list has not yet reached me. I can assure the Honourable Member that, if there are any questions in the unstarred list, they will be duly answered. But, if they are a repetition of the questions which appear in this list, then they will be given the same answer as I have given here.

Mr. M. Maswood Ahmad : Are Government aware that there were not 120 questions for today's answer, because many of them have been taken away from the list ?

The Honourable Sir Frank Noyce : That, Sir, is not a matter for me. The questions appear in the list of business which is before the House this morning and it was, therefore, my bounden duty to answer the questions on the list.

Mr. M. Maswood Ahmad : Is it a fact that information relating to those questions are in eight pages only in the office of the Director General of Posts and Telegraphs.

The Honourable Sir Frank Noyce : If the Honourable Member has information in his hand which he considers as a sufficient reply to these questions, I presume no further information is wanted.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether the information published at page 38 of the report for 1931-32 was supplied by all the circles to the Government and whether from those figures they have compiled the statement which has been published in half a page at page 38 ?

The Honourable Sir Frank Noyce : I have not before me the document from which the Honourable Member is reading and I am unable to give him an answer.

Mr. M. Maswood Ahmad : I am ready to give it to him if he wants it. May I know whether the figures which are referred to in paragraphs 71 and 72 which have been answered by my Honourable friend were supplied by different circles in half pages ?

The Honourable Sir Frank Noyce : I can assure the Honourable Member that if I were to give him the detailed information for which he has asked in these questions, I should require additional staff in my office for quite an extensive period.

Mr. M. Maswood Ahmad : What additional staff, do Government think will be required for typing 8 or 10 pages of the reply to these questions ?

The Honourbale Sir Frank Noyce : That, Sir, seems to be a hypothetical question.

Mr. M. Maswood Ahmad : Are Government aware that this is not a question concerning the Muslim community alone, but rather that this is a question concerning Indians as a whole ? In all these questions it has been shown that Europeans and Anglo-Indians have got in some cases 60, in some cases 70 and in some cases 80 per cent. of posts, while Indians have got 3, 5, 10 or at the most 20 per cent. only ?

The Honourable Sir Frank Noyce : I do not think that I can add anything useful to the reply I have already given.

Mr. R. S. Sarma : Will Government be pleased to give this House an idea of what it would have cost Government to find answers to the communal questions of Mr. Maswood Ahmad since January, 1931 ? (Laughter.)

Mr. S. C. Mitra : Is it not the accepted policy of Government that once an officer has been appointed, it is more his efficiency and experience in the departmental work and not his religion that should determine his promotion ?

The Honourable Sir Frank Noyce : That is so.

Mr. M. Maswood Ahmad : Do Government propose that in future in the Posts and Telegraphs Department, instead of publishing figures as a whole in paragraph 71, they will give information for circles as well ?

The Honourable Sir Frank Noyce : I have said in my reply that arrangements have been made to have information exhibited in greater detail than in past years.

Mr. M. Maswood Ahmad : Thank you for this undertaking.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†401. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Postal and Railway Mail Service was as follows ?

(1) Europeans *cum* Anglo-Indians	..	69 in number
(2) Hindus	..	104 in number
(3) Muslims	..	33 in number
(4) Others	..	23 in number
Total	..	229 in number

(*b*) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(*c*) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (*a*) above ?

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†402. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Telegraph Traffic was as follows ?

(1) European *cum* Anglo-Indians	..	48 in number
(2) Hindus	..	27 in number
(3) Muslims	..	1 in number
(4) Others	..	4 in number
Total	..	80 in number

(*b*) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(*c*) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (*a*) above ?

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†403. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Telegraph Engineering was as follows ?

(1) European *cum* Anglo-Indians	..	128 in number
(2) Hindus	..	28 in number
(3) Muslims	..	3 in number
(4) Others	..	8 in number
Total	..	167 in number

(*b*) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(*c*) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (*a*) above ?

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†404. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct

†For answer to this question, *see* answer to question No. 400.

control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the Wireless was as follows ?

(1) European *cum* Anglo-Indians	24	in number
(2) Hindus	4	in number
(3) Muslims	*nil*	in number
(4) Others	*nil*	in number
Total ..	28	in number

(*b*) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(*c*) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (*a*) above ?

COMMUNAL COMPOSITION OF THE GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†405. *Mr. **M. Maswood Ahmad** : (*a*) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932 in the Gazetted rank in the total service was as follows ?

(1) European *cum* Anglo-Indians	279	in number
(2) Hindus	168	in number
(3) Muslims	38	in number
(4) Others	36	in number
Total ..	521	in number

(*b*) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(*c*) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (*a*) above ?

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†406. *Mr. **M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†407. *Mr. **M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†408. *Mr. **M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†409. *Mr. **M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†410. *Mr. **M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, *see* answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Wireless for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†411. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†412. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†413. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the

†For answer to this question, *see* answer to question No. 400.

31st March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†414. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†415. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†416. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

†For answer to this question, *see* answer to question No. 400.

March, 1933 in the Gazetted rank in the Wireless for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†417. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†418. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†419. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on

†For answer to this question, *see* answer to question No. 400.

the 31st March, 1933 in the Gazetted rank in the Posts and Railway Mail Service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†420. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†421. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†422. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under

†For answer to this question, *see* answer to question No. 400.

the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Wireless for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†423. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†424. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†425. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

†For answer to this question, *see* answer to question No. 400.

March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†426. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†427. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†428. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the

†For answer to this question, *see* answer to question No. 400.

31st March, 1933 in the Gazetted rank in the Wireless for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†429. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the total service for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†430. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Direction for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†431. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under

†For answer to this question, *see* answer to question No. 400.

the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Postal and Railway Mail Service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†432. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Traffic for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†433. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the Gazetted rank in the Telegraph Engineering for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†434. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†447. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the total service for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†448. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Direction for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†449. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Postal and Railway Mail Service for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†450. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, *see* answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Traffic for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†451. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Engineering for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†452. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Wireless for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†453. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the

†For answer to this question, *see* answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Wireless for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†435. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the total service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†436. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Direction for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†437. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

†For answer to this question, *see* answer to question No. 400.

March, 1933 in the gazetted rank in the Postal and Railway Mail Service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†438. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Traffic for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†439. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Engineering for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†440. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st

†For answer to this question, *see* answer to question No. 400.

March, 1933, in the gazetted rank in the Wireless for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†441. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the total service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†442. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Direction for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†443. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Postal and Railway Mail Service for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†444. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Traffic for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†445. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Telegraph Engineering for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†446. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Wireless for the Punjab and North-West Frontier Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

direct control of the Director General of Posts and Telegraphs on the 31s March, 1933, in the gazetted rank in the total service for the Sind an Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCE POSTAL CIRCLE.

†454. *Mr. M. Maswood Ahmad : Will Government be pleased t state the composition of the staff of Postal and Telegraph officials under th direct control of the Director General of Posts and Telegraphs on the 31s March, 1933, in the gazetted rank in the Direction for the United Province Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†455. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under th direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the gazetted rank in the Postal and Railway Mail Service for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†456. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Traffic for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†457. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933 in the gazetted rank in the Telegraph Engineering for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†458. *Mr. M. Maswood Ahmad : Will Government be pleased t state the composition of the staff of Postal and Telegraph officials under th direct control of the Director General of Posts and Telegraphs on the 31s March, 1933 in the gazetted rank in the Wireless for the United Province Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF THE GAZETTED STAFF IN THE UNITED PROVINCE POSTAL CIRCLE.

†459. *Mr. M. Maswood Ahmad : Will Government be pleased t state the composition of the staff of Postal and Telegraph officials under th direct control of the Director General of Posts and Telegraphs on the 31s March, 1933 in the gazetted rank in the total service for the Unite Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		

‡460.*—485.*

†For answer to this question, *see* answer to question No. 400.

‡For these questions and answers thereto, *see* Legislative Assembly Debates, dat the 4th September, 1933.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†486. *Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Direction was as follows ?

	Number.	Percentage.
1. Europeans *cum* Anglo-Indians ..	4	
2. Hindus	143	
3. Muslims	20	
4. Others	1	
Total ..	168	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Muslims in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS

†487. *Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service was as follows ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..	304	
Hindus	23,513	
Muslims	5,360	
Others	2,297	
Total ..	31,474	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Muslims in the posts mentioned in part (a) above ?

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†488. *Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Telegraph Traffic was as follows ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..	1,716	
Hindus	2,123	
Muslims	249	
Others	406	
Total ..	4,494	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†489. *Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in Telegraph Engineering was as follows ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..	237	
Hindus	1,006	
Muslims	239	
Others	138	
Total ..	1,620	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†490. *Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the Wireless was as follows ?

	Number.	Percentage.
1. Europeans *cum* Anglo-Indians ..	122	
2. Hindus	75	
3. Muslims	21	
4. Others	19	
Total ..	237	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF UNDER THE DIRECT CONTROL OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†491. *Mr. M. Maswood Ahmad : (a) Is it a fact that the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1932, in the non-Gazetted (excluding line delivery and menials) rank in the total service was as follows ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..	2,383	
Hindus	26,860	
Muslims	5,889	
Others	2,861	
Total ..	37,993	

(b) Will Government be pleased to state the figures in the same schedule for the year ending the 31st March, 1933 ?

(c) What action do Government propose to take to increase the number of Indians in general and of Muslims in particular in the posts mentioned in part (a) above ?

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†492. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Direction for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†493. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†494. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†495. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†496. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the Wireless for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BENGAL AND ASSAM POSTAL CIRCLE.

†497. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-Gazetted (excluding line delivery and menials) rank in the total service for the Bengal and Assam Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†498. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†499. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†500. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†501. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†502. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

†503. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Bihar and Orissa Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†504. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†505. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†506. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†507. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†508. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BOMBAY POSTAL CIRCLE.

†509. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Bombay Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†510. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†511. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Burma Circle in the following schedule ?

	Number	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†512. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†513. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†514. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE BURMA POSTAL CIRCLE.

†515. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†516. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†517. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†518. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†519. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†520. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE CENTRAL POSTAL CIRCLE.

†521. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Central Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†522. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†523. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†524. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†525. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†526. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE MADRAS POSTAL CIRCLE.

†527. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Madras Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†528. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Director for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†529. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal and Railway Mail Service for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†530. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†531. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†532. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

†533. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Punjab and N.-W. F. Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†534. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†535. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal Railway Mail Service for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†536. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†537. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†538. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

†539. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the Sind and Baluchistan Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†540. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Direction for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†541. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Postal Railway Mail Service for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†542. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Traffic for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†543. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Telegraph Engineering for the Burma Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†544. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the Wireless for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF IN THE UNITED PROVINCES POSTAL CIRCLE.

†545. *Mr. M. Maswood Ahmad : Will Government be pleased to state the composition of the staff of Postal and Telegraph officials under the direct control of the Director General of Posts and Telegraphs on the 31st March, 1933, in the non-gazetted (excluding line delivery and menials) rank in the total service for the United Provinces Circle in the following schedule ?

	Number.	Percentage.
Europeans *cum* Anglo-Indians ..		
Hindus		
Muslims		
Others		
Total ..		

†For answer to this question, *see* answer to question No. 400.

SHORT NOTICE QUESTION AND ANSWER.

AIR BOMBARDMENT ON THE TRIBAL AREA OF THE NORTH-WEST FRONTIER.

Mr. M. Maswood Ahmad : Will Government be pleased to state the full facts about the air-bombing on the tribal area of the North-West Frontier recently ?

Mr. G. R. F. Tottenham : As explained by His Excellency the Viceroy in his address to the Legislature on August 30th, the Government of India received information that certain agitators, whose activities were likely to disturb the peace of the Frontier and to be a source of embarrassment to our neighbours, had come to Bajaur and that the most important of them was being harboured in the village of Kotkai. Kotkai is a small walled village containing about 130 inhabitants, and situated at a distance of about 30 miles from the nearest road over very mountainous country and another 45 miles from railhead at Dargai.

A notice was conveyed by messenger to the Khan of Kotkai on July 23rd to the effect that, unless this agitator was surrendered before August 1st, Government would take such action as they might think necessary. The Khan adopted a defiant attitude, and refused to surrender the man. Warnings were then dropped on, and in the vicinity of the village by æroplane on July 30th to the effect that the village would be liable to be bombed on August 1st and succeeding days. The first bombardment was carried out on August 1st by 12 machines of the Royal Air Force, which dropped 42 bombs. No bombing took place on August 2nd. On August 3rd, and again on August 4th, further bombing took place by six machines, which dropped 24 bombs on each occasion. The total number of bombs dropped was 90. So far as can be ascertained, about 20 houses were destroyed or damaged, and one man was slightly injured. The village presented a deserted appearance when the bombing took place, and there is every reason to believe that all women and children had been removed to a place of safety, and that none of them was hurt. The total cost of these operations was under Rs. 15,000.

No further bombing has taken place either of Kotkai or of any other village.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether the source of information that only one man was injured is a confidential one ?

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Mr. G. R. F. Tottenham : No, it is not confidential. It is information that we received from the political authorities in the locality.

Mr. M. Maswood Ahmad : How was it possible to say that so many men were killed at a particular place, when no man from Government was in the village to see that ?

Mr. G. R. F. Tottenham : I imagine that certain people from that area came into the important towns and gave information to the political authorities.

Mr. M. Maswood Ahmad : Then there is no surety of the information.

Mr. S. C. Mitra : Is my impression correct, that warning was given that bombing would take place on a particular date and at a particular hour, so that those who wanted to go away from the place might do so, if they liked ?

Mr. G. R. F. Tottenham : Yes, warning was given on July 30th and the bombing took place two days later at a particular hour.

Shaikh Sadiq Hasan : Is bomb throwing so accurate that it will only hit the target and will not fall astray ?

Mr. G. R. F. Tottenham : Great progress has been made in the accuracy of ærial bombardment and I believe the Royal Air Force now claim to be more accurate than the artillery.

Maulvi Muhammad Shafee Daoodi : Is it not a fact that bombing has been proposed to be absolutely abolished by His Majesty's Government in the United Kingdom in the Disarmament Conference at Geneva ?

Mr G. R. F. Tottenham : The position in that respect is as follows. As Honourable Members are aware, the Disarmament Conference has been taking place for some time and any success that the Conference has achieved is due very largely to the efforts made by Great Britain and the President of the Conference, Mr. Henderson. The British Government put certain proposals before the Conference. The first proposal that they put on the subject of ærial warfare was that there should be complete abolition of military aviation of all kinds, provided firstly, that satisfactory arrangements could be made to control civil aviation, to prevent military preparations being made under the guise of civil development, and, secondly, that all other nations agreed to the abolition of their air forces. The second proposition that was put forward was that, failing agreement on this major proposal, ærial bombardment should be abolished as an international weapon of warfare. His Majesty's Government agreed to this proposal, but made the stipulation that they would wish to retain the right to use ærial bombing for police purposes in certain specified outlying portions of the Empire.

Maulvi Muhammad Shafee Daoodi : Am I correct when I find in this "Monthly Summary of the League of Nations" the following statement :

"His Majesty's Government in the United Kingdom desire to suggest that it would be advisable,.....to agree on a programme of work which would enable the Conference to embody in a Convention the proposals made by various delegations since the opening of the Conference..... The aim of the Bureau should be to organise without delay practical discussion of the following topics, with the object of framing a Convention or Conventions embodying them so far as they are ultimately approved. ..... The Bureau shall at once constitute a committee of representatives of the principal air Powers to examine the possibility of the entire abolition of military and naval machines and of bombing from the air, combined with an effective international control of civil aviation."

Is this correct ?

Mr. G. R. F. Tottenham : I have no doubt that is perfectly correct.

Maulvi Muhammad Shafee Daoodi : If that is correct, I do not see any mention of exception of bombing for police purposes ?

Mr. G. R. F. Tottenham : As I explained just now, there were two propositions. The first proposition, the major proposition, is the complete abolition of all military aviation. It was only failing agreement on that, that the second proposition was made, that there should be a limitation of ærial bombardment and it was in connection with the second alternative that His Majesty's Government made the stipulation I have referred to with regard to police bombing. I may add that both these matters were discussed in the Disarmament Conference a few

months ago, but no final decision was reached and the second reading of these proposals is to take place sometime in the coming autumn.

Maulvi Muhammad Shafee Daoodi : Has the consideration been finished ?

Mr. G. R. F. Tottenham : The discussion is to be resumed when the Conference meets again, I believe, sometime this autumn.

Mr. N. M. Joshi : May I ask whether it is a fact that agreement at the Disarmament Conference has become very difficult on account of the attitude taken up by Great Britain as regards air bombing ?

Mr. G. R. F. Tottenham : No, Sir. That, I think, is a gross misrepresentation of the facts. Any success that the Conference has achieved has been due more to the efforts of the British Government than to any other nation in the world ; and it is most unlikely that the British Government in particular, who have much to fear from the dangers and possibilities of ærial bombardment, should wish to wreck the Conference as a whole on a matter of this kind.

Mr. N. M. Joshi : May I ask if the British Government are insisting upon reserving to themselves this power ?

Mr. President (The Honourable Sir Shanmukham Chetty) : We cannot discuss on this question the attitude of the British Government in the Disarmament Conference.

Mr. N. M. Joshi : May I ask what is the attitude of the Indian Government ?

Mr. G. R. F. Tottenham : The Indian Delegation has followed the lead of the British Delegation in all matters relating to the Disarmament Conference and are prepared, if there is general agreement on the subject, to agree to the abolition of military aviation.

Mr. S. C. Mitra : Is it a fact that to the demand for giving up the absconders the villagers replied that it was the immemorial custom in the tribal area, on principles of hospitality, to give asylum to the political refugees ?

Mr. G. R. F. Tottenham : I think the Political Secretary might have more information on that point. I am only concerned with the military aspect of it.

Mr. B. J. Glancy : It is a fact that the people in the tribal area are reluctant to give up those who are enjoying their hospitality : this custom is not peculiar to the tribal area, it is to be found all over the world ; but it has to be subordinated sometimes to the maintenance of peace.

Mr. S. C. Mitra : May I take it that the Government accept that it is the usual practice in all civilised countries to give asylum to political agitators.

Mr. B. J. Glancy : That is a custom that has to be modified, as I said, in the interests of peace.

Mr. S. C. Mitra : Is it not a fact that even in England asylum is given to political agitators from foreign countries ?

Mr. B. J. Glancy : As regards this particular tribal area, it is the Government that is responsible for the peace there.

Mr. S. C. Mitra : Are the British Government responsible for the peace in this tribal area ?

Mr. B. J. Glancy : Yes, Sir.

Maulvi Muhammad Shafee Daoodi : Who were the agitators who caused this trouble ?

Mr. B. J. Glancy : I do not think it is in the interests of Government to give that information.

Maulvi Muhammad Shafee Daoodi : If the Government are not going to give the names of the agitators, did they do any overt act either in the British territory or in the Afghan territory.

Mr. B. J. Glancy : As regards the tribal territory about which we are speaking, the action of the agitators had the effect of disturbing the peace.

Maulvi Muhammad Shafee Daoodi : Did they do any overt act either in this part of the country or in the other part of the country ?

Mr. B. J. Glancy : As far as I am aware, in this part of the country, that is to say, the tribal country, they did not actually commit any criminal offence.

Maulvi Muhammad Shafee Daoodi : If they did not do any overt act, why did the Government take action on that ground ?

Mr. B. J. Glancy : But the peace was being disturbed and the country was being inflamed.

Maulvi Muhammad Shafee Daoodi : When there was no overt act, how could the peace of the country be said to be disturbed ?

Mr. G. R. F. Tottenham : I would invite the attention of the Honourable Member to a passage in His Excellency's speech on the subject. He said :

"Realising that this particular portion of the frontier holds many firebrands whose main occupation in life is to flout all recognised forms of law and order, and knowing the pace at which infection is likely to spread on the Frontier, I, in consultation with my Government, decided that immediate action was imperative."

Maulvi Muhammad Shafee Daoodi : Was not the action of the Government of India more than was necessary in view of the fact that there was no overt act and there was no chance of these people committing any disturbances ?

Mr. G. R. F. Tottenham : That, Sir, is a question of opinion. In the opinion of the Government of India, the action was necessary and it had the desired effect.

Maulvi Muhammad Shafee Daoodi : May I know if the Government of India took any hint from the proposals made by His Majesty's Government in the United Kingdom to the Disarmament Conference at Geneva that bombing by air should not be resorted to at least during the period when the proposal was under consideration before the Disarmament Conference ?

Mr. G. R. F. Tottenham : I think it would be most unreasonable to expect that any country, even the most ardent supporter of disarmament, should deprive itself, in advance of any general agreement that had been reached on that subject, of the use of a weapon which, in its opinion and subject to the restrictions and safeguards that are invariably imposed, has proved itself to be a very effective, economical and humane method of preserving peace on the Frontier.

Maulvi Muhammad Shafee Daoodi : Is it not correct to infer that there was no urgency to take to bombing during the month of July especially when the matter was under discussion before the Disarmament Conference ?

Mr. G. R. F. Tottenham : If this air action had not been taken, the alternatives before the Government of India would have been two—either to take no action at all or else to send a military force to Kotkai. This would have cost a great deal more than the operations by air and would have entailed a large number of casualties, not only to the tribesmen, but also to our own Indian soldiers ; and it would ultimately have had precisely the same effect on the village of Kotkai as the aerial bombardment had on August 1st. (Applause.)

Maulvi Muhammad Shafee Daoodi : Am I not right in saying that it was the imaginary troubles which caused the Government of India to take to bombing ?

Mr. G. R. F. Tottenham : I can assure the Honourable Member that the Government of India would not resort to action on any imaginary grounds.

Bhai Parma Nand : May I ask, Sir, whether the decisions of the League of Nations are applicable to India in the case of air bombing or can they be made applicable to the settlement of other questions such as the communal question of India ?

The Honourable Sir Harry Haig : Is this question addressed to me ? I am no great authority on the proceedings of the League of Nations which, I fancy, are dealt with by the Legislative Department, but my impression is that agreements reached by the League of Nations are binding on those nations which subscribe to them.

Bhai Parma Nand : Is not India a member of the League of Nations ?

The Honourable Sir Harry Haig : Yes, Sir.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether the danger of the disturbance of peace was in India or in Afghanistan ?

Mr. President (The Honourable Sir Shanmukham Chetty) : No question can be asked in this House with regard to the foreign territory.

Mr. M. Maswood Ahmad : Then, may I know whether the danger of the disturbance was in India ?

Mr. G. R. F. Tottenham : I think that question has already been answered.

Mr. M. Maswood Ahmad : What was the reply ?

Mr. G. R. F. Tottenham : The reply was that there was danger of a breach of the peace in India.

Mr. Muhammad Azhar Ali : Is it humane to take steps so devastating in anticipation of the commitment of any overt act ?

Mr. G. R. F. Tottenham : I think we have already discussed that matter fully.

Mr. President : Order, order. Statements.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table :

(*i*) the information promised in reply to starred questions Nos. 214, 354, 355 and 383 asked by Khan Sahib Shaikh Fazal Haq Piracha, Pandit Satyendra Nath Sen and Mr. S. C. Mitra on the 13th September, 1932 ; and

(*ii*) the information promised in reply to starred question No. 1214 asked by Maulvi Muhammad Shafee Daoodi on the 12th April, 1933.

PRO-REPEATER ALARM PISTOLS AND THEIR DETONATING DISCS.

*214. (*a*) The reply to the first part of the question is in the affirmative. The discs contain a minute quantity of an explosive of the fulminate class.

(*b*) Government have seen some of the advertisements in question.

(*c*) It has been ascertained from the Government of the United Provinces that no restrictions have been placed by the local authorities on detonating discs. In Bihar and Orissa, the local authorities of one district placed restrictions on the sale of detonating discs under a misapprehension ; these restrictions have since been withdrawn.

(*d*) In Burma the import of the pro-repeater alarm pistol has been restricted under the Finance Department Notification No. 35, dated the 6th September, 1930 (copy enclosed), to cases in which a permit to import the article has been obtained, in the case of import at Rangoon, from the Commissioner of Police, and in the case of import elsewhere from the District Magistrate. Discs are considered by the Local Government to fall within the definition of " ammunition " given in section 4 of the Indian Arms Act, 1878, and the provisions of the Arms Act and Rules are applied to discs intended for weapons which are capable of being used otherwise than as toys.

(*e*) In exercise of the power conferred by the proviso in column 3 of entry 1 in Schedule II to the Arms Rules, the Local Government have issued a notification declaring that no person in the Bengal Presidency—

(*a*) shall manufacture, convert or sell or keep, offer or expose for sale, or

(*b*) shall go armed with alarm pistols, except under a licence and in the manner and to the extent permitted thereby.

(*f*) Some types of toy pistols closely resemble lethal weapons in appearance and make a loud report when fired. Cases have occurred in Bengal and Burma of their use in an objectionable manner, for example, by dacoits to frighten people. In one case a hole was bored in a toy pistol to enable a ball cartridge to be fired from it. The Local Governments therefore considered it necessary to impose restrictions on these weapons. The Government of India are not prepared to interfere with the discretion of the Local Governments in this matter and they do not, therefore, propose to issue any general orders on the subject.

RESTRICTIONS IN BURMA AND BENGAL FOR GERMAN AUTOMATIC REPEATENT ALARM PISTOLS.

*354. (*a*) Yes.

(*b*) The Honourable Member is referred to the reply given to clause (*f*) of question No. 214.

LICENCE FOR TELL AND DIANA BRAND GERMAN AIR PISTOLS IN BENGAL.

*355. (*a*) and (*b*). The Honourable Member is referred to the reply given to clause (*f*) of question No. 214.

RESTRICTIONS IN BURMA AND BENGAL FOR GERMAN AUTOMATIC REPEATENT ALARM PISTOLS.

*383. (*a*) The position in regard to these pistols in Burma and Bengal has been explained in the replies given to clauses (*d*) and (*e*), respectively, of question No. 214.

(*b*) and (*c*). The Honourable Member is referred to the reply given to clause (*f*) of question No. 214.

Copy of a Finance Department (Central Revenues) Notification, Government of India, No. 35, dated the 6th September, 1930.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notification of the Government of India in the Finance Department (Central Revenues) No. 38, dated the 18th June, 1927, the Governor General in Council is pleased to restrict the bringing into British India of toy, dummy or imitation revolvers or pistols to cases in which a permit to import the same has been granted, in the case of import at a Presidency town or Rangoon, by the Commissioner of Police, and in the case of import elsewhere by the District Magistrate :

Provided that the restriction imposed by this notification shall not apply to revolvers or pistols which in the opinion of the Collector of Customs are of such construction and character as to render them incapable of being used otherwise than as toys or of being converted into lethal weapons.

MUSLIM SUPERINTENDENTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

*1214.

Statement.

	Total number of Superintendents.	Total number of Muslims.
Government of India Secretariat	59	5
Attached Offices	106	6

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I lay on the table :

(*i*) the information promised in reply to part (*b*) of starred question No. 712 asked by Mr. Gaya Prasad Singh on the 8th March, 1933 ;

(*ii*) the information promised in reply to starred questions Nos. 809 and 810 asked by Seth Haji Abdoola Haroon on the 21st March, 1933 ;

(*iii*) the information promised in reply to starred questions Nos. 1100 to 1102 asked by Khan Bahadur Haji Wajihuddin on the 1st April, 1933 ; and

(*iv*) the information promised in reply to unstarred question No. 194 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1933.

TROOPS FROM BRITISH INDIA SENT TO ALWAR.

*712. (*i*) No portion of the cost was borne by Indian revenues ; the normal charges were borne by Alwar State and the extra cost was charged to His Majesty's Government in the United Kingdom.

(*ii*) There is nothing to show that any part of the expenditure was met from Indian revenues on this occasion, when Alwar troops were absent from the State for two days.

OFFICERS AND CLERKS IN THE MILITARY ENGINEERING SERVICE, WESTERN COMMAND, QUETTA.

*809. (*b*) The figures given are substantially correct ; but those for Hindus include Sikhs.

(*c*) Does not arise.

REPRESENTATION OF MUSLIMS IN THE CLERICAL STAFF OF THE MILITARY ENGINEERING SERVICE, WESTERN COMMAND, QUETTA.

*810. (*a*) 18.

(*b*) Two Muslims and 16 non-Muslims.

(*c*) and (*d*). Part (*c*) of the question does not strictly arise, but I may add that every endeavour is made to recruit Muhammadans, provided that suitable candidates are available. Government do not therefore consider that there is any justification for the issue of fresh orders regarding communal representation.

PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

*1100. (*a*) Such notices were issued but were subsequently withdrawn.

(*b*) The notices were issued as a preliminary to the clearance of the area as recommended by a committee including non-official members of the Board who considered that it was overcrowded and insanitary.

(*c*) The notices were issued in order that the areas might be cleared, *vide* answer to (*b*) above. As the clearance of the area was also necessary in pursuance of the Town Planning Scheme, the notices under section 138, Cantonments Act, 1924, were withdrawn and further action was taken under the Town Improvement Law.

(*d*) The area referred to by the Honourable Member is that covered by the road project ; that affected by the notices was smaller.

(*e*) and (*f*). I understand that the Local Administration (not the Cantonment Authority) estimate that the execution of the Improvement Scheme will involve a monetary loss of about twelve lakhs ; they consider that this heavy expenditure should be undertaken in the interest of the health of the residents. I have no reason to believe that any person is really of opinion that the scheme is intended to secure a monetary profit.

(*g*) The figures are approximately correct.

(*h*) I am informed that one Housing Trust has built 150 houses and that they have 50 more under construction. Work has also begun on a scheme promoted by another Trust for the construction of 200 houses specially intended for poor people. Moreover there are 54 houses available for sale or lease in other localities, and 438 building sites are offered for lease.

(*i*) I have no details but I am assured that it was not contemplated that any people should be left without accommodation during these months.

(*j*), (*k*) and (*l*). As the notices have been withdrawn I presume that the Honourable Member does not desire to have an answer to these questions. I should like to add, however, that Section 192 of the Cantonments Act does not and did not apply.

PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

*1101. (*a*) Yes.

(*b*) Does not arise as notices to quit were not issued.

(*c*) Government have no information.

PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

*1102. (*a*) It was considered that notices under Section 138 of the Cantonments Act were not legal as regards these houses. All notices under this Section were consequently withdrawn and action was taken under the Town Improvement Law.

(*b*) Yes.

(*c*) Yes. As a result of the representation from the owners, action under Section 138 of the Cantonments Act was not completed.

(*d*) Action under Section 138 was contemplated to suit the convenience of the population at a time when they had already vacated their houses owing to the outbreak of plague in the area, and were living in temporary huts elsewhere.

(*e*) Very few objections were received and the compensation offered was believed to be on a generous scale.

(*f*) I understand that sites are being offered. Prices vary from nothing to about H. S. Rs. 2-8-0 per sq. yard. It is not expected that the amount realized by the sale of these sites will pay for the cost of acquisition, development and drainage. A small part adjoins a graveyard, but houses already exist there and the number of applications received indicates that this area will be extremely popular.

(*g*) The object is to clear as much ground as possible in this insanitary and congested area. New houses are required to replace the hovels that are being removed.

(*h*) No.

(*i*) I am informed that opposition to the proposals is confined to individuals interested in the perpetuation of existing housing conditions, under which, according to the figures given by the Honourable Member in part (*g*) of Question 1100, the average number of occupants of a house is seventeen. House-owners are being freely consulted by officials and numerous non-officials who have given their services voluntarily for the promotion of the scheme and no committee appears to be necessary.

(*j*) The present constructions are entirely without plan and nothing less than their complete removal and an entirely new lay-out of the area will be sufficient.

(*k*) Many more than this number vacate their houses of their own accord for the greater part of the year to escape the ravages of plague. Government believe that the local authorities are already taking all possible steps to prevent hardship.

CONTEMPLATED LAYING OUT OF A NEW ROAD IN SECUNDERABAD.

194. (*a*) to (*e*) and (*l*) to (*n*). The Honourable Member is referred to the answers given to his starred questions Nos. 1100 to 1102.

(*f*), (*g*) and (*i*). I am assured by the local authorities that all possible arrangements and remedies suggested by the Health Officers have been tried.

(*h*) Every effort has been made to induce people to rebuild their houses or make the floors rat-proof. Over Rs. 9,82,000 have been spent to build rat-proof grain godowns and houses for the poor.

(*j*) Members of the Town Improvement Trust went specially to Bombay for the purpose before the scheme was launched. Two of the Engineers of the Board have several years experience in large town improvement schemes.

(*k*) No orders to this effect have been passed.

(*o*) No. The Local Government have their own experts.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table—

(*i*) the information promised in reply to unstarred question No. 123 asked by Sir Zulfiqar Ali Khan on the 27th September, 1932 ;

(*ii*) the information promised in reply to parts (*b*) and (*d*) of starred question No. 290 asked by Mr. M. Maswood Ahmad on the 8th February, 1933 ;

(*iii*) the information promised in reply to starred questions Nos. 729 to 732 asked by Mr. B. Das on the 13th March, 1933 ; and

(*iv*) the information promised in reply to starred question No. 966 asked by Mr. B. N. Misra on the 28th March, 1933.

CHECK OF THE WORK IN CONNECTION WITH THE ISSUE OF PASSES ON THE NORTH WESTERN RAILWAY.

123. The Statutory Auditor checks occasionally a certain (undefined) percentage of passes. The Accounts Department of the North Western Railway checks once in three years 10 per cent. of passes issued by each railway office (other than their own offices) but since most of the pass receipts are destroyed after one year this check is, in effect, confined to the year preceding the year of inspection.

The Agent's inspection staff checks every year 25 per cent. of passes issued by Accounts offices (which also issue passes for Audit Department), by non-railway offices (Police and Telegraphs) and by other railway offices which are not inspected by Accounts Department during the year.

There is accordingly no overlap of check between the Accounts staff and the Agent's staff and there is no triplication as stated by the Honourable Member. The Government consider it desirable therefore to continue the check by the Agent's staff.

EXPORT OF BIHAR RICE.

*290. (*b*) and (*d*). Figures supplied by the Agent, East Indian Railway, show that during 1932-33 the tonnage of rice booked from stations on that railway in Bihar fell by 48 per cent. as compared with the previous year. The estimated yield of the rice crop in 1932-33 was also considerably lower. It amounted to only 4,200,000 tons compared with 7,170,000 tons during the previous year. There is no evidence to show that the existing railway rates on the East Indian Railway have prevented the free export of rice from Bihar. Government do not, therefore, consider that there is any necessity to reduce the rates for rice on the East Indian Railway.

PURCHASE OF CHEAP ELECTRIC POWER IN PREFERENCE TO ITS GENERATION BY THE GREAT INDIAN PENINSULA RAILWAY.

*729. (*a*) Prior to the electrification the technical work in the Power Branch of the Bombay Division was confined to the supervision of the steam locomotive work, but the electrification has resulted in considerably increased work having to be undertaken, including the generation and supply of electric power for the scheme as well as supervision, direction and control of work connected with the use of electric power and the up keep of the electric engines and rolling stock. The extent of the work involved in this is shown by the following items :

40,000 K. W. Power House.
15 Sub-stations.
270 miles of extra high tension transmission lines.
571 single track miles of electrified lines.
65 Electric locomotives.
51 Multiple unit trains.
2 Electric Rolling Stock repair sheds.

(*b*) The number of officers in the Electric Traction Department of the Great Indian Peninsula, Bombay, Baroda and Central India and South Indian Railways respectively is as follows :

Great Indian Peninsula Railway.

Transportation (Traction) Department	8
Power House Branch	4
Leave Reserve	1
Total ..	13
B. B. and C. I. Railway	2
S. I. Railway	1

Originally there were 10 officers in the Transportation (Traction) Branch and 9 in the Power House Branch of the Great Indian Peninsula Railway and the total strength has already been reduced from 19 to 13.

The activities of the Great Indian Peninsula Railway Traction Department including as it does the Power House and Sub-Stations, etc., are not correctly comparable with those of the B. B. and C. I. or the S. I. Railway, both of which operate only suburban trains. The electrified mileage of those railways is also considerably less than the electrified mileage of this railway and is shown below :

	No. of officers.	Route mileage.	Track mileage.
G. I. P. Railway	8	181.70	425.90
B. B. and C. I. Railway	2	21.25	62.54
S. I. Railway	1	18.14	36.28

It is considered that the staff employed in the Transportation (Traction) Branch of the G. I. P. Railway, in the 8 working posts is not excessive as compared with the B. B. and C. I. or the S. I. Railway.

(*c*) The post of Assistant Divisional Transportation Superintendent is a permanent one. A technical officer is required to co-ordinate the work of the three sections, *i.e.*, Power House, Distribution and Rolling Stock. For convenient working he reports on routine and divisional matters to the Divisional Transportation Superintendent of the Bombay Division which is the electrified division and on technical matters to the Chief Transportation Superintendent. Before the re-arrangement of Traction work, the position was held by a special Deputy on higher pay and the Government consider it necessary to retain the post of Assistant Divisional Superintendent.

(*d*) The Agent, G. I. P. Railway, reports that no definite proposal for the purchase of the Chola Power House by the Tata Hydro-Electric Power Supply Company can be traced.

(*e*) Does not arise.

POST OF SUPERINTENDING FOREMAN FOR THE MULTIPLE UNITS SECTION OF THE TRACTION DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

*730. The whole electric locomotive section is controlled by an officer on the spot, and the post of a Superintending Foreman on the maximum of Rs. 850 for this Section was, therefore, not considered necessary, while in the absence of such an arrangement for the Multiple Unit Section, a Foreman is considered essential in order to exercise direct local supervision.

It is correct that the electric locomotive section is considered more important than the multiple unit section.

RECRUITMENT OF A FOREMAN IN ENGLAND FOR THE DISTRIBUTION SECTION OF THE TRACTION DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

*731. The Agent, G. I. P. Railway, reports that a Foreman for the Distribution Section was obtained from England because after due advertisement in India a suitable candidate possessed of such experience as was considered absolutely necessary, was not obtainable locally. A number of applicants were actually interviewed but were not found suitable.

INDIANISATION IN THE TRACTION DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

*732. The number and percentage of Indian, Anglo-Indian and European Officers and senior subordinates in the Traction Branch are as shown below :

Officers.	No.	Percentage.
Indians	2	15.3
Anglo-Indians	1	7.7
Europeans	10	77
Senior Subordinates.		
Indians	11	46
Anglo-Indians	6	25
Europeans	7	29

Electrification being new to India specialists had to be recruited for the electric Traction Branch and it was, therefore, not found possible to adhere to the proportions fixed for the older and more stabilised branches of the superior and subordinate services.

With reference to the supplementary question by Lieutenant-Colonel Sir Henry Gidney regarding Superintendent Foreman it may be stated that the present incumbent of the post of Superintending Foreman had been originally covenanted as a Car Shed Foreman on a five years' agreement commencing from the 15th September, 1926, and on the termination of that contract he was permanently retained in the service on and from the 15th September, 1931. He was subsequently promoted as Superintending Foreman from 1st October, 1932, on that post having fallen vacant.

NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR ON THE EAST INDIAN RAILWAY.

*966. (*a*) and (*b*). Employees who proceeded on War service, with the approval of the Railway administration, have been allowed to count their military service for purposes of retiring gratuity, seniority and increment on the East Indian Railway.

THE INDIAN MEDICAL COUNCIL BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to present the report of the Select Committee on the Bill to establish a Medical Council in India and to provide for the maintenance of the British Indian Medical Register.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning the 4th September, 1933. As already directed by you, the House will sit for official business in that week on the 4th, 6th and 8th. Should the programme for the week not be concluded on the last of these days, it is probable that we shall ask you, Sir, to direct that the House shall sit on Saturday, the 9th.

On Monday, motions will be made to take into consideration and pass the Cotton Textile Industry Protection (Second Amendment) Bill. Thereafter, a motion will be made to refer to a Select Committee the Indian States (Protection) Bill. These Bills, the House will remember, were introduced on the 28th August. On the conclusion of these two items, any legislative business which may remain undisposed of, at the end of today's meeting, will be taken up in the order in which it appears on the Agenda. In the course of the week, motions will also be made for leave to introduce :

1. A Bill to provide for the control of the export of tea from India and for the control of the extension of cultivation of tea in British India,
2. A Bill to constitute a Reserve Bank of India,
3. A Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, and
4. A Bill to consolidate and amend the law regulating labour in factories.

In addition to the above legislative business, the following programme will be brought forward :

On Monday, my Honourable colleague will present the Report of the Public Accounts Committee on the accounts of 1931-32. In the Order Paper for Friday, after Legislative Business, the following items will be included :

1. A motion in my name in connection with the levy of dues in respect of light houses and buoy imposed under the Merchant Shipping Act, 1894,
2. Presentation of certain Supplementary and Excess Demands for Grants, and
3. A motion relating to the future administration of Aden of which Honourable Members have received notice.

Should any time be available after the conclusion of the above programme, motions will be made to take into consideration and pass the Indian Medical Council Bill, as reported by the Select Committee.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the Bill to amend the Indian Railways Act, 1890, for a certain purpose, as reported by the Select Committee, and resume consideration of the following amendment moved by Mr. A. Das :

" That in clause 2 of the Bill, to sub-section (*1*) of the proposed section 51A, the following proviso be added :

' Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise '."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I think the amendment moved by my Honourable friend is not an amendment which should be taken very seriously, because all the suggestions which are in that amendment were considered in the Select Committee as well. If you will see, Sir, you will find, in para. 2 of the report, it is said :

" In these circumstances, we are agreed that the most elastic method will be to require the Governor General in Council to consult Local Governments concerned before any scheme is sanctioned, and we have no doubt that the Local Governments will consult local authorities interested in the scheme, and will pay due regard to all local interests."

When you see the clause itself, you will find the following :

" The company shall be deemed not to be a railway administration for the purposes of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling stock."

Further, sub-clause (*b*) makes the position more clear. You will find that " the scheme shall be published in the Gazette and thereupon the railway company shall, subject to sub-section (*4*), have the power to provide and maintain a service in accordance therewith ". In view of these facts you will find that no monopoly has been given to the railway companies in this connection and so all these facts, which have been mentioned by my Honourable friend, were discussed in the Select Committee and I oppose this amendment on the ground that there is no need for it at all in view of the shape in which the Bill has been recommended by the Select Committee.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : I have nothing to add to what my Honourable friend, Mr. Maswood Ahmad, has just now said. But I would only point out that, as this amendment reads, it conveys an impression quite different to what is intended by my Honourable friend. The proviso is :

" Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise."

My Honourable friend, therefore, seems to suggest that the scheme should provide a monopoly against private enterprise. I am afraid, I cannot agree as yet to such an advanced proposal as that. As regards the first part of the amendment, as pointed out by my Honourable friend, Mr. Maswood Ahmad, it is amply provided for by clause (*4*) (*a*) and (*b*).

Mr President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 2 of the Bill, to sub-section (*1*) of the proposed section 51A, the following proviso be added :

' Provided the scheme does not involve any preferential treatment or creates a monopoly against private enterprise '."

The motion was negatived.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I beg to move :

" That in clause 2 of the Bill, in sub-section (*2*) of the proposed section 51A, after the words ' Local Governments concerned ' the words ' and with the mutual agreement ' be inserted."

Sir, after what has taken place last time, this amendment assumes a very great importance. We have given the railway companies permission to open bus service either on parallel lines or on any other lines and hence there must be some restriction to be provided so that they may not exercise that power indiscriminately. It has been conceded at the Rail-Road Conference that Local Governments' advice would be taken and that their consent would be obtained whenever the Central Government would deal with the matter of Rail-Road competition. This matter of Rail-Road competition is of very great importance. In the Rail-Road Conference, originally a resolution was proposed by the Central Government to this effect :

" That this Conference considers it desirable that measures should be considered (*a*) for the prevention of further wasteful competition between rail and road transport, (*b*) for the development of rural motor transport complementary with railways, and (*c*) for the development of the road system in harmony with the objectives defined under (*a*) and (*b*), upon a comprehensive and more uniform plan than at present exists."

By this resolution the Central Government wanted to empower themselves to take any steps to minimise or to put down this competition between rail and road traffic. In that Conference there were representatives of Local Governments and all the representatives, who were mostly Ministers of the different Local Governments, were not able to accept this Resolution. They said that this would be a serious infringement on their rights as they were in charge of all the roads and hence the Central Government had to yield to their unanimous voice. Subsequently, a sub-committee was formed which drafted a Resolution which was agreeable both to Local Governments as well as to the Central Government. I will give you, Sir, in one sentence the sort of opinions which the representatives of Local Governments hold. At page 20 of the proceedings of the Rail-Road Conference, Mr. Conran Smith, the representative of the Madras Government, says :

" It would not be possible for the Government of Madras to agree to the restrictions of road traffic in the interests purely of railways when such restrictions would lead to the curtailment of the revenue of local bodies available for the upkeep of roads."

This power given to the railways to open their bus service indiscriminately would, the Local Governments apprehended, seriously interfere with their revenues ; they wanted certain restrictions and wanted that they should be taken into consultation at every step that the Central

[Mr. T. N. Ramakrishna Reddi.]

Government might take. So, Sir, they eventually agreed to the resolution which was passed in the following terms :

"This Conference is of opinion that in the general public interest, the time has come for increased co-operation and more intelligent co-ordination of effort between the various authorities and interests concerned, in the matter of (*a*) future railway development and of (*b*) the future development of road communications, whether used for motor transport or other purposes, so as to secure a more comprehensive and uniform plan of general development than at present exists. In areas where uneconomic competition between railway and road transport has been proved to exist, such increased co-operation and co-ordination may necessitate the adoption by mutual agreement,"

—I want this thing to be taken particular note of—

"of measures designed to reduce such uneconomic competition to the minimum compatible with the maintenance of healthy competition."

The Honourable Sir Joseph Bhore : I do not want to interrupt the Honourable Member, but I should like to tell the House that what he has read has got absolutely no connection whatever with this amendment. The resolution which he has referred to is in regard to the development of future communications, that is to say, building future roads and future lines of railway.

Mr. T. N. Ramakrishna Reddi : I do not want to say anything against what the Honourable Member has said, but I should like to point out that this Conference was convened chiefly for the purpose of meeting this competition between railways and roads and they also considered this present Bill, and the whole effect of this Conference was.....

The Honourable Sir Joseph Bhore : They did not reject the Bill. They accepted the principles of the Bill entirely.

Mr. T. N. Ramakrishna Reddi : Yes, they accepted it on one condition alone that the railways should not have any monopoly or special privileges at all.

The Honourable Sir Joseph Bhore : And that condition is entirely satisfied in the present Bill.

Mr. T. N. Ramakrishna Reddi : Exactly ; and this Resolution must be taken along with the consent which they have given. This should not be taken separately. They gave their consent on the understanding that at every step there should be mutual agreement, and hence this Resolution, which I have just now read, ought not to be taken separately from the consent which the Local Governments have given. The Local Governments did not consider this Bill separately. The Local Governments were not called to give their opinion on the present Bill. They gave their opinion after the previous Resolutions had been passed and hence this Resolution has a direct bearing on the opinions which they have given on the present Bill. They have given their consent on the understanding that the Central Government would also follow the policy laid down by the previous Resolutions, and one of the previous Resolutions is that the opinion of the Local Governments will be taken into consideration and, not only taken into consideration, but their agreement must be taken for every step that the Central Government are going to take. It is only on that ground that they have given their approval to this Bill. And now I am asking Government, in justice and in fairness

to the Local Governments, to agree to what they have agreed in this Resolution and to give effect to this Resolution. That is all that I am saying ; and in this matter it has been agreed that it is the Local Governments that are directly interested, because all the revenues derived from bus licences will go to the Local Governments, and so they are directly interested in seeing whether the opening of bus services by the railways has the effect of crippling or increasing their bus services. That will be made clear from the other paragraph which says :

"Any comprehensive or uniform plan of general development"

—this may even refer to the bus services and it does not exclude the opening of bus services—

"must sooner or later involve a gradual expansion of facilities for rural motor transport, complementary to the railways and to other existing arterial forms of transport, but as internal district communications—apart from the main arteries—are largely controlled by local bodies, any intra-provincial co-ordination of effort must necessarily, in the first instance, be a matter for the Local Governments and Legislatures, who, in such matters, should consult, and to the best of their ability, co-operate with the Railway and other interests concerned."

The Conference has given approval to the Bill, because road traffic is directly a matter which concerns the Local Governments and the local boards, and they should take their advice at every step. And this Bill also, to some extent, gives effect to that agreement. The Bill says :

"The scheme shall be submitted to the Governor General in Council who, after consultation with the Local Government or Local Governments concerned, may sanction the same * *."

Thus they have, to some extent, given effect to this Resolution. The Government need not have fettered themselves by this clause with the obligation of consultation with the Local Governments. It may appear to be quite unnecessary. But, in order to give effect to this Resolution, they have made this provision, namely, that the Local Governments should be consulted. I am going only a step further and I want to conform to the spirit as well as the very letter of this Resolution. Not only should the Local Governments be consulted, but their agreement should be obtained for this purpose, that is to say, for the purpose of opening these bus services. The effect will be that whenever any railway wants to open bus services, they must be empowered to do so only after the Governor General in Council and also the Local Governments who are interested in that, agree to allow them to open the services. That is all that I have to say in moving this amendment. In fairness to the Local Governments, I only want that the Resolution, to which they have agreed, should be given effect to.

The Honourable Sir Joseph Bhore : Sir, I will not say anything about my Honourable friend's suggestion as to what were the intentions of the members of the Rail-Road Conference that met here. Not having been there, he obviously knows far more about it than I do who was present on the occasion. I cannot agree to the amendment. I have not the faintest doubt that the Government of India will pay the utmost consideration to the views of the Local Governments. In fact I personally cannot conceive of the Government of India not accepting the views of the Local Governments except in very exceptional cases. But the Government of India, as a matter of principle, must have the final voice and must be the final judges in this matter. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 of the Bill, in sub-section (*2*) of the proposed section 51A, after the words 'Local Governments concerned' the words 'and with the mutual agreement' be inserted."

The motion was negatived.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That in clause 2 of the Bill, to sub-section (*2*) of the proposed section 51A, the following proviso be added :

'Provided that, before according his final sanction, the Governor General in Council may also cause the scheme to be published in the official Gazettes of the Local Government or Local Governments concerned and call for objections from the public and the local bodies in the area selected for operating such service'."

Sir, this amendment does not go against the principle of the Bill, nor does it go against the procedure of sanctioning schemes. It will not also go against the working of the scheme. Therefore, this amendment, in my humble opinion, is so simple and so harmless that the Commerce Member should accept it. However, Sir, my grounds for moving this amendment are these. Sub-section (*5*) of the proposed section 51A provides that, after the final sanction of the Governor General in Council is given, it should be published in the Gazette of India. But this will not serve any useful purpose. It will only give notice to the public that a particular scheme is sanctioned by the Government of India. What is necessary is that before any scheme is finally sanctioned by the Governor General, it must reach the ears of the public and the objections of the public should be called for and, after considering those objections, if any, the scheme should be finally sanctioned. That is the object ; and that object can be achieved by first publishing the scheme in the local Gazettes concerned ; and, in my opinion, it will not take much time to do that. You will find in the report of the Select Committee that they found it difficult to provide in the Bill itself that the local bodies should be consulted. If, as I have proposed, the schemes are published first in the local official Gazettes, not only local bodies but the general public and the travelling public will get notice of the scheme and sufficient time to put in their objections either before the Local Governments or the Government of India. Then there is also another object that will be served by so publishing the schemes in the local Gazettes. It is an admitted fact that by sanctioning such schemes the private bus owner and the private companies who run motor buses will be to some extent at least adversely affected. In that case, I ask, whether it is not just and fair to give them sufficient time to make their own arrangements. Then it will also affect, in my opinion, contractors of tolls and others. I may just cite an instance before this House. According to the rules, at least prevailing in my Presidency, a vehicle that runs through a particular toll bar is required to pay a toll only once in a period of 24 hours irrespective of the number of trips it makes. If a railway company is to run its buses, it may run the same bus a number of times to and fro before that toll bar and thus cause loss and, I should say, immense loss, to the contractor who has taken that toll ; and thus it is very difficult to imagine at this stage how many people will be affected and in what way they will be affected. Therefore, in order to give such people an opportunity to consider a particular scheme in detail and put in their objections, it is absolutely essential that the scheme should be previously published in the local official Gazettes.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned and will meet again at fifteen minutes past two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Rao Bahadur B. L. Patil : Sir, when we rose for Lunch, I was urging on the House the necessity of giving sufficient notice to private bus owners and to private companies, so that, before the powerful competitor entered the field, they might dispose of their rolling stock, etc. They will have to give notice of discharge to their servants, they will have to make other arrangements. Supposing, Sir, a company or a private individual has entered into a contract and thereby has taken upon himself certain obligations, entailing in some cases certain penalties in case of failure to fulfil those obligations, in such cases it is necessary that the owners of private buses or companies should get some breathing space before the powerful competitor is given free field.

Then, Sir, let us imagine what such schemes may include. They may include the schedule of fares, they may include certain hidden concessions, they may also include routes and timings. Now, I ask, Sir, are these not things in which the public are interested ? Are these not matters in which it is very necessary that Government should hear the objections or the conveniences or the inconveniences that are likely to cause to the public ? I might bring to the notice of this Honourable House what I have just read in a publication which was sent to me last evening. It is with regard to the Darjeeling-Himalayan Railway Company. It is stated in that document that with regard to the transport of tea, before the advent of the motor lorry, the railway company charged Rs. 0-13-9 per maund, and now that very company has reduced the rate recently to Rs. 0-9-0 per maund. This document raises one important question. If Rs. 0-9-0 a maund is profitable now to the railway company, why did they charge such exorbitant rates for the transport of tea all this time ? And if 0-9-0 a maund is not profitable now, why should they carry the tea at all ? Obviously, the intention is to start competition with private bus owners and private companies ; the object is evidently to kill them. If such things can be resorted to by railway companies, is it not necessary that the schemes should be controlled by Government, the relevant rules should be scrutinised by this Legislature, and that the scheme should be framed in accordance with those rules and regulations ? There is no such clause unfortunately in this Bill providing for all these things.

[Rao Bahadur B. L. Patil.]

Then, Sir, I would invite the attention of this House to the Report of the Select Committee wherein they say :

" We discussed also the insertion of some provision which would specifically limit the radius within which these services should be allowed to operate, but came to the conclusion that such a provision is not practicable and might have undesired results,"

—and, therefore, they recommended this :

" We decided that, for the present, it will be best to leave the decision to the Governor General in Council, acting in consultation with the Local Government, to determine the extent of each service, on a full consideration of all the local circumstances."

I do not mean to suggest that the Local Government should be altogether eliminated or ignored, the Local Government should be there : they should of course give their opinion, but it is fundamentally essential that in each particular case the various details must be approved by the public for whose benefit, after all, the railway companies are to run their buses.

Then, Sir, there is another point. Much fuss has been made about the co-ordination of rail-road transport, but, as has been admitted by every one, there is no trace of any co-ordination between the various systems of transport in the Bill as amended. If, as I have suggested in my amendment, such schemes are published in the local official Gazettes, it is very likely that the people of the locality might suggest something which would fulfil this object so as to co-ordinate the different kinds of transport in a particular locality.

Sir, if we look to the form and general principles of the Bill, I might characterise it as a Bill which has neither a tail nor head. As more than one Honourable Member stated in this House, it gives a blank cheque to the Governor General in Council. I do not say that I do not trust the Governor General in Council,—I do trust him,—but for all practical purposes, it is the Commerce Member who will be guiding the whole thing. It is not improbable that the Honourable the Commerce Member will be influenced by the railways. Under these circumstances, it is highly dangerous that such a blank cheque should be given in the hands of the Governor General in Council, especially for the reasons I have stated. This is what is stated with regard to American Railways. In America also such a settlement has been arrived at, and the scheme has taken the form of a Statute. Here is an article in the *Indian Railway Gazette* entitled " Emergency Railroad Legislation in the United States ". According to that Statute an authority called the " Co-ordinator " is appointed and all the powers are given to that authority. In connection with this vesting of full powers, it has been said :

" The whole conception is fraught with much peril for it places enormous power in the hands of a single individual, and, though much will depend on the personality of the individual, it would seem highly unwise to load any one person with such an enormous responsibility at the present time of crisis."

I say these words are pertinent here.

Then, Sir, it may be argued, where is the necessity of publishing these schemes in the local official Gazettes when the Governor General in Council is going to consult the Local Governments concerned. True, but there is no procedure prescribed by which the Local Governments should ascertain the views of the people concerned. There is absolutely nothing of the sort,

and, after all, it will depend upon the sweet will of the Local Governments. At the utmost they may consult a few Collectors, or Commissioners of Divisions, or the Presidents of District Boards. But what about the public ; what about the persons who will be vitally concerned ? Undoubtedly under the scheme of this Bill they will come to know only after the scheme has been finally sanctioned and published in the Gazette of India. It is a deplorable state of affairs that the very people, for whose interests the railway is empowered, should not know what is being proposed in their interest, until it is too late. I, therefore, submit with all the emphasis at my command that it is absolutely necessary for Government to make this concession and to accept this amendment so that people in the country may know where they stand, and people interested in buses and private companies may know how they will be affected.

I am glad to hear that the Honourable Member in charge of this Bill has conceded a good deal in the Select Committee to improve the Bill and to meet the wishes of Honourable Members who served on the Select Committee and also the points of view expressed in the Press and by the bodies interested in private buses. I am gratified to hear all that ; but, Sir, I cannot understand why the Honourable Member in charge should oppose such a simple amendment as this which does not in any way come in the way of his proposal. It is only a matter of a few months at the utmost ; the publication may take at the most one or two months, and, by the time it is considered by the Government, objections will be before them and they will then be in a position to consider those objections, and, if necessary, to make necessary changes. For these reasons, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in clause 2 of the Bill, to sub-section (*2*) of the proposed section 51A, the following proviso be added :

' Provided that, before according his final sanction, the Governor General in Council may also cause the scheme to be published in the official Gazettes of the Local Government or Local Governments concerned and call for objections from the public and the local bodies in the area selected for operating such service '."

Mr. G. Morgan (Bengal : European) : Sir, I regret I have to oppose this amendment. I may mention, before I go further, that I am not afraid like my Honourable friend, who has moved this amendment, to give a blank cheque to the Governor General in Council. The Governor General in Council does not propose to sanction any scheme until he has consulted the Local Government. From the little I know of this country and the working of Government, I am perfectly certain that the Governor General in Council would not sanction a scheme when the entire opinion of the Local Government and of the area in which it was to be run was against it. I am prepared to take that risk. Also in the latter part of his amendment in connection with public and local bodies, my Honourable friend himself knows that when a Local Government is consulted, the first thing that the Local Government does is to consult always local bodies, municipalities and District Boards in connection with the scheme and all the objections will be received by the Local Government before it gives its opinion to the Government of India. I do not think myself that the proposed proviso would be of any use at all except to delay and multiply work. If I want to get objections to a local scheme it is one of the simplest things in this country. All that would mean delay and it is not always

[Mr. G. Morgan.]

certain that the objections which come up really have what I should call the power behind them that it looks on paper. So, I think my Honourable friend would be well advised not to press his amendment, because I can see no object to be gained by the delay which would be caused or the suspicion that the Governor General in Council would not give full weight to the Local Government's opinion ; and Local Government's opinion would certainly be given after receiving the opinions of the local bodies, municipalities and District Boards and officials connected with the district in which the scheme is to be launched. I also have no fear that the Governor General in Council would override the strong opinion put up by the Local Government which might be entirely in opposition to the scheme. I, therefore, oppose the amendment.

The Honourable Sir Joseph Bhore : Sir, my Honourable friend, the Mover, described this amendment as harmless. I agree. Some of my Honourable friends in this House would perhaps be disposed to describe it by a less euphemistic term. If it is not out of order for me to suggest, I would certainly suggest that if my Honourable friend had read his own amendment carefully, he would certainly not have moved it. The amendment runs as follows :

" Provided that before according his final sanction, the Governor General in Council *may* also cause....., etc., etc."

The word is " may ". He wishes to give the Governor General powers which I submit he already possesses ; there is nothing to prevent the Governor General in Council doing what my friend wishes. The amendment is, in my view, wholly unnecessary and I oppose it as being otiose.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 2 of the Bill, to sub-section (*2*) of the proposed section 51A, the following proviso be added :

' Provided that, before according his final sanction, the Governor General in Council may also cause the scheme to be published in the official Gazettes of the Local Government or Local Governments concerned and call for objections from the public and the local bodies in the area selected for operating such service '."

The motion was negatived.

Mr. T. N. Ramakrishna Reddi : Sir, I move :

" That in clause 2 of the Bill, after clause (*b*) of sub-section (*4*) of the proposed section 51A, the following new clause be inserted :

' (*c*) the company shall maintain separate accounts of such new services which shall be annually audited by the audit department and if it is found that such service or services are running at a loss the Governor General in Council after consultation with the Local Government or Governments concerned may take such steps as are necessary to safeguard public interests '."

This is a very mild amendment which, I hope, the Government will see their way to accept. It gives the power to the hands of the Governor General in Council and not to Local Governments. Here there are no obnoxious words such as " mutual agreement ", as was contained in the previous amendment. This gives ultimate power in the hands of the Governor General in Council. He will only consult the Local Governments in taking any steps the Government choose. Now, we know that in a short time there will be a railway authority with absolute powers over the administration of the railways and the Legislature will have very little

power to interfere with the administration of the railways and even the Member in charge of the Railway Department will have no power except to lay down certain general policies and hence this amendment is absolutely essential. This amendment seeks to impose a condition on the railway administration to maintain a separate account in the matter of running bus services, so that if the railway company sustains losses,—as we expect it will,—it may not show the whole losses under the head of " railway expenses ". This amendment will show the public whether the railway company is running its motor service successfully or at a loss and, if it is running at a loss, then the Governor General should immediately take steps to stop the bus service or take such other steps as is necessary in the interests of the public. For instance, Government have conceded the principle that there should be no special privilege extended to the railway company. The railway company, being a powerful organisation, can continue to run bus service for a number of years even though sustaining losses annually. The effect will be that all the private buses will be wiped out in the meantime. Hence it will not be a fair competition, and hence it is against the principle of this Bill. So this amendment is very salutary and I hope that Government will see their way to accept it.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in clause 2 of the Bill, after clause (*b*) of sub-section (*4*) of the proposed section 51A, the following new clause be inserted :

' (*c*) the company shall maintain separate accounts of such new services which shall be annually audited by the audit department and if it is found that such service or services are running at a loss the Governor General in Council after consultation with the Local Government or Governments concerned may take such steps as are necessary to safeguard public interests '."

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : When I look at sub-clause (*5*), wherein power is reserved to the Governor General in Council to withdraw his sanction to any scheme under sub-section (*2*) of this Bill after consultation with the Local Governments, I think it is fair that I should support the amendment which has been moved by my friend, Mr. Reddi. The intention of the Bill, which has been introduced with regard to feeder railways is the removal of the disability under which they have been suffering all these years. They will hereafter run a motor transport service directly in competition with private enterprise but the Honourable the Commerce Member may take my word for it that if this competition becomes very acute, as it is certain to be, the railway companies will not be able to stand the competition unless there is a further move on the part of the Government by taking action in other directions which might bring about greater co-ordination between these two kinds of transport. If, after a certain period, say, six months, when the accounts are audited, it is found that a particular railway company to which this right has been granted under the Bill has sustained loss, then it will be within the powers of the Governor General in Council to withdraw or modify the sanction which he has accorded to that railway company under sub-section (*2*). If the accounts are audited by the Auditor General, then, of course, the thing is very easy, but if these accounts are to be audited by a special officer, say, a competent accountant, I think, Sir, the railway company ought to be called upon to pay for the services of such an accountant and such action should be taken as may be desirable by the Governor General in Council in regard to continuing the transport service

[Mr. Muhammad Muazzam Sahib Bahadur.]

or stopping it. I, therefore, wholeheartedly support this amendment of Mr. Reddi.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : It seems to me that this amendment is unnecessary. It all depends upon the reply which we get from the Commerce Member. As I understand it, every railway has to enter into an agreement with the Government that they would have the right to purchase the railway after a certain number of years and, accordingly, no railway can expend any money on any part of the railway without the sanction of the Government.

The Honourable Sir Joseph Bhore : Not all of them.

Mr. S. C. Sen : So far as regards the light railways.....

The Honourable Sir Joseph Bhore : I do not think all of them. Some of them.

Mr. S. C. Sen : Very good. If some of them are under such an obligation to the Government, I do not know whether they will be able to purchase with the sanction of the Government or without their sanction, whether there are agreements or not. So far as the bigger railways are concerned, I understand they are all under such an agreement with Government. If they are subject to the agreement and if this new undertaking, namely, the running of the bus service, is to be treated as an undertaking by the railway, then there is no occasion for such a clause, because the whole of the account will come before the Railway Board in some shape or other and at some time or other.

The Honourable Sir Joseph Bhore : It certainly will be so in regard to some of them, but I cannot say whether it will be so in regard to all.

Mr. S. C. Sen : As regards those which are not under the agreement and whose accounts will not come before the Railway Board, I submit that in those cases such a clause ought to be inserted in the Bill.

The Honourable Sir Joseph Bhore : Sir, I very much regret that I cannot accept this amendment either. By the changes that have been made in the Bill, railway companies will, I think, be seriously hampered in instituting and running railway services and I am afraid I could not agree to any further statutory restrictions and conditions being imposed upon them. As a matter of fact, I have not the faintest doubt that the railway companies will maintain separate accounts for such services and I have equally no doubt that no railway company will, if left to itself, continue to work a service which does not pay. I submit that clause 5 gives the Governor General sufficiently wide powers to interfere in any way and for any reason that he considers right and proper. I think that these powers are a sufficient safeguard for the possible evils which my Honourable friends anticipate.

Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 of the Bill, after clause (*b*) of sub-section (*4*) of the proposed section 51A, the following new clause be inserted :

) the company shall maintain separate accounts of such new services which shall be annually audited by the audit department and if it is found that such service or services are running at a loss the Governor General in Council after consultation with the Local Government or Governments concerned may take such steps as are necessary to safeguard public interests '."

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhore : Sir, I beg to move that the Bill, as amended, be passed.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, no one in the House should be surprised at my giving the last stroke to this Bill and on a very serious legal point. My point, when I put it to the House, will be easily appreciated by the legal Members of this Assembly, but I will make it so clear that I hope that it will be appreciably and easily understandable to the other lay Members of this House too. I may be accused of putting such a serious legal point before the House at this late stage, at the third reading of this Bill. It will be observed that I had no opportunity of putting that point forward at the time when the consideration of this Bill was going on.

An Honourable Member : Why not ?

Mr. Lalchand Navalrai : Because I could not catch the eye of the President. Therefore, in my humble opinion, this is the proper stage when a legal question can be raised and, if the House agrees with me, it will be only on that one objection that the whole Bill can be rejected. Now, Sir, I am quite serious about my point and I must say to the House that I am not putting it without having consulted some of my legal friends in this House on this point who are in agreement with what I am going to place before the House. Therefore, without any further delay, I will come to the point.

Now, Sir, what is required by this Bill is to amend section 51 of the Indian Railways Act. Section 51 of the Indian Railways Act runs thus :

"Any railway company, not being a company for which the Statute 42 and 43 Vict. Ch. 41 provides, may from time to time exercise, with the sanction of the Governor General in Council, all or any of the following powers."

Now, it will be observed that this is a power for the Governor General to give sanction and that would be only under the circumstances which are prescribed in clauses (*a*) to (*e*). I will place before the House clause (*e*) and then show how it is that this enactment, if it is passed, will be absolutely *ultra vires*, and if it is *ultra vires*, the House will not give sanction to anything that is illegal. Clause (*e*) runs thus :

"It may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway."

I will lay emphasis on the last words "which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway". This clause is a restricted clause and it gives power to the Governor General only to give sanction if a company's requirement for the reasonable convenience of the passengers, animals or goods carried or to be carried on its railway is established. If this is not established, then the Governor General will have no power to give sanction.

[Mr. Lalchand Navalrai.]

Now, the point that arises is this. What was it that the original Mover of the Bill wanted, and let us then consider what is it that the Select Committee has asked this House to pass. If both are in contradiction or in conflict, then this House cannot possibly pass what the Select Committee has recommended. Now, Sir, I will read clause 2 of the original Bill. It says :

"For clause (*e*) of section 51 of the Indian Railways Act, 1890, the following clause shall be substituted, namely, 'it may provide and maintain any means of transport for the convenience of passengers, animals or goods in any area to which access is afforded by that railway'."

It will be seen that what the Mover of the Bill wanted was the deletion of the words "required for the reasonable convenience of the passengers, animals or goods carried or to be carried on its railway". In other words, the Mover of the Bill wanted that there should be general power to the Governor General to give sanction even in cases where it is not established that it is required for the convenience of those passengers and goods which have to be carried on on its own railway. Now, therefore, I am asking that if this clause (*e*) exists, then let us see what is the Select Committee proposing. The Select Committee does not say just as the Honourable the Mover wanted that this clause be eliminated and another clause substituted. That means, the Mover wanted certain deletion and then a general clause. But the Select Committee did not ask for that. If the Select Committee had said, well, delete this portion of clause (*e*) and then propose a general scheme for sanction. Then the Select Committee would have been right and they would have been enacting a legal law. At present what do we find ? I was wondering why this mistake occurred. I do not know whether the Select Committee was conscious of it. I would consider this a very serious mistake. They may have asked for the deletion of these restricted powers and then ask for general powers. One can understand now, even from a common sense point of view, as a layman can understand, that if the Legislature had laid down certain restricted powers, how can they make an enactment for general powers unless this restricted section is done away with. Therefore, I was reading and re-reading the present Bill as it emerged from the Select Committee. I was wondering whether I was reading it aright and I felt that it might be that they might have asked that from section 51 of the Indian Railways Act delete clause (*E*) and adding a new clause 51A. But what is proposed is that, after section 51 of the Indian Railways Act, the following section shall be inserted :

"Any railway company, not being a company for which the Statute 42 and 43 Vict., Chap. 41, provides, may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company."

It is obvious that they have not dispensed with that clause (*e*). Not having done that, they cannot make a general provision like this in the face of the former clause still existing. I will still make it clearer. Supposing a question arises when a company applies for sanction, and these two clauses are there, one authorizing the Governor General to give sanction when it is proved that it is necessary for such railways to have transport by motor and the other giving him general power, how can he exercise the general power ? I am, therefore, saying that if you give a general power without taking away this restrictive one, you will be making a law which could not be brought into force,

3 P.M.

You will thus be lending your support to a law which is absolutely *ultra vires* and illegal. Supposing you pass this Bill, you will be at least making a serious mistake. The Honourable Members might be thinking that this being the last stage of the Bill, they should let it pass. But, as soon as they pass it, questions will arise in the High Court. A company may come forward and say that they want leave of the Governor General for the purpose of motor transport. The Governor General may call for a scheme, but I think even the Governor General, when he sees that there is another law in conflict with it, will think twice before he gives his sanction to the scheme. Supposing he gives leave, it does not lie in his hands finally. It will come before judicial Courts to decide whether a particular enactment, under which sanction is given, is *ultra vires* or not. If the Judges are of opinion that it is *ultra vires*, because there are two conflicting provisions, one of which has not been cancelled, and both exist, then the High Court will hold it *ultra vires* and the company will not be given any right of such a transport. Honourable Members know, several instances have happened both in civil and criminal cases where certain enactments of this House and of the Provincial Legislatures have been held *ultra vires*, and this House have had to sit and amend them so as to bring the law in consonance with it. The point which I raise is not a trifling one, it is a serious point. This Bill has been shouldered not only by the Honourable the Railway Member, but there is another very able Member, the Member in charge of Industries and Labour who is joining hands with him. I gave an inkling of this point at least sometime before, and I am raising it now. I thought the Honourable the Law Member would be in this Chamber to take interest in this point and give us the benefit of his views. But I do not find him. There is in his place the Secretary of the Legislative Department, Sir Lancelot Graham, and I hope he will not treat this point as a trifling one, but will give us his opinion considerately. I say, it is illegal to have this provision and I have given sound reasons why I think so. The House cannot get out of it. I submit that this one legal point is sufficient to reject this Bill. Sir, I have to say one or two words about the question on its merits. The Select Committee claims that they have done a very good thing in improving the original Bill. I have pointed out one serious mistake of law. With regard to the question of fact which the Select Committee think that they have improved upon, I cannot see any improvement, because I see, the only thing they have done is with regard to asking the scheme to be prepared and placed before the Governor General for sanction, but section 51 itself requires the Governor General to give sanction, and do I understand that he will not ask for a scheme ? He will certainly ask for one and will only then consider and give his leave. I think if the Select Committee think that they have done a good thing, I say they are under a delusion.

Rao Bahadur B. L. Patil : May I ask whether the Honourable Member is speaking on his point of order which he raised or on the Bill ?

Mr. President (The Honourable Sir Shanmukham Chetty) : He is making his speech on the Bill.

Rao Bahadur B. L. Patil : But the Honourable Member is also raising the point of order.

Mr. President (The Honourable Sir Shanmukham Chetty) : He has not raised any point of order.

Mr. Lalchand Navalrai : I am not raising any point of order at all. If my Honourable friend is anxious to have his amendment, then let him join hands with me to reject the Bill. I have made it clear that the first is the legal question upon which I stand strongly at least from my point of view. The second is that it is all a moonshine to think that the Select Committee has improved the Bill. I ask the Honourable Member in charge a direct question. Have they provided that the scheme will lay down uniform rates to be charged by the railways and the individual motor owner ? I submit, not. I am glad that this question was raised by Mr. Maswood Ahmad before the Select Committee. He did put in his dissent, but I think he did not seriously think of it. I do not know why he did not move an amendment here. His note of dissent in the Select Committee's report reads thus :

" In my opinion, the proposed rates should form a part of the scheme and those rates should not be changed without previous sanction of the Governor General in Council."

Any way, I ask, will it be that a uniform rate of fares will be asked to be incorporated in the scheme ? Otherwise it will be very unfair. If the parties are left to themselves on this point, it will be a keen fight and they will be cutting each other's throats....Therefore, I should like to know whether the rates are to be prescribed or not in the scheme.

The second question that I would like to ask is with regard to the number of buses or motors which will be allowed to a company to run and whether there will be any restriction on them ? If the number is not going to be restricted, companies are always very rich and they can provide for a large number of motors to the detriment of the private owners. If the companies are even bankrupt, Government are always ready to help them. Therefore, I submit that there ought to be a restriction in regard to the number of buses to be used by that company which is given sanction to use them. In conclusion, I ask the Government to give serious consideration to this legal point and also to the general question on facts. It is not that we are trying to kill this Bill at this late stage, but we have to save ourselves from a reproach hereafter if the matter goes before the High Court and they hold that this Act is *ultra vires*.

Sir Lancelot Graham (Secretary : Legislative Department) : Sir, I must begin by thanking my Honourable and learned friend, Mr. Lalchand Navalrai, for giving me a warning this morning that he was going to raise this vital point. But I find myself in a position of some difficulty, because I am not sure whether you, Sir, are to decide this point or whether the House has to decide it.

Mr. President (The Honourable Sir Shanmukham Chetty) : So far as the Chair has been able to understand the Honourable Member, he has not asked for a ruling from the Chair on the question whether the Bill is *ultra vires*. He only suggests to the House that, if it enacts this measure, it will be making a bad law and, therefore, incur a great odium. That is all.

Mr. T. N. Ramakrishna Reddi : In that case, I have to raise a point of order. My point of order is this. While there is clause (*e*) of section 51 existing in the Act, where a restricted power is given to railway companies, has the Legislature got the right to give unlimited power to the railway company to run bus services wherever they like ? Here, in section 51 (*e*), the Legislature has given restricted powers to the

railways to run any form of transport only for the reasonable conveyance of passengers, etc. Further on, it says that it may provide or maintain any means of transport, and here it gives unrestricted power to run any form of service, either waterways or airways or buses. Whereas the present Bill in one sense restricts the powers of railways to open waterways, at the same time it gives unlimited power to the railway company to run their bus services wherever they like to convey passengers from any one place to any other place. Then, Sir, the report of the Select Committee, to which the Honourable the Commerce Member has affixed his signature, clearly says that the intention of the Select Committee is to delete clause (*e*) of section 51 and to have a new section substituted altogether. They have entirely recasted the old Bill which the Government introduced and they have provided an entirely new clause 51A while, at the same time, retaining sub-section (*e*) of section 51. The object of Government has been clearly stated in the report.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member just state his point of order ?

Mr. T. N. Ramakrishna Reddi : My point of order is this. So long as clause (*e*) of section 51 exists which gives limited powers to the railways, can they add a new clause now giving unrestricted powers to them ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Bill now before the House seeks to amend the Indian Railways Act, IX of 1890. That Act is an Act of the Indian Legislature. This House is entitled to amend any Act of the Indian Legislature. If Act IX of 1890 were a Parliamentary Statute, any Bill of this House which is inconsistent with any of the provisions of that Parliamentary Statute will be *ultra vires*. But the House is entitled to pass any Bill amending any Act of the Indian Legislature. Even though,—on that point the Chair is not expressing any opinion,—the provisions of this new amending Bill may be inconsistent with any or all of the provisions of any Statute of the Indian Legislature, that will not make it *ultra vires*.

Sir Lancelot Graham : After what you have said, Sir, I have nothing more to add. I was a little surprised to see two gentlemen on the other side of the House arguing about *ultra vires* without making any reference to the Government of India Act. I can only say that they had not a copy of the Government of India Act with them.

Mr. Lalchand Navalrai : Does the Honourable Member agree that it will be bad law ?

Sir Lancelot Graham : That, Sir, was not the point. The point that my Honourable friend made was that the law, if passed, would be *ultra vires* of the Legislature. As you have said, Sir, the powers of the Indian Legislature are set forth in section 65 of the Government of India Act and this House has power to amend any Act of their predecessors in this House. It is possible that, in so amending, they might overlook the provisions of an existing Act and there may be conflict. But this Legislature has full power to legislate in conflict with existing legislation of the Indian Legislature. Possibly we should not get credit for doing so, and we might lay upon the Courts the task of applying the canons of interpretation which are suitable when there is conflicting

[Sir Lancelot Graham.]

legislation. These canons are very simple and the High Courts will have no difficulty. In this case, however, the High Courts will not even be put to that task, because here we have two pieces of legislation, the existing Indian Railways Act which we are going to supplement when this provision is passed incorporating a new section in the Indian Railways Act : that section will add something to the powers now contained in the Indian Railways Act ; but there will be no conflict. Therefore, neither is this Bill *ultra vires*, nor is it likely to give trouble to the High Courts or to reflect upon our reputation as legislators. We may pass this Bill with a perfectly good conscience.

Mr. S. C. Sen : Sir, I think the words "*ultra vires*", have been used in this House rather loosely without knowing their exact meaning. What is the meaning of the words "*ultra vires*" ? Beyond the power. Beyond whose power ? Beyond the power of the Legislature or beyond the power of the Governor General in Council ? Whose power is to be considered ? The Legislature has ample power, as Sir Lancelot Graham has said. Under section 65 of the Government of India Act, everything can be done, except those specially mentioned there. On the last occasion, a similar question arose under the Criminal Law Amendment Act, but there it was being done.....

Mr. President (The Honourable Sir Shanmukham Chetty) : I do not think there is any need to discuss the point, because the Chair has given a ruling.

Mr. S. C. Sen : Under the circumstances, I need not discuss that point. The only point which I wanted to ask the Honourable the Commerce Member to remember when sanctioning any scheme is that this Bill is being introduced for the purpose of safeguarding certain railways and smaller railways against competition by the buses. In framing the scheme, I ask him that he should not allow such schemes where the competition will be not by the buses, but against the buses by the railways : that is the only point which I want him to remember when sanctioning a scheme.

The Honourable Sir Joseph Bhore : I shall certainly do that, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) The question is that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as reported by the Select Committee, be taken into consideration."

I hope that I am justified in expressing confidence that this measure, at least in the form in which it has reached after very careful scrutiny by the Select Committee, may be regarded as a non-contentious

measure. This anticipation of mine I think is reinforced by the fact that there are no amendments down for consideration, excepting certain formal amendments by my Honourable friend, Sir Lancelot Graham. I do not think it is necessary for me to take the time of the House to any great extent in moving the present motion. The House will recollect that when this Bill was originally introduced it was made clear in the Statement of Objects and Reasons that its provisions fell into two classes : the first class, measures expressly designed to put a stop to evasions, and the second class, miscellaneous provisions mostly designed for the prevention of hardships and for the removal of defects and obscurities. In its passage through the Select Committee the Bill has been fairly considerably altered, and not unnaturally the general effect of those alterations has been slightly to weaken the measures designed to prevent evasions and slightly to amplify the beneficial measures designed to remove hardships. Therefore, I hope that the Bill in its present form will be entirely acceptable to the House. Sir, I move.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan) : Sir, I was a party to the Report of the Select Committee on this Bill, and I must say that very great consideration was given to this Bill in Select Committee and we took a very long time to consider each of the provisions. There are many clauses in this Bill and they were gone through very thoroughly and then only the Select Committee came to a conclusion. I may inform the House that I am responsible for several questions on this income-tax law and, in pointing out those flaws, I wanted the Act to be amended and. I do say, they were of that class which was described by the Honourable Member as prevention of hardships. There were several hardships ; as an instance I may say that section 66 of the Act had given very large and discretionary powers in the hands of the Commissioner of Income-tax ; these questions were put in the House to ventilate the grievance that in cases where applications were made to the Commissioner of the Income-tax to send a reference to the High Court under section 66, he often held it to be time-barred ; and then there was no relief to go to the High Court if he once held that the application was time-barred. This grievance has now been redressed. It has been no amended that even though he holds that it is time-barred, yet the party can go to the High Court on a question of law. Such sections and many others have been amended, and I think that it is in the interests of the public that several portions of this Bill have been enacted in order to give them facilities and to give them due justice. I submit this is a Bill which we should not wait long to consider and I support the motion which is before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 5 stand part of the Bill.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I rise to move the first of the series of small drafting amendments to this Bill. I move, Sir :

" That in clause 5, in sub-clause (*ii*) of the sub-section (*2*) to be substituted by that sub-clause, after the word ' profession ' the words ' or vocation ' be inserted."

Honourable Members will remember that this clause deals with section 11 of the Act. Sub-section (*1*) of that section runs as follows :

" The tax shall be payable by an assessee under the head ' professional earnings ' in respect of the profits or gains of any profession or vocation followed by him."

All we are doing now is to insert the words " or vocation " after the word " profession " so as to bring this clause into line with the rest of the existing section. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in clause 5, in sub-clause (*ii*) of the sub-section (*2*) to be substituted by that sub-clause, after the word ' profession ' the words ' or vocation ' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 5, as amended, stand part of the Bill.

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Sir Lancelot Graham : Sir, I move :

" That after clause 7, the following clause be inserted :

' 7A. In section 19 of the said Act, for the words and figures ' any other head than those mentioned in sub-section (*1*) of section 18 ' the words ' any head other than ' salaries ' or ' interest on securities ' shall be substituted '."

Sir, this is a consequential amendment. We find that as a result of the operation of clause 7, it deletes sub-section (*1*) from section 18 ; we have now in section 19 a reference to sub-section (*1*) of section 18. We have to delete the reference to that sub-section in section 19 and make the proper reference to salaries and interest on securities. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That after clause 7, the following clause be inserted :

' 7A. In section 19 of the said Act, for the words and figures ' any other head than those mentioned in sub-section (*1*) of section 18 ' the words ' any head other than ' salaries ' or ' interest on securities ' shall be substituted '."

The motion was adopted.

Clause 7A was added to the Bill.

Clauses 8 and 9 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 10 stand part of the Bill.

Sir Lancelot Graham : Sir, I move :

" That in clause 10 of the Bill, in the proviso to the proposed section 24A (*1*), for the words ' which he could not assess under the provisions of section 34 ', the following be substituted :

' profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34 '."

The proviso, as it now stands to new section 24A, Sir, has been found to be too restrictive in its operation. It might indeed be held by the Courts to have the effect of nullifying entirely the provisions of sub-section (*1*) of section 24A. The restriction which was desired to be put upon the activities of the Income-tax Officer was that while exercising his powers under this section, he should, in respect of any arrears of previous years, be restricted as if he were acting under section 34, but that restriction would not apply when he was assessing the income of the current year of the person who is likely to leave British India during that year. The modification, Sir, of the proviso is now proposed to ensure that he should have that power and not more than that power.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in clause 10 of the Bill, in the proviso to the proposed section 24A (*1*), for the words ' which he could not assess under the provisions of section 34 ', the following be substituted :

' profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34 '."

Mr. Lalchand Navalrai : Sir, I am sorry I cannot see eye to eye with the Honourable Sir Lancelot Graham on this question. He wants to give wider powers than the powers which exist now to the Income-tax Officers. We all know, Sir, that in practice section 34 has been abused by these Income-tax Officers; they re-open and re-open the assessments that they have made and harass people from time to time. There are already complaints by the public that this section is not being properly and judiciously worked, and, therefore, to give still wider powers will lead to the detriment of the public. I submit that already these people have very wide powers to re-open, and since they have shown that they have not been able to use it with discretion, this additional power should not be given to them. This amendment proposes that in cases, where the assessment has been made at too low a rate, the Income-tax Officer can re-open it. If you give this power to Income-tax Officers, you will be giving them a blank cheque, because every now and then they would like to re-open the assessments. Therefore, to give such wide powers into the hands of these officers, who have in the past abused these powers, is the strong ground on which I oppose this amendment.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I think there is some misapprehension in the mind of my Honourable friend, Mr. Lalchand Navalrai. What my friend, Sir Lancelot Graham, wants to do is to specify the grounds which have been inserted, word by word, in clause 34, instead of only referring to clause 34. That is the only alteration that is suggested, and I do not know what objection there can possibly be to this small amendment. It does not enlarge the power of the Income-tax Officers ; on the other

Mr. F. E. James (Madras : European) : Before you put that question to the vote, may I just make one observation ? I am sorry I had not the opportunity of speaking to the Finance Member on this point earlier but I only had this representation placed in my hands at this moment. I raised the question in the Select Committee and I want to make the matter quite clear beyond any shadow of doubt.

Clause 26 of the Bill proposes to add certain words to section 60 (*2*) of the existing Act, and, if clause 26 of the Bill is carried, then section 60 (2) will read as follows :

" Where, by reason of any portion of an assessee's salary being paid in arrears or in advance, or by reason of his having received in any one financial year salary for more than twelve months, his income is assessed at a higher rate than that at which it would otherwise have been assessed, the Governor General in Council may grant such relief as he may think fit."

The question I wish to ask is, whether it is clearly understood that the term " salary " which is used in the amendment in this Bill really refers to salaries as defined in section 7 of the original Act. I understood, when I raised this matter at the time in the Select Committee, that the use of the word " salary " here refers to its use under section 7 of the original Act. I believe that is the case, but I should like to have an assurance on that point.

The Honourable Sir George Schuster : I have no hesitation in giving my Honourable friend the assurance that he desires.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clauses 25, 26 and 27 stand part of the Bill."

The motion was adopted.

Clauses 25, 26 and 27 were added to the Bill.

Sir Lancelot Graham : Sir, I move :

" That the clauses of the Bill be re-numbered as necessitated by the amendments now made."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the clauses of the Bill be re-numbered as necessitated by the amendments now made."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

" That the Bill, as amended, be passed."

Sir, in making this motion I should like to express my appreciation of the assistance we have received from the Members of the Select Committee and from certain Members in supporting the measure today. I think that there can be no Member of the House who can doubt that a measure which receives the support of such expert critics as Mr. Lalchand Navalrai and Mr. Sen must be a very good measure. I can only express the hope that the number of my Honourable friend, Mr. Lalchand Navalrai's questions on income-tax administration may be materially reduced in the future. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN PETROLEUM BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

" That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, be circulated for the purpose of eliciting opinion thereon."

I do not think that any lengthy speech from me is required in support of this motion. The Bill which I have brought forward is a comparatively straightforward, and, I hope, will prove an entirely non-controversial, measure. The position is that the present Indian Petroleum Act was passed as long ago as 1899 which I think we may regard as the commencement of the oil age. It was drafted at a time when the use of petroleum, especially of dangerous petroleum or petrol, was limited and it was cast in a simple and loose form, which was adequate for the degree of control which was then required. It is hardly surprising that, in these circumstances, some of its provisions should now be defective or obsolete and I think those Members of the House who have studied the question will wonder not why we are bringing forward this Bill now but why we did not do it some years ago. The use of petroleum, as I have indicated, has increased greatly and the development of specialised types has been very rapid. In these circumstances, we have had to change not only the substance of the Act of 1899 but also its form in order to differentiate various conceptions more clearly and one of our objects has been to devise a frame work which will make it easier to amend the Act in future, for we cannot regard it as the last word on the subject. There may be developments in store of which we know nothing now. We have therefore devised a frame work which will make it easier to meet future developments. There is one change to which I should like to draw the special attention of the House. We have centralised the rule making power in the Government of India.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. K. C. Neogy, one of the Panel of Chairmen.]

In doing so, what we have really done is to give a legal form to what is in practice the present procedure. The rules are now issued by Local Governments with the previous sanction of the Government of India. They are framed on a model which we have issued and when amendments are required they are usually drafted in my Department and promulgated in the same form in each province. I think the House will agree that this is a cumbrous and unsatisfactory procedure and that it is much better to secure uniformity by centralising the rule making power in the Government of India. Local Governments have unanimously agreed to that suggestion and we have embodied it in the Bill. The other changes in the Bill—they are numerous, I admit—relate to matters of detail and we have done our best to explain what is a very technical matter in the notes on the clauses. If the House approves of this motion for circulation in order to elicit opinion, those opinions will

[Sir Frank Noyce.]

be considered in due course by the Select Committee. That is all I need say now. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy) : The question is :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE INDIAN INCOME-TAX (THIRD AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment), be referred to a Select Committee consisting of Mr. Vidya Sagar Pandya, Mr. M. Maswood Ahmad, Mr. Satish Chandra Sen, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Lala Rameshwar Prasad Bagla, Mr. F. E. James, Khan Bahadur Haji Wajihuddin, Rao Bahadur M. C. Rajah, Dr. F. X. DeSouza and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

In moving for the appointment of a Select Committee to consider this Bill, despite the relative simplicity of the measure, I have taken into account the observations of the Honourable the President in the course of the discussion of the Budget on the 28th March last. I might quote his remarks. He said :

"The Chair finds that this part of the Schedule (*referring to an important part of the Schedule to the Finance Bill which has now been incorporated in this Bill*) occurs a second time in the Finance Bill. It is now, therefore, for Government to make up their minds whether this is going to be a permanent feature of the Statute-book or not, because, if it is to be a permanent feature of the Statute-book, the non-official members must have ample opportunities of examining such provisions in detail in Select Committee."

In view of those words I felt that it was the right course for us to take to move the reference of this Bill to a Select Committee. I do not wish the House to deduce from the fact that this Bill is going to be sent to a Select Committee that taxation on incomes below Rs. 2,000 is necessarily to be a permanent feature of our taxation system. On an occasion like this I wish to adopt a completely non-committal attitude on that particular point. But we do feel that it is desirable that the special procedure referring to such taxation should be a permanent feature of the income-tax law so that it can be utilised without re-enactment from time to time if and when these lower incomes are to be made taxable.

The remarks which I have made cover the greater part of the Bill which I am now asking the House to refer to the Select Committee.

But there is another part to the Bill and I would remind the House that the Finance Act contains two provisions or sets of provisions which may be said to refer to matters of procedure rather than to the fixation of rates. These are, first, Part III of Schedule II to the Act which deals with the question of summary assessment of lower incomes about which I have already spoken, and, secondly, Item No. A (1) of Part I of Schedule II, the effect of which briefly is that the reduction of rates is not to take effect so as to secure revision of the rates applicable to tax

deducted at the source in the previous year. The present measure would make the procedure applicable on both those points part of the permanent income-tax law and therefore remove the necessity for inclusion of these provisions in the annual Finance Bill.

Mr. Chairman (Mr. K. C. Neogy) : Motion moved :

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment), be referred to a Select Committee consisting of Mr. Vidya Sagar Pandya, Mr. M. Maswood Ahmad, Mr. Satish Chandra Sen, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Lala Rameshwar Prasad Bagla, Mr. F. E. James, Khan Bahadur Haji Wajihuddin, Rao Bahadur M. C. Rajah, Dr. F. X. DeSouza 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. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have only one observation to make with regard to this Bill. I have no objection that it should go to the Select Committee, but I must point out to the House how much contest there was at the time of the last Finance Bill with regard to the summary procedure being given into the hands of the Income-tax Officers. It was pointed out that this summary procedure is detrimental to the interests of the tax-payers and that practice has shown that, since this small Income-tax Act has come into force, the Income-tax Officers are acting very arbitrarily in regard to this summary way of assessing the people and recovering the same. I would, therefore, submit that this point of giving summary powers in the small Income-tax Act is a point that should be very thoroughly considered by the Select Committee and also the observations that were made at the time of the former Finance Bill. They should also exercise their own discretion and consider what procedure in practice we find to be very objectionable in the case of summary assessment. We know that this procedure is detrimental from this point of view that the Income-tax Officer forthwith at his own discretion or rather at his own whim and fancy holds any one, even a hawker, for instance, assessed. He assesses him summarily without giving him notice and without learning from him how much he earns. Then he puts him to his defence, because the procedure is that, after the summary procedure has gone through, if the assessee comes up and presents his case, it will be reconsidered. But he is put on his defence and they prove that he is really in a position to pay the tax. The burden is thrown on him. The House can easily imagine how difficult it is on the part of the Income-tax Officer to admit that he had committed the mistake. Therefore, I submit that this is a very serious point and ought to have careful consideration by the Select Committee.

Sir Leslie Hudson (Bombay : European) : Sir, I should like to ask the permission of the House to substitute the name of Mr. Mackenzie for that of Mr. James on the Select Committee. The name of Mr. Mackenzie was submitted by Mr. James and that is probably how the mistake arose.

Mr. Chairman (Mr. K. C. Neogy) : Does the Honourable Member wish to move it as an amendment, substituting the name of Mr. Mackenzie in place of Mr. James ?

Sir Leslie Hudson : Yes.

Mr. Chairman (Mr. K. C. Neogy) : The question is :

"That in place of the name of Mr. F. E. James the name of Mr. R. T. H. Mackenzie be substituted."

The motion was adopted.

Mr. Chairman (Mr. K. C. Neogy) : The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Third Amendment), be referred to a Select Committee consisting of Mr. Vidya Sagar Pandya, Mr. M. Maswood Ahmad, Mr. Satish Chandra Sen, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Lala Rameshwar Prasad Bagla, Mr. R. T. H. Mackenzie, Khan Bahadur Haji Wajihuddin, Rao Bahadur M. C. Rajah, Dr. F. X. DeSouza 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 INDIAN WIRELESS TELEGRAPHY BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

"That the Bill to regulate the possession of wireless telegraphy apparatus, as reported by the Select Committee, be taken into consideration."

Here, again, I do not think that I need say much in support of this motion. The Select Committee which considered the Bill has produced a unanimous report and has met the criticisms which were made in the course of the discussion on the motion for reference to Select Committee during the last Session. It will be seen that it has been agreed that the penalties as laid down in the original Bill were distinctly severe. The amount of the fine which may be imposed has, therefore, been reduced and the penalty of imprisonment has been abolished. It has also been agreed that the confiscation of wireless apparatus, in respect of which a licence has not been obtained, should only be ordered in the case of conviction. Another modification made in deference to the views expressed on the floor of this House has been that the power of search has been restricted to the making of searches by day only. A distinct improvement embodied by the Select Committee has been the insertion of a new entry in sub-clause (*2*) of clause 9 to give power to make a rule requiring a dealer or manufacturer to insist on the production of a licence by an intending purchaser on proper occasions. This should be of great assistance in securing that licences are taken out in respect of wireless apparatus. I have here a few figures which may be of interest to the House in the present connection. They show the number of broadcast receiving licences taken out in recent years.

In 1929, the number was 7,775 ; in 1930, it has fallen to 7,719 ; in 1931, it increased to 8,056 ; in 1932, it went up to 8,557 ; for the first six months of this year, 5,276 licences were taken out as against 4,165 for the corresponding period of 1932. The House will see from the figures that I have just given that there has been a marked increase of late and I think this increase can be ascribed to two causes. I believe the first is that the public are realising that we have a Bill before this House which will shortly become law and that they have been not altogether unwilling, in fact they have been distinctly anxious to make their position a lawful one at the earliest possible opportunity. The second, and I think this is also an important factor, is the increase in broadcast reception

owing to the Empire broadcast programmes. Both these reasons show the desirability that this Bill should become law at the earliest opportunity. What we maintain, although we are not able to support our assertion with precise figures, is that undoubtedly piracy on a large scale is rampant and has been rampant ever since broadcasting in India began. The number of licences in force is very small having regard to the fact that considerable quantities of broadcast receiving apparatus have been imported and in spite of the increased customs duties, continue to be imported into this country. The figures of customs revenue are again very interesting. In 1930-31, they were only Rs. 56,000. In 1931-32, they went upto Rs. 1,04,000 and in 1932-33, they increased to Rs. 2,55,000. We estimate that for this year we shall get considerably over 3 lakhs. It is true that, as I have said, this increase is largely due to the increase in customs duties but it does show that wireless apparatus is being imported in rapidly increasing quantities and the desirability, therefore, of ensuring that it should be put to a lawful use, that is that licences should be taken out for utilising it. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy) : Motion moved :

"That the Bill to regulate the possession of wireless telegraphy apparatus, as reported by the Select Committee, be taken into consideration."

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I welcomed this Bill when it was first introduced into the House, but on that occasion I pointed out certain objectionable features as they appeared to me. I am glad to say that since the Bill has emerged from the Select Committee, those have been removed. The operative part of the Bill is the prohibition of the possession of wireless apparatus without a licence. In the original Bill, it was stated that the first offence should be met with fine, but for every subsequent offence imprisonment was prescribed. I am glad to say that in the Bill, as it has emerged from the Select Committee, the punishment of imprisonment has been eliminated.

Mr. N. M. Joshi (Nominated : Non-Official) : Why are you glad about it ?

Mr. Gaya Prasad Singh : I did not like imprisonment to be given as punishment. It is for this reason that I am glad. Those Honourable Members who disagree with me should have tabled an amendment on the lines in accordance with their views, and, in the absence of any such amendment, I take it that it is the general opinion of the House that it is an improvement on the Bill that the punishment of imprisonment has been eliminated.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Why not there be only a warning instead of fine ?

Mr. Gaya Prasad Singh : Why did you not put in such an amendment ?

Mr. Lalchand Navalrai : It is not necessary, we can oppose it here.

Mr. Gaya Prasad Singh : Again, in the original Bill, as it was introduced, it was stated that whether the accused is convicted or acquitted, it was within the discretion of the Court to order confiscation of the wireless apparatus set. In the Bill, as it has now emerged from the Select Committee, confiscation follows only after conviction by a competent Court.

[Mr. Gaya Prasad Singh.]

There also I find it is an improvement. The third point on which the Bill is an improvement is that whereas the old Bill gave power to the police to make a search during day or night, in the present Bill the search is confined only to the day time. So, on all these three points, on which objections were raised in this House, when the Bill was originally introduced, they have been removed, and, therefore, the Bill, as it is now before the House, is an acceptable measure. It is well known that piracy is extensively practised in this country, and with the object of securing the elimination of piracy and to add to the income of the broadcasting stations, these provisions are required. I am glad that this Bill has been improved so as to be acceptable to this House. I, therefore, support the motion.

Mr. Chairman (Mr. K. C. Neogy) : The question is :

"That the Bill to regulate the possession of wireless telegraphy apparatus, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4, 5, 6, 7 and 8 were added to the Bill.

Mr. Chairman (Mr. K. C. Neogy) : Clause 9.

Mr. F. E. James (Madras : European) : Sir, I beg to move :

"That in clause 9 of the Bill, after the words 'Indian State Broadcasting Service' the words 'or a Broadcasting Service approved in this behalf by the Governor General in Council' be inserted."

The object of this amendment is perfectly clear. There are other broadcasting services in the country quite apart from the Indian State Broadcasting Service, whose service has resulted in a certain number of licences being taken out locally and we felt that it should be made possible for the Court to pay over fines in certain areas to the local broadcasting services provided those were recognised by the prescribed authority, the Governor General in Council. In moving this amendment, I should just like to make two observations ; the first is that I do not think that any Member of the House should place extravagant hopes upon the income which is likely to be derived from this particular Bill. I expressed at the time of the introduction of the Bill the opinion which I believe found support in different parts of the House that the real future of broadcasting in this country lay not in broadcasting through individual sets but through loud speakers on a mass scale. We have felt certainly in that part of the world from which I come that the real value of broadcasting in this country will lie in its penetration on a large scale to the interior of the country, to the villages, where it is quite impossible to expect the service to be reproduced through individual sets, but where villages will have to be grouped together and where there will have to be programmes of relaying through loud speakers to congregations of villagers. Those Members who come from the Madras Presidency know that we have been running for some time now in the Corporation of Madras a most successful programme along these lines. The result of this work has not meant much increase in the number of individual listeners. That is not what we have been out for ; but it has meant that in the evenings on the beach and in almost all the public squares and parks there have been hundreds and thousands of citizens of Madras listening to a programme of music interspersed occasionally with comments on educational and health matters.

And we feel most strongly that that is the line of approach which is necessary if broadcasting is to be the tremendous channel of service in this country which it can be. I know that the Honourable Member will entirely agree with what I am saying now ; it is not in any sense a criticism of his Bill. But it is merely another occasion on which one can use the opportunity of making this point ; and I hope that the time will soon come when there will not only be an Indian State Broadcasting Service, which after all only operates to the benefit of a comparatively few in this country, but there will also be an Indian Broadcasting Board or something of that kind. It will help to co-ordinate efforts which are now being made in different parts of the country, and will be able to give advice, and to formulate schemes whereby in the great linguistic regions of India there shall be set up adequate broadcasting stations which, in the language of the people of the country, can broadcast plays, music, educational talks and all kinds of information which will penetrate where no newspaper penetrates today and where no health visitors penetrate today,—the innermost recesses of the villages far away from the towns. If the Honourable Member in charge of this Bill, whose enthusiasm I know to be great for the spread of broadcasting, will take this also into consideration, and, possibly before very long,—I am throwing out merely a casual suggestion,— will call together a few people from the different provinces who are now doing excellent work in this direction, to confer as to the best means of using one of the greatest benefits which mankind has ever received, the transmission of programmes and messages across the air,—if he would do that, I am quite sure he would be rendering very great service indeed.

The second thing that I want to say is this, that even as regards the restricted scope of this Bill, I wonder whether one consideration has occurred to the Honourable Member in charge. I understand that at present the revenue from wireless sets under Customs has exceeded expectations. But obviously the time will soon come when that revenue will come down because of the manufacture of receiving sets in this country. One hopes that will come soon : it is bound to come soon ; and when that is the case he will lose his Customs revenue. Would the Honourable Member consider the possibility of levying on locally made receiving sets, once that industry has got on its feet, something in the form of a small excise duty, the proceeds from which should be used, not for the current revenue of the Government of India but for the purpose of establishing broadcast systems in different parts of the country ? This would make the collection of individual licence fees unnecessary. I make that merely as a suggestion. At present the Honourable Member has some indication of the number of receiving sets that are coming into the country, and therefore he has some indication as to the amount of piracy that is abroad. But as soon as these sets begin to be made locally he will have no indication whatsoever, and personally I do not think the State is going to benefit very much even by the passing of this Bill in regard to revenue received from licences. Therefore, Sir, I commend this amendment to the sympathy of the House and I also commend the two points I have made to the attention of the Honourable Member.

Mr. Chairman (Mr. K. C. Neogy) : Amendment moved :

"That in clause 9 of the Bill, after the words 'Indian State Broadcasting Service' the words 'or a Broadcasting Service approved in this behalf by the Governor General in Council' be inserted."

The Honourable Sir Frank Noyce: Sir, I may say at once that I have much pleasure in accepting Mr. James' amendment. We fully realise that the Indian State Broadcasting Service can, in the present conditions or in any conditions which are likely to prevail for many years to come, touch only a fraction of the total area of this vast country. In these circumstances, it is only equitable that, where an offence is the possession of wireless apparatus for reception from some other official or quasi-official service, the fine imposed for it should go to the benefit of that service.

I have been very much interested in what has fallen from my Honourable friend Mr. James. I think the first suggestion that he has put forward is a very valuable one. I may state for the information of the House that the attitude that Government should adopt towards broadcasting services other than the State broadcasting service is at present under consideration in consultation with the Local Governments. And I feel that, when we get their replies, it would be very useful to do as Mr. James suggests and to get together experts and those specially interested in order to discuss our further line of action.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I am not quite so sure about his second suggestion which, if I have understood him correctly, is that, later on, when, as we hope, the manufacture of wireless apparatus in this country attains substantial dimensions, we should levy an excise duty on sets of indigenous manufacture for the benefit of broadcasting generally. I need hardly say that I shall be very glad to examine it but in any case the question is hypothetical at the moment and I think we can probably safely leave it until the hoped for development takes place. I am bound to say that I think there would be some difficulties in adopting it. As I said at the outset, Sir, I have much pleasure in accepting the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 9 of the Bill, after the words 'Indian State Broadcasting Service' the words 'or a Broadcasting Service approved in this behalf by the Governor General in Council' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is that clause 9, as amended, stand part of the Bill.

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

THE LAND ACQUISITION (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

At this late hour of the day, I do not think I need make any lengthy remarks in support of this motion. Here again, as in the case of the last measure we have been considering, the Bill we placed before the House in the first instance has, I venture to think, been distinctly improved by the Select Committee. As I said when I was moving the motion for reference to a Select Committee, whilst the general principle of the Bill had received unanimous support, there were two material criticisms. The two points on which those criticisms were focussed were the proposal to include individuals as well as companies amongst those on whose behalf land might be acquired for the housing of labour and the adequacy of the safeguards against improper use of land that had been acquired. It will, I think, be seen from the report of the Select Committee that both these criticisms have been very fully met in the measure as it has emerged from that Committee. As regards the first, the uneasiness about the inclusion of individuals as well as companies, the Bill has been amended and a safeguard has been provided by the limitation of the application of the new section 38A to industrial concerns employing at least 100 workmen. This should prevent the Act being used in favour of mushroom concerns. The second criticism was the adequacy of safeguards against improper use of the land that had been acquired. We have met that by giving further powers to Local Governments to ensure that the houses which are erected shall be properly built and properly used. The Local Government will be able to prescribe the time within which the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided. The only other point to which I need refer is that raised in my friend, Mr. Lalchand Navalrai's Minute of Dissent, which I am very glad to see he has not followed up by an amendment. He is still somewhat anxious about the Bill being used for the acquisition of sites on which there are already dwelling houses. He does not like the idea that the owners of such dwelling houses should be disturbed by compulsory acquisition. I think there is a very considerable safeguard in that respect and that is, that such dwelling houses will obviously be rather costly to acquire, and that no one is going to ask that they should be acquired if they can possibly find suitable vacant sites. In any case, it does seem to me that it is far better even in cases where land is acquired on which there are buildings—such buildings will obviously not be buildings one would like to see labour housed in—it is far better that they should be replaced by proper accommodation for the work people on whose behalf we are about, I hope, to pass this Act. I commend this motion to the consideration of the House.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. Lalchand Navalrai: Sir, a reference has been made to me by the Honourable Member in charge and I must say that I do not agree that I should have put in an amendment. My Minute of Dissent is that this Bill should be restricted only to vacant sites and other arable land that may

[Mr. Lalchand Navalrai.]

be available, and that very costly houses and other houses should not be disturbed in the interests of new concerns. If I may read my minute, it runs as follows :

" My objection is that the Bill should apply only to vacant sites or arable land and not land on which there are already dwelling houses. In cases of compulsory acquisition, all safeguards should be taken to see that new concerns, as contemplated by this Bill, should not establish themselves on the site nearby land already occupied by dwelling houses and disturb the original owners of the houses by compulsory acquisition. In growing towns, it is more in the public interest that such concerns should be established at or removed to a more suitable distant site than to acquire the adjoining dwelling houses better used by owners for housing labourers."

My main point is, that if there are houses already there, why should the new concern go and start in their neighbourhood ? It will be disturbing the people who have lived in those houses and have liked them for a long time. That is the reason for my Minute of Dissent. I submit that I am opposed to the consideration of this Bill unless they amend it and restrict it only to vacant sites and such like. That is all my submission.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move that the Bill, as reported by the Select Committee, be passed.

The motion was adopted.

THE MURSHIDABAD ESTATE ADMINISTRATION BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : How long will the Honourable Member take to move this motion ?

Mr. B. J. Glancy (Political Secretary) : Only four or five minutes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : Very well.

Mr. B. J. Glancy : Sir, I beg to move :

" That the Bill to provide for the appointment of a Manager, on behalf of the Secretary of State, of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, be taken into consideration."

Sir, the reasons why it is necessary to place this Bill on the Statute-book have been briefly indicated in the Statement of Objects and Reasons and in the preamble of the Bill. As the House will observe, the Bill is merely intended to supplement the Murshidabad Act of 1891. That Act gave power to the Secretary of State to enter upon the properties of the Nawab and to administer them in his behalf if any such necessity arose. Unfortunately, that necessity has arisen, because the Nawab has contracted very heavy debts and has allowed his properties to fall into a

most deplorable condition. It is imperative, therefore, that his powers of control should be restricted and that proper arrangements should be made for the management of the estate so that the creditors' claims may be satisfied and that the Nawab and his family may be preserved from ruin. The Secretary of State has already entered upon the properties, but the Act of 1891 does not provide any satisfactory machinery for preventing the Nawab from incurring further liabilities or for empowering the Manager to take proper control of the estate and to discharge the debts already incurred. The present Bill is merely intended to remedy this deficiency. It is based closely on the Chota Nagpur Encumbered Estates Act, an Act which has been in successful operation for the last 50 years. The Bill, in the opinion of Government, provides the most satisfactory and in fact the only satisfactory arrangements that are practicable alike in the interests of the creditors and the Nawab. Firstly, as regards the creditors, it is calculated that the total claims against the Nawab including the amounts decreed against him in the Courts come to about 19 lakhs of rupees. The Bengal Government estimate that, as soon as normal conditions are restored, it should be possible to set aside annually a sum of not less than Rs. 3 lakhs towards the payment of the debts. Thus, in a few years' time, the entire liabilities should be liquidated. The decree holders and the other creditors need be under no apprehension that fair treatment will not be accorded to them, because the Bill provides for an appeal from the Manager's award to the Bengal Board of Revenue. If, on the other hand, the Bill is not passed, practically all that the creditors will be able to attach and secure will be certain moveable properties personally acquired by the present Nawab, and it is very doubtful whether the value of these will amount to more than 1/20th part of his liabilities. Secondly, as regards the Nawab himself, he is the head and representative of an ancient and highly respected family. He is greatly esteemed not only by the Muslims of Bengal, but by other communities as well, and it would be most deplorable if he were to suffer the indignity of confinement in a debtor's prison. I would impress upon the House that the passing of this Bill is a matter of very considerable urgency, because every day that is lost in giving the Manager proper powers of control must render the position of the Nawab and the creditors more and more precarious and chaotic. I understand, Sir, that there is notice of an amendment for reference to Select Committee. If that amendment is moved and if it can be assumed that the delay involved will not be more than a few days and that there is good prospect of this Bill being passed during the present Session, I will not oppose that amendment, but I should like to emphasise once more that any avoidable delay is most strongly to be deprecated in the interests of all parties concerned.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That the Bill to provide for the appointment of a Manager, on behalf of the Secretary of State, of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, be taken into consideration."

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

" That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Mr. B. J. Glancy, Sir Lancelot Graham, Mr. S. C. Mitra, Mr. S. C. Sen, Mr. Muhammad Azhar Ali, Mr. Gaya Prasad Singh, Mr. R. S. Sarma, Captain Shah Muhammad Khan, Mr. G. Morgan, 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. K. C. Neogy.]

In making this motion, Sir, I am inviting this House to accept the principle underlying this particular Bill which, as has been explained by the Honourable the Mover, is to remove certain deficiencies in the original Murshidabad Act. The Honourable Member has referred to the predicament in which the present Nawab Bahadur is, but I think it is only fair that I should mention that public opinion in Bengal holds that the Nawab Bahadur has been perhaps more sinned against than sinning in this particular matter, and I am sure that the principal object of this Bill will be welcomed all over the country. But, at the same time, the Honourable Member in charge will himself recognise that this is not a normal kind of legislative proposal and that the interests of the *bona fide* creditors have got to be safeguarded by this House. The reason why I want this measure to be referred to a Select Committee is to give an assurance to the *bona fide* creditor outside that his interests will be examined as carefully as possible by the representatives of this House before passing the Bill into law. I entirely agree with my friend that the importance of such a measure consists in the expedition with which it can be placed on the Statute-book, and, so far as I am concerned, I am anxious to have a meeting of the Select Committee at the earliest possible moment, if possible tomorrow, and I personally will place no obstacle in the way of a speedy passage of this measure. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Mr. B. J. Glancy, Sir Lancelot Graham, Mr. S. C. Mitra, Mr. S. C. Sen, Mr. Muhammad Azhar Ali, Mr. Gaya Prasad Singh, Mr. R. S. Sarma, Captain Sher Muhammad Khan, Mr. G. Morgan, 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. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I support the motion of my friend, Mr. Neogy, for reference of this Bill to a Select Committee. I agree to accept his motion, because I accept his interpretation that the principle of the Bill is very much restricted. If Government is agreeable to that view, I certainly have no hesitation to accept the motion ; but there are apparently some very drastic provisions in this Bill, and it is not so harmless as it has been put by the Honourable the Mover. I would like to refer to some of the clauses to tell the House how in this Bill it is provided to vest the Manager with such wide powers as to oust the jurisdiction of all the Courts in India. I merely refer to clause 4 which reads thus :

"On the publication of an order for the appointment of a Manager under section 3, the following consequences shall ensue :

First, all proceedings which may then be pending in any Civil Court in respect of any debts or liabilities to which the Nawab Bahadur may be subject shall be barred, and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void ;

Secondly, so long as such management continues, no suit or proceeding shall lie against the Nawab Bahadur, or the Secretary of State, or the Manager, in respect of any debt or liability to which the Nawab Bahadur is subject..... ".

Then, further on, in sub-clause (*b*), there are other drastic powers which say that " so long as such management continues, the Nawab shall be incompetent to mortgage, etc. ". That is certainly a sound suggestion, but such property shall be exempt from attachment or sale under process of any Court. In short, I find in this Bill provision for ousting the jurisdiction of the Courts so long as this Bill will be in force. I do not want to stress that point now, because I agree with my Honourable friend, Mr. Neogy, that all these questions may be considered in the Select Committee. This Bill is only following the old Act which is more than 30 or 40 years old and there should not be much disagreement. I support the motion for reference to a Select Committee.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I wish simply to say a few words. I wholeheartedly support the proposition that the Bill should go before a Select Committee, and the particular objections which my Honourable friend, Mr. Mitra, pointed out would be solved there. Personally I do not think that those objections are really worthy, because those of us who belong to Bengal and Bihar and Orissa know how the Nawab Bahadur, as my Honourable friend, Mr. Neogy, put it, has been sinned against, how money-lenders of Calcutta.....

An Honourable Member : Not of Calcutta, but of Murshidabad, Azimganj, and Jiaganj.

Mr. B. Das : I am glad to know that they are from Murshidabad, Azimganj and Jiaganj. We know how the money-lenders have swindled the Nawab Bahadur knowing that the Nawab could not part with the property that belonged to him. I wish to refer to another aspect of the matter. Money-lenders who have swindled the Nawab and have grown rich—some of them have been canvassing in Delhi and Simla during the last two Sessions, and if my Honourable friend, Mr. Glancy, will reveal the correspondence of some of the Members of this House who have addressed his Department on behalf of certain clients, it will prove interesting. I deprecate that money-lenders or, whoever they are, should try to influence Members of this House and try to canvass, and that Members should forget their legislative duties and write, though being members of the legal profession, to the Political Department. I hope that my Honourable friend, the Political Secretary, will not think that the correspondence is too secret, and that in his reply today or in the Select Committee he will place all the correspondence which has been addressed by some Members of this House.....

An Honourable Member : Is it fair to the House that Mr. Das should make a veiled attack and not mention the names of Members if he knows them ?

Mr. R. S. Sarma (Nominated Non-Official) : On a point of order, Sir. I desire to know whether it is fair to refer to Members without giving their names and without telling the House whether those gentlemen have written in their capacity as Members of this House or as barristers or members of the legal profession ?

Mr. B. Das : That is not the point. I am asking the Political Secretary to tell us whether he has received any letters from any Member of this House addressed to his Department as legal adviser to certain claimants on the property of the Nawab. The question is, whether an Honourable Member can do that. I think much canvassing is going on and I entirely agree with the Political Secretary that the sooner this

[Mr. B. Das.]

Bill is passed, Simla and Delhi will not see the faces of those who have swindled the Nawab Bahadur.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I do not propose to say more than one sentence on behalf of some of us sitting on this side of the House. We wholeheartedly share the apprehensions and appreciate the views that the Political Secretary urged in regard to the preservation of the Nawab Sahib from ruin and protection of his creditors from disaster.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I too wholeheartedly support the motion of the Political Secretary on the floor of the House. My only submission is that this matter should be expedited as quickly as possible and it is not only the Nawab, who will be relieved of all the difficulties, but it will really save a great and ancient family from ruin. So far as I have read certain representations which have been sent round from Calcutta, and I have read one or two of them very carefully, I find that the Nawab had absolutely no right to part with the property. It was only a sinister motive of these creditors who advanced money to him, knowing that the Nawab could not possibly pay his debts. In those circumstances, I think it is now a very good case for sending the matter to the Select Committee, and I think that the Bill may be taken into consideration.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I have a word to add. I do not think that the Government, when they make a claim for the protection of the estate, will not take care of the creditors of the estate. I think their interests will be quite safe in the hands of the Government and I, therefore, support this motion.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : I propose that the House do now adjourn.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : I propose that the name of Sir Abdulla-al-Mámún Suhrawardy be added to the Select Committee.

Mr. B. J. Glancy : I accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the name of Sir Abdulla-al-Mámún Suhrawardy be added to the Select Committee."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Mr. B. J. Glancy, Sir Lancelot Graham, Mr. S. C. Mitra, Mr. S. C. Sen, Mr. Muhammad Azhar Ali, Mr. Gaya Prasad Singh, Mr. R. S. Sarma, Captain Sher Muhammad Khan, Mr. G. Morgan, Sir Abdulla-al-Mámún Suhrawardy, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th September, 1933.

LEGISLATIVE ASSEMBLY.

Monday, 4th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

COMBINATION OF OIL COMPANIES.

460. ***Sardar Sant Singh** : Will Government be pleased to lay on the table of the House a statement showing the result of the investigation into the question whether the oil companies have a combine or not, as promised by them in reply to my starred questions No. 159, dated 8th September, 1932 and No. 1668 of the 14th December, 1932 ?

The Honourable Sir Joseph Bhore : Government have made enquiries into the matter but they have been unable to secure evidence which proves the existence of any combination to raise prices in India.

ORGANISATION AND CONTROL OF THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

461. ***Sardar Sant Singh** : (*a*) Is it a fact that on the formation of Travelling Ticket Examiners' cadre in 1912 its organization and control was entrusted to the Audit Department ? If so, will Government please state :

(*i*) What were the duties performed by the Travelling Ticket Examiners under the Audit Department at that time ?

(*ii*) Why was the organisation and control transferred to the Traffic in 1915 ?

(*b*) Is it a fact that its re-transfer from the Traffic control to the Audit control in 1916 was effected owing to the reason that it could run more efficiently and economically under the Audit Department only ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 461 to 475 together. These questions involve a considerable amount of research, sometimes into circumstances in existence twenty years ago. I doubt whether I shall be able to give a complete or exhaustive reply, but I have asked the Agent, North Western Railway, to let me have whatever information is readily available, and will lay a reply on the table in due course.

CREW SYSTEM ON THE NORTH WESTERN RAILWAY.

†462. ***Sardar Sant Singh** : (*a*) Is it a fact that in 1922 the Crew System was started on the North Western Railway in Lahore Division

†For answer to this question, *see* answer to question No. 461.

under the Chief Auditor but was abolished very soon, as it proved a failure ?

(*b*) Is it a fact that subsequent to the abolition of the Crew System, a system, whereby two men in a group checked trains, was started, but this also fell into the back-ground for similar reasons as the Crew System ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†463. ***Sardar Sant Singh :** (*a*) Is it a fact that no transfer of the organisation and control of the Travelling Ticket Examiners' cadre was made between the years 1916-1928 ? Is it a fact that the working of the Travelling Ticket Examiners remained very satisfactory and was highly spoken of by the authorities during that period ?

(*b*) Is it a fact that at the Divisional Superintendents' Conference in 1925, it was unanimously resolved to bring the Travelling Ticket Examiners under Traffic control, and is it further true that this proposal was highly supported by Colonel Walton, Agent, who then recommended to the Railway Board this change ?

(*c*) Is it true that the Railway Board turned down this proposal in view of the fact that this Branch could run more efficiently and economically under the Audit Department ? Is it further true that the Board finally decided that this Branch should continue to remain under the Audit Department till such time when Audit would be separated from Accounts and that when this event occurred, the Travelling Ticket Examiners would be placed under the Accounts Department ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†464. ***Sardar Sant Singh :** (*a*) Is it a fact that the Railway Board doubled the strength of the Travelling Ticket Examiners after the failure of the Crew and the two-men systems in 1926 ? If so, why ?

(*b*) Is it a fact that the Travelling Ticket Examiners' Branch was abruptly taken over by the Traffic Department in 1928 ? If so, will Government be pleased to state the reasons which made this step expedient despite the final orders of the Railway Board prohibiting such a transfer ?

(*c*) Is it a fact that the authorities appointed a committee of Messrs. Cammeron, Phillipes, and Callaghan to devise ways and means which would enable the authorities to cut down the emoluments of these employees ?

(*d*) Is it a fact that this committee gave a verdict that the emoluments of these employees could not be cut down in view of paragraph 362 of the Open Line Code, Volume II ? If not, will Government be pleased to place on the table a copy of the aforesaid Committee's report ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†465. ***Sardar Sant Singh :** (*a*) Is it a fact that ever since the transfer of Travelling Ticket Examiners from Audit to Traffic, two classes

†For answer to this question, *see* answer to question No. 461.

of employees, *viz.*, the Travelling Ticket Examiners and Special Ticket Examiners worked simultaneously on the North Western Railway ? If so, will Government be pleased to state :

(*i*) what were the circumstances that led to the appointment of Special Ticket Examiners on North Western Railway before the abolition of Travelling Ticket Examiners' cadre ;

(*ii*) how far did these Special Ticket Examiners fulfil the purpose for which they were recruited ?

(*b*) Is it a fact that the Divisional Superintendent, Lahore, after making a comparison between the work of Travelling Ticket Examiners and Special Ticket Examiners, abolished the posts of the latter ? If so, why ?

ABOLITION OF THE CADRE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†466. ***Sardar Sant Singh :** (*a*) Is it a fact that the authorities took an opportunity in 1931 to abolish the whole cadre of Travelling Ticket Examiners, attributing this measure to the stringency of funds ? If so, will Government be pleased to state whether this measure was adopted after the findings of the Divisional Personnel Officers' conference ?

(*b*) If stringency of funds necessitated the abolition of the Travelling Ticket Examiners' cadre, will Government be pleased to state where lay the justification for appointing 30 more Special Ticket Examiners in Lahore Division in 1933 ?

SPECIAL AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†467. ***Sardar Sant Singh :** Is it a fact that the working of Special Ticket Examiner was economical and useful ? If so, will Government be pleased to state :

(*i*) Why did the Agent accord his sanction to Divisional Superintendent, Lahore, to bring under reduction all Special Ticket Examiners in his Division ?

(*ii*) Did the Agent consider at this instance the desirability of doing away with the Travelling Ticket Examiners instead of the Special Ticket Examiners in Lahore Division since the Travelling Ticket Examiners were considered superfluous, *vide* the Government of India reply to my question No. 225 in the Assembly on 11th September, 1931 ?

NORTH WESTERN RAILWAY DIVISIONAL PERSONNEL OFFICERS' CONFERENCE.

†468. ***Sardar Sant Singh :** (*a*) Will Government be pleased to place on the table of this House a statement showing the names of the officers who attended the Divisional Personnel Officers' conference ?

(*b*) Will Government be pleased to state how many and which of these Divisional Personnel Officers were Commercial officers ?

†For answer to this question, *see* answer to question No. 461.

ABOLITION OF THE CADRE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†469. ***Sardar Sant Singh** : (*a*) Is it a fact that after the abolition of the Travelling Ticket Examiners' cadre, groups of five Special Ticket Examiners, hitherto called Travelling Ticket Examiners, were formed for checking purposes, whereas previously as Travelling Ticket Examiners, one man did this work ? If so, will Government be pleased to state whether it did not mean that the checking of the trains was reduced to one-fifth of what it was previously ?

(*b*) Is it a fact that checking on running trains was completely abolished on the North Western Railway ?

GROUP SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

†470. ***Sardar Sant Singh** : (*a*) Is it not a fact that during the prevalence of the Group System of checking on the North Western Railway, the number of trains checked remained low ?

(*b*) Is it a fact that serious cases of fraud mentioned below were brought to light by Special Ticket Examiners (old Travelling Ticket Examiners) :

(*i*) Re-issue of tickets between Badami Bagh and Nankana Sahib ;

(*ii*) Re-use of tickets between Lahore and Delhi ; and

(*iii*) Jaitu Ticket case.

(*c*) Is it a fact that the authorities later on gave up this system after holding a conference of Divisional Commercial Officers at Lahore on 21st, 22nd and 23rd November, 1932, and unanimously agreed to work on the system of one man per train to cope with illegal travelling, and sanction to this was accorded by the Agent, *vide* his letter No. 173-M.C., dated 27th November, 1932 ? If not, will Government be pleased to place on the table of this House a copy of the minutes of the conference, together with the Agent, North Western Railway's letter No. 173-M.C., dated 27th November, 1932 ?

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†471. ***Sardar Sant Singh** : Is it a fact that Travelling Ticket Examiners prior to their coming under the control of the Commercial Department on the North Western Railway were under the control of the Chief Auditor ? If so, will Government be pleased to state :

(*a*) What were the duties they performed under the Audit Department ?

(*b*) On what grounds were they treated as running staff ?

(*c*) Who compiled the programme of their working the trains ?

(*d*) What mileage allowance was given to them and in what consideration ?

†For answer to this question, *see* answer to question No. 461.

ORGANISATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†472. ***Sardar Sant Singh** : Is it a fact that the Travelling Ticket Examiners after their transfer from Audit to the Commercial Department remained performing the same duties as under Audit from 1st June, 1928 to 31st May, 1931 ? If so, will Government be pleased to state :

(*a*) What change in the policy of the Administration made them stop their mileage allowance ?

(*b*) What change in their duty has been created ?

(*c*) What is the difference between running and stationary duty ?

(*d*) What is the difference between a Travelling Ticket Examiner and a Special Ticket Examiner ?

DENIAL OF CERTAIN CONCESSIONS TO TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†473. ***Sardar Sant Singh** : Is it a fact that the Travelling Ticket Examiners who are now called Special Ticket Examiners have still to run with the trains under a set programme, now fixed by Group Inspector, similar to the one previously made by Head Travelling Ticket Examiner ? If so, will Government be pleased to state :

(*a*) Why they are not treated as running staff ?

(*b*) Why their mileage allowance has been stopped ?

REDUCTION OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†474. ***Sardar Sant Singh** : Is it a fact that these Travelling Ticket Examiners were given no alternative of discharge for not accepting the cadre of Special Ticket Examiner ? If so, will Government be pleased to state :

(*a*) what is their practice in bringing a member of the running staff to a stationary appointment ;

(*b*) whether these men were fixed up according to that practice in Special Ticket Examiners' grade ;

(*c*) how far the emoluments of these men have decreased by independently fixing their pay and cutting down their emoluments ;

(*d*) is it a fact that these men's emoluments have gone down by about 50 per cent. ? If so, will Government be pleased to state :

(*i*) in what other Department of service have Government made such drastic reduction ;

(*ii*) how far the permanent reduction of these men compares with the temporary emergency cut and other reduction in staff ;

(*iii*) what other temporary reduction in their pay has been made under the financial stringency scheme in addition to lowering their grades and cutting down their mileage allowance ?

†For answer to this question, *see* answer to question No. 461.

NON-ADOPTION OF THE MODY WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

†475. ***Sardar Sant Singh :** Is it a fact that Mody Ward Scheme approved of by the Railway Board as well as by the Public Accounts Committee was meant for adoption on all State Railways ? If so, will Government be pleased to state :

(*a*) the reasons why this scheme has not been introduced on the North Western Railway ;

(*b*) whether the Agents of State Railways were given the option of accepting or rejecting it ;

(*c*) if the answer to (*b*) above be in the negative, will Government be pleased to state what action they propose to take against the North Western Railway Administration for setting aside a measure which cost the Government of India labour and finance ;

(*d*) what are the main features of the scheme followed on the North Western Railway ?

ALLOWANCES OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

476. ***Sardar Sant Singh :** Is it a fact that the Railway Board in their letter No. 822|E.G., dated 22nd December, 1932 to the Agent, North Western Railway, have admitted that there has been a large fall in the emoluments of Travelling Ticket Examiners by stopping their mileage allowance ? If so, will Government be pleased to state :

(*a*) How far the consolidated travelling allowance granted to them in lieu of mileage has been reasonably compensated ?

(*b*) Whether the consolidated allowance substituted for mileage allowance is considered as a part of pay for all purposes like the mileage allowance ? If not, why not ?

Mr. P. R. Rau : Government have considered the whole question very carefully and come to the conclusion that there is no justification for treating ticket inspecting or examining staff as running staff and continuing to them the mileage allowances they were formerly in receipt of. There was therefore no question of compensating them for the loss of their allowance, but purely as an *ex gratia* measure and in order to mitigate the loss entailed, they decided to grant them a consolidated travelling allowance at rates higher than those they would have been entitled to if the ordinary rules had been applied to them. This allowance is not considered as part of pay.

SELECTION OF JOURNEYMEN FOR THE NORTH WESTERN RAILWAY WORKSHOPS, MUGHALPURA.

477. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state whether the selection of ten posts of Journeymen for the North Western Railway (Mughalpura) Workshops, Loco. and Carriage Department, took place on the 2nd June, 1933 ?

†For answer to this question, *see* answer to question No. 461.

(*b*) If the reply to part (*a*) above be in the affirmative, are Government aware that there were four departmental qualified trained Sindhis amongst the forty applicants for these ten posts ?

(*c*) Is it a fact that not one of these ten posts was given to a Sindhi ?

(*d*) What is the total number of Journeymen in all the North Western Railway Workshops ?

(*e*) What is the percentage of Sindhis working as Journeymen ?

(*f*) Is it a fact that out of these ten appointments, four were required for Turner Trade (for machine Shop) ?

(*g*) Will Government be pleased to state the reasons why claims of these senior Sindhi candidates were ignored ?

(*h*) Will Government be pleased to state when they intended to right the wrong done to these Sindhi candidates ? If not, why not ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Agent, North Western Railway, for any action he may think fit to take.

GRIEVANCES OF INDIANS IN THE FEDERATED MALAY STATES, INDO-CHINA AND SIAM.

478. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) whether their attention has been drawn to a summary of a speech, published in the *Hindu* of Madras of July 14th last, by Dr. Lanka Sundaram regarding his tour experiences among Indians in the Federated Malay States, Indo-China and Siam ? If so, what measures do they propose to take in the subject-matter of his grievances ;

(*b*) whether they are in receipt of Dr. Lanka Sundaram's promised memorandum containing his opinions and recommendations for the removal of the grievances among Indians in those places ? If so, what steps are Government going to adopt in the matter ?

Mr. B. J. Glancy : (*a*) and (*b*). The attention of the Government of India has been drawn to the summary of Dr. Lanka Sundaram's speech published in the *Hindu* of Madras of July 14th, 1933, but his promised Memorandum has not yet been received. As regards the measures Government propose to take in the matter, the Honourable Member's attention is invited to the answer to Mr. Gaya Prasad Singh's question No. 152 on the same subject.

SENDING BACK OF REPATRIATED INDIANS FROM NATAL AND OTHER PARTS OF SOUTH AFRICA TO THEIR HOMES.

479. ***Mr. Nabakumar Sing Dudhoria :** (*a*) Will Government be pleased to state whether it is a fact that of late a scheme has been set afloat for sending back some of the repatriated Indians from Natal and other parts of South Africa to their original homes ?

(*b*) If so, will Government be pleased to give the details of such a scheme ?

(c) How many of such repatriated Indians have so far been dealt with under that scheme ?

(d) Are Government aware whether any sort of trouble is being experienced on account of the bonus not being restored with the return of the repatriates ?

Mr. G. S. Bajpai : (a) No.

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

(d) It is regretted that the question is not understood.

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

480. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

(a) if it is a fact that one, Om Parkash Aggarwal, Roll No. 162, Intermediate (Arts) was suspended from the examination by the Superintendent, Ramjas College Centre, Delhi, on the 12th of April, 1933 ;

(b) if it is a fact that on the 13th of April, 1933, his father, Lt. Joti Parshad, Advocate (Ambala City), sent a reply pre-paid telegram (No. 75) from Delhi to Mr. H. V. Thadani, the Superintendent, asking him if he would allow the candidate to appear in the next paper ;

(c) If it is a fact that in reply to the above telegram, the Superintendent on the 15th April, 1933, telegraphed to the guardian at Jagadhri to refer the matter to the Registrar or the Vice-Chancellor, Delhi University ?

Mr. G. S. Bajpai : With your permission, Sir, I propose to reply questions Nos. 480 to 482 together.

Some of the information required for answering these questions has to be obtained from the Superintendent of the Ramjas College centre and is still awaited. On receipt of this, replies will be laid on the table of the House.

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

†481. ***Mr. Jagan Nath Aggarwal :** (a) Are Government aware that under the rules the Superintendent of a centre can suspend the examinee only for the day and no more ?

(b) Will Government be pleased to state how the Superintendent justifies himself in asking the guardian to refer the matter to the Registrar or Vice-Chancellor, and thus continuing the suspension ?

(c) Is it a fact that the answer book of the said candidate in Mathematics (a) (on the day of suspension) was not sent by the Superintendent to the examiner for marking ?

†For answer to this question, *see* answer to question No. 480.

(d) If the answer to part (c) above be in the affirmative, will Government be pleased to quote the rules under which the Superintendent was empowered to do so ?

(e) If there exists no such rule empowering the Superintendent to withhold the answer-book, do Government propose to direct the University to get it examined and marked now ?

(f) Is it not a fact that 13th, 14th, 15th, 16th, and 17th of April last were holidays and the guardian of the student had to get the matter set right by sending telegrams to the Superintendent, Registrar and Vice-Chancellor on the 15th of April from Jagadhri ?

(g) Will Government be pleased to state what action has so far been taken against the Superintendent ? If no action has yet been taken, will Government be pleased to state what they propose to do in the matter to prevent a repetition of such mistakes ?

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

†482. ***Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state whether it is a fact that the said candidate, Om Parkash, and some others were disqualified from passing this year's examination and debarred from appearing at any University examination for the next two years under notification No. 658, dated the 6th June, 1933, in accordance with the decision of the Executive Council of the Delhi University ?

(b) Are Government aware that there exists no rule framed by the University and duly sanctioned by Government under the Indian University Act empowering the Executive Council to pass such orders, as is the case with other Universities ?

ESTABLISHMENT OF THE PROPOSED RESERVE BANK IN INDIA.

483. ***Sardar G. N. Mujumdar :** Will Government be pleased to state :

(a) the probable date when the proposed Reserve Bank is likely to be established ;

(b) whether the work done by the Currency Offices will be carried on by the Reserve Bank ? If so, do Government propose to see that the present staff employed in the Currency Offices is not affected in any way ?

The Honourable Sir George Schuster : (a) and (b). Pending the decision of the Legislature on the proposed Reserve Bank Bill, the whole question is hypothetical.

CENSORSHIP OF CINEMATOGRAPH FILMS.

484. ***Shaikh Sadiq Hasan :** (a) Will Government be pleased to state if they are aware that there is a great resentment among the Muslim public when scenes of Harem life are depicted in films and especially when historic Muslim queens and princesses are shown making love ?

†For answer to this question, *see* answer to question No. 480.

(*b*) Are Government prepared to order a stricter censorship in the case of types of films mentioned above ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I have received no recent complaints from any Muslim bodies in this matter. Government are however fully alive to the importance of ensuring that the censorship of films is efficiently conducted and only very recently they addressed Local Governments on the subject generally. The existing position is that there is a Muslim representative on each of the Censorship Boards (except the Burma Board) constituted under the Act and these Boards have power to refuse to certify any film in whole or in part if they consider this necessary. Apart from this, the District Magistrate, or, in a Presidency Town the Commissioner of Police, may, under the provisions of the Cinematograph Act, suspend the Certificate granted by a Board if he considers the exhibition of any particular film is open to objection. A Local Government also has power under the Act to declare any film passed by a Board to be an uncertified film in the whole or any part of the province.

Shaikh Sadiq Hasan : Would it not be advisable to have on such Boards Mussalmans who know about the sentiments of the Muslim public ?

The Honourable Sir Harry Haig : I have no reason to suppose that the Muslim members of the Censorship Boards are other than those described by the Honourable Member.

Maulvi Muhammad Shafee Daoodi : May I know who are the members at present ?

The Honourable Sir Harry Haig : I have not got their names. The main Boards sit at Bombay and Calcutta. Except in Burma, every Censorship Board has a Muslim representative.

Shaikh Sadiq Hasan : Are you aware of the fact that in the case of many films a hue and cry has been raised among the Mussalmans and that they had objections to such films ?

The Honourable Sir Harry Haig : I can only repeat what I said at the beginning of my answer, that I have received no recent complaints from any Muslim bodies in this matter.

Shaikh Sadiq Hasan : Are you aware that a film called *Hur-i-Haram* was shown in Amritsar and that there was a great deal of trouble about it ?

The Honourable Sir Harry Haig : I have no information on that point, but I wish once more to explain that the Government do realise very fully the importance of ensuring proper and efficient censorship of films and, in view of the elaborate arrangements which I have described in my answer, I think that it should be possible to secure that censorship.

BOMBARDMENT OF CERTAIN VILLAGES OF INDEPENDENT TRIBES ON THE NORTH-WEST FRONTIER BY BRITISH AEROPLANES.

485. ***Shaikh Sadiq Hasan** : Will Government be pleased to state if it is a fact that villages of independent tribes of the North-West Frontier were bombarded by British aeroplanes ?

Mr. G. R. F. Tottenham : The facts have already been given to the House. A single village was bombed, after due warning had been given to enable the inhabitants to remove themselves to a place of safety.

†486*—545*.

CONFIDENTIAL REPORT SUBMITTED BY THE HAJ ENQUIRY COMMITTEE.

546. ***Mr. M. Maswood Ahmad** : Will Government be pleased to lay on the table of this House or to keep in the library a copy of the confidential report submitted by the Haj Inquiry Committee ?

Mr. G. S. Bajpai : In case there is a confidential report, my Honourable friend will agree that it could not be laid on the table of the House.

Mr. M. Maswood Ahmad : Is there any such report ?

Mr. G. S. Bajpai : You will remember, Sir, that since the beginning my Honourable friend has been repeating questions on that point. I have nothing to add to the answers I have been giving him.

Mr. M. Maswood Ahmad : I do not want to know the information. I only want to know whether there is such a report. I want to know from Government whether they are aware that there is such a report ?

Mr. G. S. Bajpai : I answered not in my personal capacity, but on behalf of Government.

Mr. M. Maswood Ahmad : May I take it that there is no confidential report ?

Mr. G. S. Bajpai : If my Honourable friend knows, he need not ask and, if he does not know, I cannot enlighten him.

Mr. M. Maswood Ahmad : I have not seen all the contents of the report and so I do not know. May I take it that there is no confidential report at all ?

Mr. G. S. Bajpai : I have nothing to add to the answer which I have given.

Mr. Uppi Sahib Bahadur : Is there any supplementary report ?

Mr. G. S. Bajpai : I am not aware of any supplementary report.

Mr. M. Maswood Ahmad : I want protection from the Chair. I have put a simple question and the Honourable Member can say " Yes " or " No ".

Mr. Uppi Sahib Bahadur : I want to know whether there is any report other than the report of the Haj Committee which has been published.

Mr. G. S. Bajpai : The report of the Haj Committee has been published.

Mr. Uppi Sahib Bahadur : Is there any other report ?

Mr. G. S. Bajpai : That is the only published report.

Mr. M. Maswood Ahmad : Is there any report which is confidential ?

Mr. G. S. Bajpai : I have already given such facts as I know.

Mr. Lalchand Navalrai : What objection has the Honourable Member to say that he is not prepared to say, instead of giving evasive answers.

†For these questions and answers thereto, *see* Legislative Assembly Debates, dated the 1st September, 1933.

Mr. G. S. Bajpai : My Honourable friend says that my reply is evasive. I have already given the information that I have.

Mr. Lalchand Navalrai : Does the Honourable Member know that there has been so much protest on this side ? If it is confidential, he should say that it is confidential.

Mr. G. S. Bajpai : My reply was that if there is a confidential report, it could not be laid on the table of the House.

Mr. M. Maswood Ahmad : What is the meaning of " if there is " ? I want to know if there is such a report ?

Mr. G. S. Bajpai : I told my Honourable friend that if he knows, he need not ask, and that if he does not know, I cannot enlighten him.

Kunwar Hajee Ismail Ali Khan : Has he seen any confidential report ?

Mr. M. Maswood Ahmad : In my private capacity, I have seen confidential report once, but, not as a member of any committee, and I do not know all the contents of the confidential report.

Mr. Lalchand Navalrai : May I know if the Honourable Member's reply was evasive or not ?

Mr. G. S. Bajpai : My Honourable friend tried to seek protection from you. I think I have a right to say that when Members come into possession of confidential information in the capacity of Members elected by the House, they cannot, with propriety, disclose that information on the floor of the House.

Mr. M. Maswood Ahmad : I have not seen the report in that capacity.

PURCHASE OF GRAIN FOR THE MILITARY AND MANAGEMENT OF THE DEPOTS.

547. ***Mr. Jagan Nath Aggarwal :** (*a*) Will Government be pleased to state :

(*i*) The period for which the agency for purchasing grain for the military and for managing the depots has been under the control of Messrs. Owen Roberts & Co., Ltd. ?

(*ii*) The total amount paid up to date to this private limited firm in commission and in remuneration ?

(*b*) Is it a fact that vast sums were paid in commission and remuneration to this private firm during a long period without ever calling for a public tender ?

(*c*) Is it a fact that, as a result of grave dissatisfaction existing among prospective Indian tenderers, the military authorities have now called for public tenders ?

(*d*) Is it a fact that the conditions attached to this tender are such as would give an advantage in tendering to the present holders of the contract, principally on the following grounds :

(*i*) the tenderers are expected to show experience of purchasing, crushing and handling grain for a number of years ;

(*ii*) the tenderers are expected to take over and work with the existing establishment set up by the present holders ?

Mr. G. R. F. Tottenham : (*a*) (*i*). About seven years.

(*ii*) It would be improper, especially at the present juncture when new tenders are being invited, to disclose the amounts paid to the present Agent.

(*b*) No, the agency for grain purchase was given as a result of open competitive tender and was followed, after a probationary period, by the grant of the agency for the management of the depots.

(*c*) Tenders have been invited for the usual reasons.

(*d*) No. Tenderers have been asked to explain the nature and extent of their special knowledge and experience of the grain trade and to state the establishment which they propose to employ and the estimated cost thereof. Until information on these points is forthcoming, it cannot be stated whether the present agents have an advantage over other tenderers.

Mr. Gaya Parasad Singh : May I know if Messrs. Owen Roberts and Company were given the contract after calling for a public tender in the usual manner ?

Mr. G. R. F. Tottenham : Yes, they were.

PURCHASE OF GRAIN FOR THE MILITARY AND MANAGEMENT OF THE DEPOTS.

548. ***Mr. Jagan Nath Aggarwal :** (*a*) Will Government be pleased to state the facts relating to the experience possessed by the present holders, Messrs. Owen Roberts & Co., Ltd., in purchasing and handling grain before the contract was privately handed over to them ?

(*b*) Have Government considered whether all this work could be handled by an officer of the Indian Stores Department, thus effecting a saving of several lakhs to the Exchequer ?

Mr. G. R. F. Tottenham : (*a*) As already explained, the purchase and handling of grains was not privately handed over to Messrs. Owen Roberts and Company, Limited.

Before the firm secured the agency Mr. Owen Roberts was the manager of the up-country organisation of Messrs. Clements Robson and Company, one of the principal grain exporting firms in India. He possessed a wide and intimate knowledge of the Northern India grain trade.

(*b*) No. The Indian Stores Department do not undertake the purchase of foodstuffs.

Mr. N. M. Joshi : May I know why the Indian Stores Department cannot undertake this work ?

Mr. G. R. F. Tottenham : I do not think I am in a position to answer that question.

Mr. N. M. Joshi : I am asking the Member of Government in charge of the subject.

The Honourable Sir Frank Noyce : I do not think the Department have either the staff or the experience.

Mr. N. M. Joshi : May I ask whether Government will consider the desirability of having an organisation in the Stores Department to do this ?

The Honourable Sir Frank Noyce : Government consider that the present arrangements are the most suitable for the purpose.

Mr. Jagan Nath Aggarwal : Is it not a fact that the Stores Department want more work and that they pressed upon the Retrenchment Committee the desirability of the Army and the railways purchasing through them ?

The Honourable Sir Frank Noyce : That is so, but it does not want this particular business.

Mr. Jagan Nath Aggarwal : Is there any statutory disability against their doing this business ?

The Honourable Sir Frank Noyce : None.

PURCHASE OF GRAIN FOR THE MILITARY AND MANAGEMENT OF THE DEPOTS.

549. ***Mr. Jagan Nath Aggarwal :** (*a*) Is it a fact that in the published tender a condition is laid down that the Director of Contracts is not bound to accept the lowest tender ? Will Government be pleased to state the reasons for laying down such a condition ?

(*b*) Will Government be pleased to state the reason for demanding from the tenderers a heavy security of 2½ lakhs of rupees for purchasing and handling grain ?

Mr. G. R. F. Tottenham : (*a*) This clause appears in most invitations for tenders, for the very obvious reason that the lowest tender may not always be suitable.

(*b*) The deposits of 1½ lakhs in respect of grain purchase and of 1 lakh in respect of depot management have been demanded with reference to the volume of business and the responsibility which devolves on the agents owing to the fact that large sums of Government money are advanced to them for the purchase of grains and much valuable Government property is entrusted to their charge.

Mr. N. M. Joshi : May I know whether in those cases where the tender is not accepted, there is any special supervision exercised by Government ?

Mr. G. R. F. Tottenham : The officer who receives the tender, if he does not propose to accept the lowest tender, has to give a full explanation of his reasons for doing so.

Mr. N. M. Joshi : Is there any system by which Government closely examines those cases ?

Mr. G. R. F. Tottenham : I must ask for notice of that question.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

550. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state if it is a fact that at the time of retrenchment in the Survey of India Department in the year 1931, the Surveyor General in his departmental order No. 2718, dated the 3rd November, 1931, laid down that men for retrenchment had been selected from those who (*i*) volunteered to accept

compensatory terms, or (*ii*) were already entitled to full or substantial pensions, or (*iii*) were below the average in efficiency, or (*iv*) were young enough to make a fresh start in life ?

Mr. G. S. Bajpai : Yes.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

551. ***Mr. Jagan Nath Aggarwal :** (*a*) Is it a fact that in Class II service of the Survey of India Department four officers with less than 10 years' service were selected for retrenchment and the remaining with the exception of one with over 25 years service ?

(*b*) Is it a fact that these four young officers have been paid gratuities for their satisfactory service and will also be entitled to draw pension under the new rules ?

(*c*) Is it a fact that Government are now holding a competitive examination for filling of seven vacancies in the same service ?

(*d*) Is it a fact that out of these officers two had stood first in the competitive examination ?

(*e*) Is it a fact that of these two officers mentioned in part (*d*) above, one Mr. Seth Ram Gupta has received an all-round training, *i.e.*, in plane tabling (both plains and hills), traverse, triangulation, rectangulation, and air surveys, and has held charge of camps and sections ?

(*f*) If the answers to parts (*d*) and (*e*) above be in the affirmative, will Government be pleased to state why they are not taking those trained officers back who are still on leave, instead of recruiting new hands whom they will have to train afresh ?

Mr. G. S. Bajpai : (*a*) Four of the officers selected for retrenchment had less than 10 years' service, two between 10 and 25 years' service and the remainder more than 25 years' service.

(*b*) Yes, except one who is not entitled to a pension.

(*c*), (*d*) and (*e*). The reply is in the affirmative.

(*f*) I would refer the Honourable Member to the reply given to part (*c*) of question No. 346 in this House on 1st September.

ADVERTISEMENT FOR PROBATIONERS FOR CERTAIN POSTS AT THE RAILWAY SCHOOL, CHANDAUSI.

552. ***Mr. A. Das :** (*a*) Has the attention of Government been drawn to the following advertisement which appeared on page 6, of the *Pioneer*, dated the 29th July, 1933 :

> "Wanted Probationers for Assistant Station Masters and Signallers training at the Chandausi School. Candidates must be Muslims and have passed the Matriculation or equivalent examination, they must hold a diploma in telegraphy from a recognised telegraph training institution.
>
> Application with copies of certificates should be addressed to the Office Superintendent, Divisional Superintendent's Office, Howrah, and reach him before the 15th August, 1933.
>
> Applications are to be forwarded in a cover superscribed 'Application for appointment as probationer'.
>
> Divisional Superintendent, Howrah,
> E. I. R.".

If not, will Government be pleased to state why only applications were invited from a particular community to the exclusion of others ?

(*b*) Was the advertisement referred to in part (*a*) above put in under the direction of the Railway Board ?

(*c*) What is the policy of the Railway Board for the filling of new posts in future ?

(*d*) Was a similar advertisement issued for the employment of non-Muslims for any post ?

(*e*) What step do Government propose to take to put a stop to such communal advertisements ?

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

EMPLOYMENT OF TWO SPECIAL SQUADS OF TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

553. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the East Indian Railway authorities have recently engaged two special squads of ticket examiners, consisting mostly of Anglo-Indians, who were in the surplus list, on the plea that in three months (January to March last) no less than four lakhs of passengers were detected travelling without tickets on the East Indian Railway ?

(*b*) Is it a fact that most of these Anglo-Indians have been recruited from the cleaner class, who were drawing Rs. 15 per month and are now getting Rs. 75 per month, with free furnished quarters and consolidated allowance amounting to 50 per cent. of their pay ; and that the estimated cost of this establishment is nearly Rs. 45,000 per annum ?

(*c*) Is it a fact that the Indian Travelling Ticket Examiners who are doing the same jobs are given allowances of Rs. 13 and Rs. 17 only, and no quarters or house allowance is given to them ?

(*d*) Are Government aware that these newly appointed Anglo-Indians have already made themselves prominent by their rough behaviour with the public, so much so that the travelling public in certain areas have decided to take to buses ?

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

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

INDUSTRIES GIVEN PROTECTION UNDER THE SAFEGUARDING OF INDUSTRIES ACT.

554. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state how many industries have been given protection under the Safeguarding of Industries Act of 1933 ?

(*b*) Will Government be pleased to state the amount of additional customs duty leviable on the articles which have been protected under the Safeguarding of Industries Act of 1933 ?

(*c*) Will Government be pleased to state which industries have applied to them for protection under the Safeguarding of Industries Act, 1933 ?

(*d*) Will Government be pleased to state the names of the industries the application for whose protection under the Safeguarding of Industries Act, 1933, is being examined by them and in respect of which questionnaires have been issued for answers ?

(*e*) Do Government propose to keep in view the interest of the public who consume the articles ?

The Honourable Sir Joseph Bhore : (*a*) None.

(*b*) None.

(*c*) A statement giving the required information is laid upon the table.

(*d*) The Honourable Member is referred to the statement which has been laid upon the table.

(*e*) Yes.

List of Industries that have applied for protection under the Safeguarding of Industries Act, 1933.

Name of Industry.	*Article specifically mentioned.*
1. Wire and wire-nail	(*a*) Wire. (*b*) Wire-nail.
2. Woollen mill	(*a*) Woollen piecegoods. (*b*) Woollen hosiery. (*c*) Woollen blankets and rugs.
3. Straw board	Straw Board.
4. Pottery	(*a*) Porcelain— (*i*) insulators. (*ii*) stoneware jars. (*b*) Earthenware— (*i*) tea and tableware. (*ii*) inkpots table. (*iii*) gallipots. (*iv*) dolls-toys. (*v*) sanitaryware. (*vi*) glazed tiles.
5. Iron and steel pipes	(*a*) Cast iron pipes. (*b*) Steel pipes. (*c*) Asbestos cement pipes.
6. Cotton braid	Cotton braids.
7. Soap	(*a*) Toilet soap. (*b*) Household and Laundry soap.
8. Beer	Beer.
9. Paper	(*a*) White printing paper. (*b*) Cream-laid paper.
10. Cement	Portland Cement.

Name of Industry.	*Article specifically mentioned.*
11. Hosiery	(*a*) Cotton— (*i*) underwear. (*ii*) socks and stockings. (*iii*) garments. (*b*) Woollen.
12. Cotton taxtile	(*a*) Cotton wicks, tapes, webs, nivar, etc. (*b*) Cotton listerings (belting).
13. Cotton handkerchiefs	Cotton handkerchiefs.
14. Enamelled ware	Enamelled iron ware.
15. Cotton piecegoods	(*a*) Artificial silk piecegoods. (*b*) Cotton towels.
16. Glass	(*a*) Sheet glass. (*b*) Globes and chimneys. (*c*) Tumblers. (*d*) Stoppered jars. (*e*) Bangles.
17. Rubber-soled canvas shoes ..	Rubber-soled canvas shoes.
18. Cotton yarn	Cotton yarn.
19. Wood-screws	Wood-screws.
20. Mother-of-pearl buttons	Mother-of-pearl buttons.
21. Leather and leather shoes ..	(*a*) Leather tanning. (*b*) Canvas shoes. (*c*) Rubber shoes. (*d*) Boots and shoes (in general). (*e*) Imitation leather suit cases, purses, etc.
22. Silk	Silk and silk goods.
23. Vegetable oil	....
24. Pencil	Pencil.
25. Chemicals	(*a*) Potash. (*b*) Alum. (*c*) Coal tar products.
26. Paints	(*a*) White lead. (*b*) Red lead. (*c*) Zinc white. (*d*) Coloured paints. (*e*) Enamels. (*f*) Water paints. (*g*) Dry colours. (*h*) Varnishes.
27. Fruit growing	Apples.
28. Playing cards	Playing cards.
29. School slate	School slate.
30. Hurricane lantern	Hurricane lanterns.
31. Leather belting	Leather belting.
32. Bobbin manufacturing	Bobbins.
33. Umbrella making	Umbrellas.
34. Sugarcandy	Sugarcandy.
35. Ink industry	Writing and stamping ink.
36. Agricultural implements industry ..	Pumps, etc.
37. Indian handloom industry ..	Artificial silk products.
38. Indian Cable Co.	Electric wires and cables.
39. Iron and steel cast foundering ..	Castings, etc.

EXPIRY OF THE INDO-JAPANESE TRADE CONVENTION OF 1905.

555. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the date on which the Indo-Japanese Trade Convention of 1905 will expire ?

The Honourable Sir Joseph Bhore : The Indo-Japanese Trade Convention will expire on the 10th October, 1933.

IMPENDING VISIT OF A JAPANESE DELEGATION FOR NEGOTIATIONS FOR A TRADE CONVENTION.

556. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware of any impending visit of any Japanese delegation for negotiations for a trade convention ?

(*b*) Have Government received any information from the Japanese Government ?

(*c*) Have Government received any correspondence from the Secretary of State in this connection ?

(*d*) Before accepting any proposal of the Japanese delegation, do Government propose to place it before a select committee of this House ?

The Honourable Sir Joseph Bhore : (*a*) A Delegation representing the Government of Japan will shortly arrive in India for the purpose of negotiating a trade agreement. The Honourable Member's attention is invited to the communiqué published on the 10th August, 1933.

(*b*) I regret that the Honourable Member's question is not quite clear to me.

(*c*) Yes.

(*d*) If the acceptance of any proposal involves legislation, it must to that extent necessarily come before the Legislature.

Mr. M. Maswood Ahmad : Will these delegates come here in their official capacity as representatives of the Japanese Government ?

The Honourable Sir Joseph Bhore : In what other capacity does my Honourable friend suggest they will come ?

Mr. M. Maswood Ahmad : They may come in their private capacity to discuss this question with the Government of India.

The Honourable Sir Joseph Bhore : No, Sir. It is a formal official deputation representing the Japanese Government that is on its way to India to negotiate a trade agreement.

Mr. B. Das : Will Government kindly say whether all the interests will be represented on the side of the Indian Government ?

The Honourable Sir Joseph Bhore : No interests will be represented in the Conference for the simple reason that the Conference is between the official representatives of the Indian Government and the official representatives of the Japanese Government. But the Government are taking all steps in their power to ensure that they will, during the conduct of negotiations, be kept in the closest touch with industrial, commercial and other interests concerned so that they may not leave any consideration out of account in coming to their conclusions.

Mr. B. Das : May I ask if the interests of labour, the consumer, and the cotton growers will also be represented and will be taken as advisers to the Government ?

The Honourable Sir Joseph Bhore : Government will take into account all these interests.

Mr. N. M. Joshi : May I ask what steps have been taken to get the representation of labour interests in these matters ?

The Honourable Sir Joseph Bhore : I am quite sure that the Government will not neglect labour interests. As my Honourable friend knows, my colleague, the Honourable Sir Frank Noyce, is a member of our official delegation and, I am sure, that the interests of labour will be perfectly safe in his hands.

An Honourable Member : What about the consumer ?

Mr. N. M. Joshi : May I ask whether the Honourable Member in charge of Industries and Labour will represent the Government or labour interest ?

The Honourable Sir Joseph Bhore : He will represent the Government undoubtedly, but I have not the faintest doubt that he will also represent the interests of labour as well.

An Honourable Member : And of industries !

ORGANISATIONS INVITED FOR GIVING EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

557. ***Mr. M. Maswood Ahmad :** Will Government be pleased to place on the table of this House a statement giving :

(*i*) the names of the organisations which applied formally or informally, for giving evidence before the Joint Parliamentary Committee ;

(*ii*) the names of organisations which were allowed to give evidence before the Joint Parliamentary Committee ;

(*iii*) the names of organisations which were invited by the Joint Parliamentary Committee for giving evidence before them ?

The Honourable Sir Joseph Bhore : It was entirely at the discretion of the Joint Parliamentary Committee to decide what witnesses it would hear, and its procedure in dealing with applications. Beyond the provisional list of associations and persons contained in the communiqué of 1st June, which I lay on the table, the Government of India have no information on the points put by the Honourable Member.

List of associations and persons invited by the Joint Select Committee on Indian Constitutional Reform to attend and give evidence before them. This list is provisional and may still be added to :—

1. Chamber of Princes,
2. Kashmir,
3. Cochin,
4. Group of Southern Mahratta States,

5. Hindu Mahasabha,
6. All-India Varnashram Swarajya Sangha,
7. Central Hindu Committee of Legislature,
8. South Indian Liberal Federation,
9. All-India Muslim Conference,
10. All-India Landholders' Association, British Indian Association, Calcutta, Madras Landholders' Association, Agra Zamindars' Association, Bihar Landholders' Association, Bengal Landholders' Association, Taluqdars of Oudh, Bombay Sardars and Inamdars.
11. Sind Separation Conference,
12. Sind Hindu Sabha,
13. European Association,
14. Associated Chambers of Commerce,
15. Merchants Chamber of Commerce, Cawnpore, U. P. Chamber of Commerce, Bengal Mahajan Sabha,
16. Indian Trades Union Federation, Bengal Trade Union Federation,
17. All-India Women's Conference, National Council of Women and Women's Indian Association,
18. Mahila Samiti (Ladies' Association), Bengal,
19. Central I. C. S. Association, I. C. S. Retired Association,
20. All-India Association of European Government Servants,
21. Indian Police Association,
22. Indian Officers' Association (Calcutta),
23. Indian Empire Society,
24. British Committee for Indian Women's Franchise,
25. Shipowners' Parliamentary Committee,
26. Manchester Chamber of Commerce,
27. British Insurance Association,
28. Colonel Wedgwood,
29. Miss Rathbone,
30. Wing Commander James, M.P., Dr. Hutton,
31. Pandit Nanak Chand,
32. Mr. Sachidananda Sinha,
33. Field Marshal Sir Claud Jacob,
34. Sir Francis Griffith,
35. Sir M. O'Dwyer,
36. Mr. Douglas Dewar,
37. Sir Louis Stuart,
38. The Anglo-Indian and Domiciled European Association (Sir H. Gidney delegate).

REFORMS OFFICE,

Imla, the 1st June, 1933.

Mr. M. Maswood Ahmad : It means that the Government of India re not aware of the names of organisations which applied formally hrough the Reforms Office to the Joint Parliamentary Committee ?

The Honourable Sir Joseph Bhore : I am laying a statement on the table and my Honourable friend would do well to consult that statement.

AMOUNT PAID TO EACH WITNESS INVITED TO GIVE EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

558. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state what amount has been given or is to be given to each witness of the different organisations who went to England to give evidence before the Joint Parliamentary Committee ?

(*b*) Will Government be pleased to state whether the money which has been paid or is to be paid to the witnesses has been paid or is to be paid from the Indian exchequer or from the British exchequer ?

The Honourable Sir Joseph Bhore : I would refer the Honourable Member to the reply which I gave to his question No. 131 on the 29th August, 1933.

KEEPING OF THE CALCUTTA HIGH COURT IN THE NEW CONSTITUTION ON DIFFERENT FOOTING FROM THAT OF OTHER HIGH COURTS.

559. ***Mr. M. Maswood Ahmad :** Is it a fact that Government have recommended to the Secretary of State for India that the Calcutta High Court should under the new Constitution be kept on a footing different from that of the High Courts of other provinces ?

The Honourable Sir Harry Haig : The position of High Courts under the new Constitution is before His Majesty's Government and I am not in a position to state what recommendations the Government of India have made in the matter.

RENTING OF THE LONG CORRUGATED IRON SHED TO THE SUMMER HILL COMMANDANT.

560. ***Mr. Muhammad Anwar-ul-Azim :** (*a*) Will Government be pleased to state the particular purpose for which the long corrugated iron shed which was rented to the Summer Hill Commandant, with "E" Barrack, for the storage of coal, etc., is now used ?

(*b*) What is its assessed value ?

(*c*) Is it used now as a carpenter's workshop, and if so, will Government be pleased to justify accommodating the carpenter there ? Is a carpenter engaged on daily wages entitled to use free Government servant quarters or such buildings ?

(*d*) Have Government considered whether this shed can be converted into a rickshaw shed and be given to a rickshaw chaudhari ? If not, why not ?

(*e*) Will Government be pleased to state the number of buildings lying vacant at Summer Hill ?

(*f*) Are Government prepared to consider the question of renting them to the public, whenever asked for, in order to get a return of the capital invested therein ?

(*g*) Will Government be pleased to state if any offer to rent the long corrugated iron shed was received this year ? If so, will they be pleased to state why it was not rented ? Have Government considered whether buildings such as (*i*) the coffee shop near "A" Barrack, (*ii*) the whole of "E" Barrack consisting of 40 rooms, and (*iii*) the carpenters' old workshop, next-door to the Overseer's office at Summer Hill can be used as a workshop ?

(*h*) Will Government be pleased to state the circumstances under which the old workshop was vacated and shifted to the long corrugated iron shed ?

(*i*) Is it a fact that the old workshop was rented to a draughtsman by the Executive Engineer ? If so, how much rent was realised ?

(*j*) Will Government be pleased to state the name of the person who is responsible for the loss of rent of such vacant buildings, built from public funds, and the reason why public offers were refused ?

The Honourable Sir Frank Noyce : (*a*) The shed is used for storage of materials and plant required for maintenance of Summer Hill quarters, and also as a shelter for departmental labour when the necessity arises.

(*b*) Its assessed value is Rs. 882.

(*c*) No ; the carpenter does not live in the shed and the remaining part of the question does not arise.

(*d*) No ; the shed is required for the use of the Central Public Works Department.

(*e*) Barrack 'C' (7 rooms), Barrack 'D' (3 rooms) and Barrack 'E' (all the rooms, *i.e.*, 32).

(*f*) The buildings are rented to suitable persons when demands arise, provided they are not required by entitled officials.

(*g*) Yes, an offer was received to rent this shed, and it was not accepted as the shed was required for the purposes mentioned in part (*a*) above. The reply to the latter portion is in the negative.

(*h*) No information is available. It is understood that a workshop never existed in the shed referred to.

(*i*) No. A draftsman while working there temporarily occupied a portion of the office building while carrying out his official duties.

(*j*) The question does not arise. Every endeavour is made to rent residential accommodation as far as it is compatible with the rules.

SALE OF THE SURPLUS LAND AT SUMMER HILL CALLED THE FOOTBALL GROUND.

561. ***Mr. Muhammad Anwar-ul-Azim :** (*a*) Will Government be pleased to state the rate, per acre or bigha, at which the surplus land at Summer Hill called the football ground, has been sold to Mr. Ganga Ram Kauda ?

(*b*) How many similar offers for other surplus and waste land lying at Summer Hill have been received and refused by the Executive Engineer, Simla, and for what reasons ?

(*c*) Is the surplus land at Summer Hill public property ?

(*d*) Why was it not sold by public auction ?

The Honourable Sir Frank Noyce : (*a*) A rate of Rs. 507-14-0 per bigha, as assessed by the Civil Revenue authorities at Simla, was fixed in connection with this sale.

(*b*) No other offers for surplus and waste land have been received or refused by the Executive Engineer. One application from Sardar Sahib Bur Singh was received for a plot of land, neither surplus nor waste, which was not considered available for sale.

(*c*) Yes.

(*d*) Government do not consider it desirable to sell land in this vicinity by public auction.

PERMISSION TO RAILWAY EMPLOYEES TO PAY THEIR INSURANCE PREMIA FROM THE PROVIDENT FUND.

562. ***Mr. Muhammad Anwar-ul-Azim** : (*a*) Is it a fact that Railway employees are not allowed to pay their insurance premia from their Provident Fund ?

(*b*) Are Government aware that a representation on the subject was made in 1932 to the Agent, North Western Railway, without any reply from him ?

(*c*) Are Government aware that the Railway employees are greatly handicapped for want of this facility ?

(*d*) Will Government be pleased to state whether they are prepared to consider this matter satisfactorily for the benefit of the Railway employees ? If so, when ? If not, why not ?

Mr. P. R. Rau : (*a*) The State Railway Provident Fund Rules do not grant such a concession.

(*b*) The Agent, North Western Railway, has brought this matter to the notice of Government.

(*c*) and (*d*). The question is at present under consideration.

CREATION OF INSURANCE COMPANIES IN INDIA.

563. ***Mr. Muhammad Anwar-ul-Azim** : (*a*) Is it a fact that the Government Actuary expressed in the 1931 Year Book that creation of more insurance companies is undesirable (*vide* page 10, para. 19) ?

(*b*) If the reply to part (*a*) be in the affirmative, do Government propose to stop the creation of more insurance companies ? If not, why not ?

(*c*) Are Government aware that the public of India are losing confidence in insurance companies—Indian companies in general—and that well established Indian Assurance companies are therefore losing business ?

The Honourable Sir Joseph Bhore : (*a*) The Actuary referred to life assurance companies only.

(*b*) No. Government have no power to do so under the existing law.

(*c*) No. New business increased steadily (except for a slight check in 1930) from 5,64 lakhs in 1922 to 17,76 lakhs in 1931.

Mr. R. S. Sarma : Do Government realise that the time has now come for a more stringent insurance legislation and that failure to do so would involve a large number of people in utter ruin ?

The Honourable Sir Joseph Bhore : The question is under the general consideration of the Government of India.

Mr. B. Das : Is it not a fact that the Government have been shelving the amendment of the Insurance Act for the last seven years and that Government have been considering all these years ?

The Honourable Sir Joseph Bhore : I cannot state exactly what the period of time involved is, but I can only endorse the latter part of my Honourable friend's question, namely, that the Government are still considering.

Mr. B. Das : Have not the Government taken an inordinate time since 1929 to consider this question ?

The Honourable Sir Joseph Bhore : I cannot admit that the time is inordinate considering the intricacy of the subject.

AERIAL BOMBARDMENT AT KOTKAI ON THE NORTH-WEST FRONTIER.

564. ***Mr. Muhammad Azhar Ali** : (*a*) Will Government be pleased to state the circumstances which led them to believe that *Kotkai* in the tribal country was completely evacuated before the aerial bombardment was begun by the Royal Air Force machines ?

(*b*) Is it a fact that two tribal women carrying water pitchers from a distance and children in their arms while on their way back home to *Kotkai* were among the many victims of this bombardment ?

(*c*) Is it a fact that a mosque with three copies of the Holy Qoran was set on fire and completely burnt down by this bombardment ?

(*d*) Is it also a fact that no fewer than seventeen old men, women and children who were unable to carry arms, were the victims of this bombardment from the air ?

(*e*) What were the means adopted by Government to meet similar situations in the tribal country when the aerial service did not exist as a weapon of war ?

(*f*) What is the probable cost of the present expedition into the tribal country, both by land and air, separately ?

(*g*) Do Government propose to appoint a commission of enquiry, composed of official and non-official members, to enquire into the above allegations ? If not, why not ?

Mr. G. R. F. Tottenham : The House has already been placed in possession of the main facts relating and leading up to the incident to which the Honourable Member refers. The answers to the various parts of his question are as follows :

(*a*) Forty-eight hours notice was given before the bombing took place and the village presented a deserted appearance when it was bombed.

(*b*), (*c*) and (*d*). The Government have made the closest possible enquiries both from military and civil sources, and so far as they have been able to ascertain, not a single human being was killed and only one man was injured. It is reported that two beams were damaged in a small mosque, the existence of which was previously unknown, but it is still standing, and it was certainly not completely burnt down. There is no reason to believe that any copies of the Koran were left in the mosque when the village was evacuated, still less that any of them were damaged in any way.

(*e*) In the absence of the Royal Air Force, the only alternative would have been an expedition by land forces. As Kotkai is 30 miles from the nearest road across very mountainous country, and another 45 from rail head, such an expedition would have been a long and costly business and would almost certainly have involved a considerable number of casualties on both sides.

(*f*) The cost of the air expedition amounted to under Rs. 15,000. No land operations have been, or are being, undertaken in Bajaur, but a land expedition would have cost several lakhs of rupees a month.

(*g*) In view of the explanations given the Government do not consider that any such enquiry is necessary.

CLERICAL STAFF OF THE CURRENCY OFFICES IN INDIA.

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

(*a*) whether the clerical staff of the Currency Offices in India is divided into two parts, *viz.*, pensionable and non-pensionable ? If so, how many are pensionable and how many non-pensionable in each Currency Office ;

(*b*) whether the whole staff of the Currency Offices will be required if the Reserve Bank is started ? If not, do Government propose to see that in these hard days of depression and unemployment none from the Currency Offices is thrown out of employment owing to the creation of the Reserve Bank ?

The Honourable Sir George Schuster : (*a*) It is correct that the clerical staff of the Currency offices is partly pensionable and partly non-pensionable. Information regarding the exact number of each class is not immediately available.

(*b*) Pending the decision of the Legislature on the proposed Reserve Bank Bill, the whole question is hypothetical.

Mr. Lalchand Navalrai : May I know if the Currency Office will remain in existence when the Reserve Bank comes into force ?

The Honourable Sir George Schuster : Is there any Currency Office to remain in existence, is that the Honourable Member's question ?

Mr. Lalchand Navalrai : The present one.

The Honourable Sir George Schuster : It is impossible to state in answer to a short question exactly what the arrangements will be when the Reserve Bank comes into operation. But obviously Currency Offices as such will practically disappear.

Mr. Lalchand Navalrai : Does the Honourable Member know whether in the proposals for the Reserve Bank anything has been decided about these Currency Offices ?

The Honourable Sir George Schuster : We have not reached that stage yet.

ABOLITION OF THE POST OF DISTRICT MEDICAL OFFICER ON THE ROHILKUND AND KUMAON RAILWAY.

566. ***Mr. Muhammad Azhar Ali :** (*a*) Is it a fact that since an Indian has been appointed as Civil Surgeon at Bareilly, United Provinces, the District Medical Officer's post on the Rohilkund and Kumaon Railway has been abolished and his salary given to the Chief Medical Officer, Gorakhpur, United Provinces ?

(*b*) Are Government aware that cases of urgent and serious nature cannot be attended to by the Medical Officer of Gorakhpur, United Provinces, thus causing great inconvenience to the public concerned ? Do Government propose to do anything to relieve the public of this inconvenience ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 566 and 567 together. I have called for information and will lay a reply on the table in due course.

HALF PAY GIVEN TO THE ROHILKUND AND KUMAON RAILWAY EMPLOYEES ON SICK LIST.

†567. ***Mr. Muhammad Azhar Ali :** Are Government aware that the employees of Rohilkund and Kumaon Railway, when placed on the sick list, are (*i*) given half-pay, and (*ii*) no average overtime is allowed by the Agent (*vide* Circular No. 50 of 1920) ?

GRIEVANCES OF THE EMPLOYEES OF THE ROHILKUND AND KUMAON RAILWAY.

568. ***Mr. Muhammad Azhar Ali :** Are Government aware that men on the Rohilkund and Kumaon Railway are compelled to do 300 hours of work during the busy season and during the slack season are placed on compulsory leave for three months without pay ?

Mr. P. R. Rau : If the Honourable Member would specify the period in which the staff of the Rohilkund and Kumaon Railway are supposed to work 300 hours, I will consider calling for information from the Railway Administration concerned.

DUTY OF ASSISTANT STATION MASTERS AT ROADSIDE STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.

569. **Mr. Muhammad Azhar Ali :** Are Government aware that Assistant Station Masters at roadside stations on the Rohilkund and Kumaon Railway are compelled to do 24 hours duty every day, and that the late Assistant Station Master, Baluri station, was punished for refusing to work for 24 hours ?

†For answer to this question, *see* answer to question No. 566.

Mr. P. R. Rau : No, Sir. I have not been able to trace a station of that name in the alphabetical list of Railway stations in India prepared by the Indian Railway Conference Association.

RAILWAY ACCIDENT AT MALA, ROHILKUND AND KUMAON RAILWAY.

570. ***Mr. Muhammad Azhar Ali :** Are Government aware that the accident that took place at Mala on the 7th of July, 1933, was due to (*i*) the Assistant Station Master being overworked, (*ii*) a probationer pointsman with only 14 days' service, and with absolutely no knowledge and experience of his work, having been posted at that station, and (*iii*) the station not being inter-locked ? What steps do Government propose to take to remedy such evils in the Company's management ?

Mr. P. R. Rau : Government have no information. I am, however, sending a copy of this question and its reply to the Agent, Rohilkund and Kumaon Railway, for any action he may consider necessary.

POSTING OF EUROPEAN *ex*-SOLDIERS WITH NO KNOWLEDGE OF RAILWAY WORKING ON THE ROHILKUND AND KUMAON RAILWAY.

571. ***Mr. Muhammad Azhar Ali :** Is it a fact that European *ex*-soldiers with no knowledge of Railway working are being posted on a starting salary of Rs. 85 a month, while Indians who are fit and qualified are only given Rs. 24 per month on the Rohilkund and Kumaon Railway ?

Mr. P. R. Rau : Sir, with your permission I propose to deal with this and the next question together. I have called for information and will lay a reply on the table in due course.

EDUCATIONAL GRANTS GIVEN BY THE ROHILKUND AND KUMAON RAILWAY.

†572. ***Mr. Muhammad Azhar Ali :** (*a*) Will Government be pleased to lay on the table of this House a statement giving the figures regarding educational grants given by the Rohilkund and Kumaon Railway to (*i*) Indians, and (*ii*) Europeans and Anglo-Indians ?

(*b*) Is it a fact that only Rs. 2,500 is given for 20,000 Indian employees ?

(*c*) Is it also a fact that Members of Educational Committee only can get grants, while sons of station staff and others are deprived of the privilege ? In case the latter are given any grant what is the percentage of both ?

TENDERS FOR CATERING ON THE ROHILKUND AND KUMAON RAILWAY.

573. ***Mr. Muhammad Azhar Ali :** Will Government be pleased to state why tenders for catering on the Rohilkund and Kumaon Railway, are not advertised ?

Mr. P. R. Rau : The Rohilkund and Kumaon Railway Administration reports that the catering contractor has held the contract for many years, and that as no change is considered necessary there is no need to call for tenders.

†For answer to this question, *see* answer to question No. 571.

REST HOUSES AT CERTAIN STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.

574. ***Mr. Muhammad Azhar Ali :** (*a*) Are Government aware that Rest Houses on the Rohilkund and Kumaon Railway, are not given for occupation to Indian staff at Mailani, Kasganj, Lucknow and Moradabad and that they are thus compelled to occupy waiting rooms and thereby inconvenience the travelling public ?

(*b*) Are Government aware that the waiting rooms on the State section of this Railway between Lucknow junction and Bhojeepura are used as lamp rooms and Station Master's offices ?

Mr. P. R. Rau : Government have no information but a copy of the questions is being sent to the Agent, for such action as may be necessary.

REFUSAL BY THE ROHILKUND AND KUMAON RAILWAY TO SUPPLY ELECTRIC POWER TO INDIAN EMPLOYEES.

575. ***Mr. Muhammad Azhar Ali :** (*a*) Are Government aware that where electric power has been installed on the Rohilkund and Kumaon Railway, the Company refuses to supply electric current on the ground of the employees being Indians ?

(*b*) Will Government be pleased to state (*i*) if any Indians are supplied with electric current, and (*ii*) their percentage as compared with European staff ?

Mr. P. R. Rau : Government have no information but consider it unlikely that a railway worked on business princiles like the Rohilkund and Kumaun Railway would adopt such an attitude. I am, however, enquiring into the matter and shall lay a further reply on the table in due course.

PURCHASE OF THE ROHILKUND AND KUMAON RAILWAY.

576. ***Mr. Muhammad Azhar Ali :** (*a*) Are Government aware that the policy of the Rohilkund and Kumaon Railway Company, has been to hold up all improvements ?

(*b*) Have Government considered the question of the inadvisability of opening new sections in Southern India—where the Members of the Board have recently been touring for that purpose—for which loans will have to be raised and of not raising loans for the purchase of the Rohilkund and Kumaon Railway ?

Mr. P. R. Rau : (*a*) Government are not aware of any such policy, nor have they any reason to suspect its existence.

(*b*) The Honourable Member is under a misapprehension in believing that Members of the Railway Board have been touring for the purpose of opening new sections in Southern India. I may add that the question of starting new constructions in Southern India or elsewhere depends entirely on whether they are likely to be remunerative and whether funds can be provided for the purpose at the present. The earliest date on which the Rohilkund and Kumaon Railway can be bought out is December, 1937, and the purchase of that railway has therefore little to do with the other question.

CONSTRUCTION OF PLATFORMS AND OVERBRIDGES AT MAILANI AND BHOJEEPURA STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.

577. ***Mr. Muhammad Azhar Ali :** (*a*) Are Government aware that at Mailani and Bhojeepura stations passenger trains are admitted amongst a lot of goods wagons, thereby endangering the lives of the public and staff ?

(*b*) Are Government prepared to advise the Agent, Rohilkund and Kumaon Railway, to build overbridges and platforms at those places ? If not, why not ?

(*c*) Are the orders of the S. G. I. regarding the above being treated with contempt ? If so, why ?

Mr. P. R. Rau : Information is being obtained from the Railway Administration and a reply will be laid on the table in due course.

GRANT OF BENEFIT OF ENJOYING THE OLD SCALES OF PAY TO THE RETRENCHED STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT ON RE-EMPLOYMENT.

578. ***Mr. S. C. Mitra:** (*a*) Is it a fact that the new scales of pay will be applied to the staff who were in service prior to 15th July, 1931, and retrenched after 16th July, 1931, on account of economy in the Secretariat and its Attached Offices ?

(*b*) Will Government please state the number of such men who were retrenched and subsequently employed and are likely to be affected by the new scales of pay ?

(*c*) Are Government aware that many of these men would have been confirmed in the old scales of pay if there were no retrenchment ?

(*d*) Do Government propose to grant an option to the departments to allow the retrenched staff the benefit of enjoying the old scales of pay ? If not, why not ?

The Honourable Sir George Schuster : (*a*) Yes, the new scales of pay will apply to all who entered the Secretariat and its Attached Offices on or after 16th July, 1931, including re-employed retrenched personnel.

(*b*) Government have not the information readily available and do not think the result of its collection would justify the labour and time involved.

(*c*) This is possible, but the question is too hypothetical for Government to give a definite answer.

(*d*) No. The retrenched personnel re-employment rules apply not only to the Secretariat and Attached Offices but to all other services under the Government of India and it would be impossible for Government to make an exception in the case of these two particular classes of offices.

HOLDING UP OF CONFIRMATIONS OF SUBORDINATES IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

579. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the Government of India have imposed an embargo on all confirmations of subordinates in the Secretariat and Attached Offices ?

(*b*) Will Government please state how many cases have been held up for confirmation in the various Divisions in the Secretariat and Attached Offices as the result of this embargo ?

(*c*) When do Government propose to lift this embargo and will Government please state why this restriction has been imposed in the case of retrenched staff and whether they are prepared to set it aside in the case of retrenched staff since employed on permanent posts ?

(*d*) Are Government aware that there is a strong feeling in this House against this hard and unjust order ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) Government have not got the information readily available and do not think the result of its collection would justify the labour and time involved.

(*c*) The retrenched staff, when re-employed, are in the same position as new entrants to Government service and the embargo on confirmation automatically applies to them. The embargo will be removed on the issue of the new scales of pay which are now under publication.

(*d*) Government have no information.

PROMOTIONS OF ASSISTANT SURGEONS AND SUB-ASSISTANT SURGEONS OF THE INDIAN MEDICAL DEPARTMENT.

580. ***Mr. Gaya Prasad Singh :** (*a*) Will Government be pleased to state, separately for each year, the strength in the Indian Medical Department during the last five years, of (*i*) Assistant Surgeons, and (*ii*) Sub-Assistant Surgeons ?

(*b*) Will Government be pleased to state the system under which special supernumerary promotions are granted to members of the Indian Medical Department mentioned above ?

(*c*) How many such special supernumerary promotions have been granted during the last five years, (*i*) to Assistant Surgeons, and (*ii*) to Sub-Assistant Surgeons ?

(*d*) Has promotion been given to these two categories of the Indian Medical Department in the ratio of their existing strength ? If not, why not ?

(*e*) Is it a fact that proportionately more promotions have been given to Assistant Surgeons than to Sub-Assistant Surgeons ? If so, are Government prepared to consider the desirability of making good this shortage in future ?

(*f*) Is it a fact that when a Viceroy's commissioned officer in the Indian Army is given the honorary King's commissioned rank he is made to retire after four years of that promotion ? Does a similar rule exist in the Indian Medical Department for Sub-Assistant Surgeons ? If not, why not ?

(*g*) How many officers in the Indian Medical Department are holding the honorary King's commissioned rank, and for how long ?

(*h*) Is it a fact that by allowing such officers to continue in service for considerably longer period than four years, the chances of promotion of

other deserving officers are retarded ? If so, do Government propose to remedy this defect in the rules, so as to bring it into conformity with the practice that obtains in the Indian Army ?

Mr. G. R. F. Tottenham : (*a*) I lay on the table a statement giving the information desired by the Honourable Member.

(*b*) Special promotions are made under the provisions of paragraph 10 of Appendix XXVII to the Regulations for the Army in India.

(*c*) Two Assistant Surgeons.

One Sub-Assistant Surgeon.

(*d*) and (*e*). Promotions are given for individual merit alone ; the question of ratio therefore does not arise.

(*f*) No, Sir. There is no tenure for an Honorary King's Commissioned officer as such. The second and third parts of the question do not arise.

(*g*) Seven—one 5 years, two nearly 3 years each, and the rest less than one year each.

(*h*) In view of the answer to part (*f*) this question does not arise.

Statement showing the strength in the Indian Medical Department of certain Officers.

Year.	Assistant Surgeons.	Sub-Assistant Surgeons.
1928	592	895
1929	585	854
1930	569	877
1931	556	862
1932	530	829

ARREST OF MR. DEVIDAS GANDHI AT DELHI.

581. ***Mr. Gaya Prasad Singh :** (*a*) Is it a fact that as soon as Mr. Devidas Gandhi, accompanied by his wife, arrived at Delhi about the 6th August, 1933, in the night, he was served with a notice at the station under section 3 of the Punjab Criminal Law (Amendment) Act, 1932, asking him " to depart from the Delhi Province immediately, and remain outside its limits ", until further notice ?

(*b*) Are Government aware that Mr. Devidas Gandhi at once sent a reply to the Chief Commissioner, Delhi, in the course of which he said : " I have absolutely no intention of participating in the Civil Disobedience Movement in Delhi. I have chosen to come to Delhi not with any intention of taking part in politics, but with a view to settling down here in private life for at least a few months " ; and requested the Chief Commissioner to withdraw the order ? Was this letter delivered to the Chief Commissioner ?

(*c*) Are Government aware that in spite of the above disavowal, Mr. Devidas Gandhi was arrested at once, and taken to the Jail ? If so, why ? And what is the evidence in the possession of the Chief Commissioner, on which he is " satisfied " that there were sufficient grounds for taking action under the law referred to in part (*a*) above ? Did not Mr. Devidas visit Delhi many times during last winter, and did he take part in the Civil Disobedience Movement at the time ?

(*d*) Are Government aware that in the course of his statement before the Delhi Magistrate during his trial, Mr. Devidas Gandhi reiterated that he had come to Delhi with no intention of committing any breach of the law ? And are Government aware that the trying Magistrate held that so far as the question of satisfaction of the Chief Commissioner is concerned in regard to the possible activities of Mr. Devidas in Delhi, the court had no jurisdiction to question the Local Government's authority, and no evidence on that point was adduced by the prosecution ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) Mr. Devidas Gandhi thereupon wrote a letter addressed to the Chief Commissioner, which contained the words quoted in the Honourable Member's question. He also said " I have decided to take no active part in the Civil Disobedience Movement for some months at least." He expressed the hope that the Chief Commissioner would see his way to withdraw his order ; but if he did not do so, Mr. Devidas Gandhi went on to say that it was his clear duty, as he conceived it, cheerfully to suffer the consequences, pointed out in the text of the order, for not complying with it.

Before handing this letter to the police Inspector he wrote a similar document which he gave to the representative of the *Hindustan Times* for publication.

(*c*) He was arrested two hours after the order was served upon him. He was given ample time for deciding whether he would comply with it by leaving Delhi. In view of the history of Mr. Devidas Gandhi's previous activities in Delhi, the Chief Commissioner was not satisfied by the qualified assurances of Mr. Devidas Gandhi that in fact his presence in Delhi would not act as an encouragement to the revival of the Civil Disobedience Movement there. Mr. Devidas Gandhi paid several visits to Delhi during the early months of the year, ostensibly in connection with the Anti-Untouchability Bill. But even during that period he was also engaged in activities in connection with the Civil Disobedience Movement.

(*d*) The words in his statement before the trying Magistrate are :

" I imagined that they (the police) were aware of the fact that I was this time coming to Delhi with no intention of committing any breach of the law, for the time being at least."

Later in the same statement he mentions having written to inform the Chief Commissioner that :

" On this particular occasion I was coming to Delhi with no intention of participating in the civil disobedience movement for some months at least."

As regards the latter portion of the question, regarding the finding of trying Magistrate, the answer is in the affirmative.

Mr. Gaya Prasad Singh : Was this letter written by Mr. Devidas Gandhi delivered to the Chief Commissioner ?

The Honourable Sir Harry Haig : I have already answered that in the affirmative. But I am not sure at what time it was delivered.

Mr. Lalchand Navalrai : May I know from the Honourable Member what kind of civil disobedience Mr. Devidas Gandhi was engaged in ?

The Honourable Sir Harry Haig : I did not say he was engaged in civil disobedience at the time.

Mr. Lalchand Navalrai : Then, may I know what he was suspected of ?

The Honourable Sir Harry Haig : The position of the Chief Commissioner was that his presence in Delhi would, he was afraid, act as an encouragement to the revival of the Civil Disobedience Movement.

Mr. Lalchand Navalrai : Was his presence only in Delhi considered to be harmful or was there any overt act ?

The Honourable Sir Harry Haig : It was his presence in Delhi, in view of his very marked previous activities in Delhi in connection with the Civil Disobedience Movement.

Mr. Gaya Prasad Singh : Will Government kindly state the nature of the very marked previous activities of Mr. Devidas Gandhi to which reference has been made in the reply ?

The Honourable Sir Harry Haig : I cannot give details of it, but of the fact there is no doubt.

Mr. Gaya Prasad Singh : Were any steps taken against Mr. Devidas Gandhi if he engaged himself in objectionable political activities in Delhi on previous occasions ?

The Honourable Sir Harry Haig : I think, Sir, on various previous occasions it had been necessary to take action against Mr. Devidas Gandhi. I do not think this is the first time on which he has been imprisoned.

Mr. Gaya Prasad Singh : My question was, what were the activities of Mr. Devidas Gandhi on previous occasions in Delhi on which the Chief Commissioner felt justified in issuing this order ?

The Honourable Sir Harry Haig : I have already explained to the Honourable Member that I am not prepared to give the details, but, if he looks at the history of 1930, I rather think he will find that Mr. Devidas Gandhi was convicted in connection with his activities in Delhi. I am not quite sure.

Mr. S. C. Mitra : May I take it that Government trusted in Mr. Devidas Gandhi's words that he would not take any active part in the Civil Disobedience Movement, but that they were merely afraid of his presence ? Is that so ?

The Honourable Sir Harry Haig : It is a very equivocal statement to say " I am not prepared to take an active part in the Civil Disobedience Movement ". I do not know what it means.

Mr. S. C. Mitra : I wanted to know whether Government trusted his words that he would not take part in the Civil Disobedience Movement.

The Honourable Sir Harry Haig : My answer is that the words themselves are not clear.

Mr. K. C. Neogy : Is it not a fact that the Chief Commissioner referred to Mr. Devidas Gandhi's activities about the beginning of this year while he was in Delhi in connection with the *anti*-untouchability movement and not to the activities of this gentleman in 1930 to which the Honourable Member has made reference ?

The Honourable Sir Harry Haig : The Chief Commissioner took into account the whole series of activities of Mr. Devidas Gandhi in Delhi starting from the year 1930.

Mr. Lalchand Navalrai : Am I to understand that people who have taken part in the Civil Disobedience Movement previously will be arrested if they go to Delhi ?

The Honourable Sir Harry Haig : No, Sir. The position of Mr. Devidas Gandhi in Delhi was a very special one.

Mr. Gaya Prasad Singh : Is it not a fact that Government want to have disavowal of the intentions of these people who have taken part in the Civil Disobedience Movement to the effect that they will not participate in such movement, before they are released ?

The Honourable Sir Harry Haig : No, Sir ; that is most certainly not the case. And, in proof of what I say, I may mention that the day after Mr. Devidas Gandhi was sentenced to imprisonment, the Chief Commissioner sent an officer to him and said that his only object was that Mr. Devidas Gandhi should not remain in Delhi, and that even then if Mr. Devidas Gandhi was prepared to give an undertaking to go away from Delhi, he could be released the next day.

Mr. Gaya Prasad Singh : But why should Mr. Devidas Gandhi give an undertaking to go away from Delhi when he has distinctly stated that it is not his intention to take part in any unlawful activities ?

The Honourable Sir Harry Haig : My Honourable friend's question was whether Government wished to obtain from Mr. Devidas Gandhi a disavowal of his beliefs. I said, that was not so. The only object of Government is that Mr. Devidas Gandhi should not be in Delhi, and, in support of that, I said that even now if Mr. Devidas Gandhi is prepared to absent himself from Delhi, he can have his freedom at once.

Mr. N. M. Joshi : May I ask what is the object of Government in issuing an order against a person that he should not live in one city when they know very well that he will have to live in some other city or in some other place in this country ?

The Honourable Sir Harry Haig : Government, Sir, have no objection, as far as I know, to Mr. Devidas Gandhi living in any city in the whole of India except Delhi.

Sir Cowasji Jehangir : May I ask the Honourable the Home Member whether Mr. Devidas Gandhi gave an undertaking to give up civil disobedience ?

The Honourable Sir Harry Haig : No : he did not. As I have mentioned in my reply, what he said was that he had decided to take no active part in the Civil Disobedience Movement for some months at least.

Mr. Gaya Prasad Singh : Did not Mr. Devidas Gandhi in his letter say " I have absolutely no intention of participating in the Civil Disobedience Movement in Delhi. I have chosen to come to Delhi not with

any intention of taking part in politics, but with a view to settling down here in private life, for at least a few months'' ? There is no qualification in this statement.

The Honourable Sir Harry Haig : I have just quoted Mr. Devidas Gandhi's own words used in the same letter.

Mr. Gaya Prasad Singh : I have also quoted from Mr. Devidas Gandhi's own letter which he wrote to the Chief Commissioner, Delhi.

The Honourable Sir Harry Haig : Quite so : and I think the words I have quoted convey a slightly different impression from the words the Honourable Member has quoted.

Mr. Gaya Prasad Singh : I have not received a reply to this part of my question—what is the evidence in possession of the Chief Commissioner on which he is satisfied that there are sufficient grounds for taking action under the law ?

The Honourable Sir Harry Haig : For the third time I attempt to answer the question : I am not prepared to give details.

Mr. N. M. Joshi : May I ask why Delhi was considered to be particularly unsuitable for his residence and why some other towns are considered suitable ?

The Honourable Sir Harry Haig : Because of the very special contacts with the Civil Disobedience Movement in Delhi that Mr. Devidas Gandhi has established.

EXAMINATION FOR RECRUITMENT TO THE INDIAN ARMY SERVICE CORPS.

582. ***Shaikh Sadiq Hasan :** (*a*) Will Government be pleased to state :

(*i*) the number of candidates that appeared at the last competitive examination for recruitment to the Indian Army Service Corps held in March last ;

(*ii*) the total amount of fees realised from the competitors and the entire Government expenditure on that score ;

(*iii*) the total number of successful candidates which were duly awarded qualifying certificates which stated that they were qualified to hold the posts of storekeepers, checkers or clerks in the above service ;

(*iv*) the steps which the controlling officers are contemplating for the absorption of the so-called qualified hands ?

(*b*) Do Government contemplate (*i*) holding shortly any other competitive examination before the already successful candidates are provided for and (*ii*) calling on these qualified candidates to re-appear therein in order to re-qualify themselves ?

(*c*) If the answer to part (*b*) above be in the affirmative, will Government be pleased to state what are the justifications for such treatment of the successful candidates ?

(*d*) Are Government prepared :

(*i*) to issue some instructions to the controlling officers to the effect that they should not hold examinations until the already qualified hands are fairly provided for ; and

(*ii*) that the already qualified candidates are not made to re-qualify themselves ?

Mr. G. R. F. Tottenham : (*a*) (*i*) 903.

(*ii*) Fees realised—Rs. 4,555.

Expenditure (excluding cost of supervision)—Rs. 2,291.

(*iii*) Storekeepers—112.

Clerks—104.

Checkers—103.

(*iv*) While only 16 clerks' and 12 storekeepers' vacancies were offered for competition, it is anticipated that 27 clerks' appointments, 21 storekeepers' and 22 checkers' will be given to candidates who qualified.

(*b*) (*i*) Yes, in March, 1934.

(*ii*) In accordance with the usual practice followed by the Public Service Commission, qualified candidates who are not absorbed before the date of the next examination will not receive appointments unless they are successful at that examination.

(*c*) The examination was competitive, and the number of vacancies to be filled on the result of the examination was known to candidates ; those who were not placed high enough on the list to obtain one of the vacancies offered have no reason to complain.

(*d*) No, Sir.

PAYMENT OF PREMIA ON INSURANCE POLICIES FROM THE PROVIDENT FUND BY RAILWAY EMPLOYEES.

583. ***Shaikh Sadiq Hasan :** (*a*) Are Government aware that Government servants who contribute to the General Provident Fund are permitted to make use of that fund for the payment of premia on insurance policies ?

(*b*) Are Government also aware that the State Railway Provident Fund, governed by the Act of Legislature of 1925 as amended by the 1930 Act, provides that the compulsory deposit can be made use of for payment of premia of an insurance policy by the employees ?

(*c*) Will Government be pleased to state how many of the Indian Railway employees have so far been allowed to benefit by this rule ?

(*d*) Are Government prepared to issue instructions to the effect that the Indian Railway employees are allowed to borrow money out of the Fund for the use of payment of premia towards the insurance policies ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) and (*c*). The State Railway Provident Fund Rules do not allow this concession. Consequently only the few pensionable employees who are under the General Provident Fund Rules are at present allowed it. The amendment of the Act referred to made no change in the legal position.

(*d*) The question is at present under consideration.

COST OF MEERUT CONSPIRACY CASE.

584. *Shaikh Sadiq Hasan : Will Government be pleased to state (*a*) how much money was spent on the Meerut Conspiracy case and (*b*) what was the result ?

The Honourable Sir Harry Haig : I would invite the Honourable Member's attention to the reply given by me on the 21st February, 1933, to part (*a*) of Mr. S. C. Mitra's question No. 396 and to the statement laid on the table on the 14th March in reply to Mr. M. Maswood Ahmad's question No. 474. Since the 31st January, 1933, the case has cost the Government of India approximately a further Rs. 48,000 mainly in connection with the appeal.

(*b*) The results of appeals preferred by the accused to the High Court is as follows :

Three were sentenced to three years, one to two years, eight to one year and one to seven months rigorous imprisonment. Five were sentenced to the period which they had undergone in jail and nine were acquitted.

Mr. Jagan Nath Aggarwal : Do the Government regard the results as quite satisfactory and commensurate with the amount of expenditure involved ?

The Honourable Sir Harry Haig : I am not prepared to express an opinion of the Government on the decision of the legal tribunal, but I would like to mention, though I have not got a copy of the judgment with me, that the High Court in their judgment said that the prosecution was justified : they complimented the police and they expressed the opinion that the offence was a serious one and ordinarily they would have imposed a very heavy and long sentence of imprisonment.

Mr. N. M. Joshi : May I ask, in view of the fact that the trial was a very long one, whether Government will give some compensation to those people who have actually suffered unnecessary annoyance and loss ?

The Honourable Sir Harry Haig : No : the position of Government is that the blame for the very long period occupied by the trial was to a large extent on the accused themselves.

Mr. Jagan Nath Aggarwal : Is it not a fact that the High Court did not pronounce unmistakably that the accused alone were responsible for the delay ?

The Honourable Sir Harry Haig : That may be so : it was a very elaborate case and it was necessary to put forward a great deal of evidence and a large number of documents : that inevitably occupied a considerable amount of time ; but, at the same time, there is no doubt that the tactics pursued by the accused, or a certain number of them, did delay the case very seriously.

Mr. N. M. Joshi : May I ask the extent to which Government were responsible for the delay, and whether it will give compensation in part at least ?

The Honourable Sir Harry Haig : No : I do not admit that the Government were responsible for the delay

Mr. Jagan Nath Aggarwal : Is it not a fact that a good deal of the address of the Crown Counsel was taken up with a statement of the doctrines of communism and so on, which the High Court held to be entirely unnecessary ?

The Honourable Sir Harry Haig : Government, after entrusting the prosecution case to Counsel, cannot interfere with his opening address.

Mr. Jagan Nath Aggarwal : Is it not possible to look back and feel sorry for having embarked on these conspiracy cases at such expense ?

The Honourable Sir Harry Haig : No : most emphatically not ; and I do hope that the House will realise that, at the time this case was instituted, we were faced with a very serious menace of development of communist activities in India and that in fact the arrest and prosecution of these men gave a great set-back to what was at the time a very menacing development.

Mr. S. G. Jog : In view of the experience gained in these conspiracy cases, have Government devised a plan for simplifying the procedure with a view to saving costs ?

The Honourable Sir Harry Haig : That is a matter which, I believe, will come under our consideration in connection with the High Court judgment which, as I have said, I have not yet seen in its full detail.

COST OF THE DELHI CONSPIRACY CASE.

585. *Shaikh Sadiq Hasan : Why was the Delhi conspiracy case withdrawn, and how much did it cost the Government ?

The Honourable Sir Harry Haig : As regards the first part of the question, I would refer the Honourable Member to the Communiqué issued on the 3rd February, 1933. The total cost of the case was Rs. 3,74,988.

Shaikh Sadiq Hasan : Is it not a great waste of money ?

The Honourable Sir Harry Haig : It was a very great expenditure of money.

Mr. Jagan Nath Aggarwal : And what was the result achieved ?

The Honourable Sir Harry Haig : The result achieved, so far as the particular case was concerned, I am afraid, was nothing. But action has subsequently been taken against the principal accused.

Mr. Muhammad Azhar Ali : Have Government any intention of not launching any more conspiracy cases in future ?

The Honourable Sir Harry Haig : No : but the Government certainly hope that they will not be under the necessity of launching a case which is likely to take, as this Delhi Conspiracy Case would have, five years.

BAD CONDITION ON ROADS IN INDIA.

586. *Rai Bahadur Sukhraj Roy : Will Government be pleased to state :

(*a*) whether their attention has been drawn to the bad condition of roads in India and the paucity of funds for improvement thereof ;

(*b*) what the functions, scope and duties of the Standing Committee on Roads are ;

(*c*) what the amount of income available for improvements with the Standing Committee on roads is and wherefrom it is derived ; and

(*d*) whether the Roads Committee deals with the construction of bridges also ?

The Honourable Sir Frank Noyce : (*a*) The condition of roads in India varies considerably. Government are, however, aware that the road system of India needs development and improvement, that considerable funds are required for this purpose and that such funds are only available to a very limited extent.

(*b*) The Honourable Member is referred to clause (7) of the Resolution on road development adopted by the Legislative Assembly on the 4th February, 1930.

(*c*) and (*d*). The total amount credited to the Road Development Account up to the end of the last financial year is Rs. 4,05,83,125 and it is the proceeds of the additional duty on petrol of two annas per gallon up to September, 1931, and with 25 per cent. general increase of duties, two and a half annas subsequently. Improvement of roads as well as construction of new roads or bridges may be financed from this account on the advice of the Standing Committee on Roads.

RUNNING OF DINING CARS FOR INDIAN PASSENGERS IN MAIL AND EXPRESS TRAINS.

587. ***Rai Bahadur Sukhraj Roy :** (*a*) Are Government aware that the portion of European passengers is infinitely small compared to Indian passengers on railways in India ?

(*b*) Is it a fact that special dining cars for Europeans are run on important trains on each railway but there is no arrangement for Indians on those trains ?

(*c*) Do Government propose to run decent dining cars for the benefit of Indian passengers in mail and express trains in the near future ? If not, why not ?

Mr. P. R. Rau : (*a*) The number of European passengers on Indian Railways is naturally much smaller than the number of Indian passengers.

(*b*) Special dining cars are not run for Europeans only but are open to all higher class passengers who desire to use them.

(*c*) Dining cars for Indian passengers or separate compartments for Indian catering are already run by various Railways where experience has shown that there is a demand for such amenities for the benefit for Indian passengers, and Railway Administrations are always willing to consider additions where necessary. This is a matter which, I have no doubt, the Local Advisory Committees look into.

FACILITIES TO MAHATMA GANDHI FOR UPLIFT OF HARIJANS.

588. ***Rai Bahadur Sukhraj Roy :** (*a*) Will Government be pleased to state whether they propose to give the same facilities to Mahatma Gandhi for uplift of Harijans as were given to him when he was in jail last time ?

(*b*) What is the general policy of Government with regard to the treatment to be meted out to him in future ?

(*c*) Has there been any communication between the Government and Mahatma Gandhi on this subject ? If so, what ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the communiqué issued by the Government of India on the 18th August, 1933.

BOMBING OF TRIBAL AREA ON THE NORTH-WEST FRONTIER.

589. ***Rai Bahadur Sukhraj Roy :** Will Government be pleased to state :

(*a*) the reasons for and the circumstances under which the bombing of tribal area was begun on the North-West Frontier ;

(*b*) how the rebellion originated and why precautions were not taken beforehand to prevent it ;

(*c*) how many persons were killed or wounded in the operation ?

Mr. G. R. F. Tottenham : (*a*) The Honourable Member is referred to the statement made in this House by His Excellency the Viceroy on August 30th.

(*b*) As the Honourable Member will have gathered from the statement referred to above, no rebellion has taken place.

(*c*) No persons were killed and so far as can be ascertained, only one man was injured.

RESERVATION OF ACCOMMODATION FOR LADIES ON THE GREAT INDIAN PENINSULA RAILWAY.

590. ***Seth Liladhar Chaudhury :** (*a*) Are Government aware that the Great Indian Peninsula Railway complies with section 64 of Indian Railways Act only in the case of Mail trains and not in that of Express or Passenger trains ?

(*b*) Will Government be pleased to state whether section 64 of the Indian Railways Act makes it obligatory on the Railways to reserve accommodation for ladies whilst Rule 101 of the Coaching Tariff, Part 1 (*a*) of the Great Indian Peninsula Railway makes it permissible ? If so, how do Government justify this ?

(*c*) Will Government be pleased to state what would be the consequences if a lady after giving 24 hours notice, as per Rule 101 of the Coaching Tariff, Part 1 (*a*), Great Indian Peninsula Railway, is unable to travel on the particular day due to unforeseen circumstances ?

Mr. P. R. Rau : (*a*) Government are informed that the Great Indian Peninsula Railway complies with section 64 of the Indian Railways Act in every respect in every train that is run by that Railway.

(*b*) Section 64 of the Indian Railways Act makes it obligatory on Railways to reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train. There is

nothing in rule 101 of the Great Indian Peninsula Railway's Coaching Tariff which is inconsistent with section 64 of the Indian Railways Act. Rule 101 (*a*) quoted by the Honourable Member refers to upper class accommodation ; under rule 101 (*b*) it is stated that a third class carriage or compartment is reserved for women travelling third class in every train booked to carry third class passengers. On the only train on which third class passengers are not carried, *viz.*, the Deccan Queen, ladies reserved compartments are available both for first and second class.

(*c*) I am afraid, Sir, I am quite unable to say what would be the consequences to the lady missing her train. That would depend on the object of her journey and its urgency. I can quite imagine that, in certain circumstances, the consequences might be very serious.

Mr. Lalchand Navalrai : May I know if the Honourable Member is aware of the practice that if the family of a passenger is travelling by this exclusive carriage and if there is no other lady passenger in that compartment, that passenger is permitted to travel along with his family who is occupying the ladies' compartment ?

Mr. P. R. Rau : Does the Honourable Member refer to the Great Indian Peninsula Railway ?

Mr. Lalchand Navalrai : Any railway ?

Mr. P. R. Rau : I think he had better put a question on the paper.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

591. ***Rai Bahadur Kunwar Raghubir Singh** : Will Government be pleased to state :

(*a*) the period of leave on full field service rate of pay and allowances which was admissible to military employees invalided to India during the currency of the Great War, 1914-18, and the regulations or Army Department letters concerning the same ;

(*b*) whether invaliding of military employees to India was followed by immediate and simultaneous striking their names off the field service rolls, or all invalidings in general were at first made only to reduce congestion in hospitals on field service without striking their names off the field rosters ;

(*c*) if it is a fact that generally all military employees on being invalided to India were at first kept on field service rolls and remained so until their medical examination approximately three months after their return to India by the convalescent depot or hospital to which they came in India from field service ;

(*d*) if it is a fact that names of military employees were only struck off the field service rosters from the date of receipt of intimation from India by the field authorities about the unfitness of the said employees for field service ascertained by medical examination ;

(*e*) if it is not correct that according to the latest orders regarding disability pensions of non-combatants of the Indian Army and allied departments, as given in paragraph 224-A, Pension Regulations for the Army in India as corrected by correction slip No. 13 of May, 1930, the disability pensions claims are to be based on the rate of pay drawn on the date of contracting the disease or disability or on the rate of pay drawn on the date of final removal from the service, whichever of the two is more favourable to the individual ;

(*f*) if it is a fact that the relative military ranks of non-combatants for the purposes of disability pensions are defined in paragraph 239 of Pension Regulations, and that these relative ranks progressively rise from a sepoy to a Subadar according to the comparative salaries drawn by individuals dealt with in the paragraph ?

Mr. G. R. F. Tottenham : (*a*) Under India Army Orders Nos. 75 and 518 of 1915 the period of leave admissible was 3 months for officers and Indian soldiers, and 4½ months for Gurkha soldiers.

(*b*), (*c*) and (*d*). A person invalided to India was struck off the strength with effect from the date on which the Force to which he belonged received official intimation that he would not return, *or* on the expiry of 3 months after his embarkation from the Force, whichever was earlier.

(*e*) Yes, but paragraph 224-A does not apply to those non-combatants whose claims to wound or other extraordinary pensions are governed by the Civil Service Regulations, *i.e.*, those receiving more than Rs. 200 a month.

(*f*) Yes.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

592. ***Rai Bahadur Kunwar Raghubir Singh** : (*a*) Keeping in view the provisions of paragraph 224-A of Pension Regulations, as corrected by correction slip No. 13 of May, 1930, will Government be pleased to lay on the table of this House a statement showing, with reference to paragraph 240 and the last sentence of 239, Pension Regulations, the relative military ranks that will be assigned for the purposes of their respective disability pensions to civil subordinate non-combatants of the Indian Army Departments as per particulars given below ?

Substantive pay on Field Service in 1914-18 when disease was contracted.	Pay on final retirement from the service in 1928, 1929 and 1930.
A. Rs. 30 per mensem.	Rs. 155 per mensem.
B. Rs. 30 per mensem.	Rs. 175 per mensem.
C. Rs. 30 per mensem.	Rs. 199 per mensem.
D. Rs. 50 per mensem.	Rs. 200 per mensem.
E. Rs. 50 per mensem.	Rs. 250 per mensem.
F. Rs. 50 per mensem.	Rs. 350 per mensem.
G. Rs. 60 per mensem.	Rs. 450 per mensem.
H. Rs. 60 per mensem.	Rs. 700 per mensem.
I. Rs. 60 per mensem.	Rs. 900 per mensem.

(*b*) With reference to part (*a*) above, supposing all the five individuals referred to at items A to E retired after a service of full 29 years and all with one hundred per cent. disability contracted on field service, will Government be pleased to state what aggregate pension (service and disability pension both combined) will they respectively be eligible for per month ? (The average of their last three years salaries is given below for information.) For ordinary pensions they all served under the Civil Service Regulations :

A. Rs. 145 per mensem.

B. Rs. 165 per mensem.

C. Rs. 190 per mensem.

D. Rs. 192 per mensem.

E. Rs. 240 per mensem.

Mr. G. R. F. Tottenham : I lay on the table a statement giving the information asked for by the Honourable Member.

Statement.

(*a*)	A, B, and C.	Subadar.
	D.	Sub-Conductor.
	E.	Conductor.
	F.	2nd Lieutenant.
	G.	Lieutenant.
	H.	Captain.
	I.	Major.
(*b*)	A, B, and C.	Rs. 150 a month.
	D.	Rs. 96 a month as service pension *plus* 33 shillings a week as disability addition under the War Warrants.
	E.	Rs. 120 a month as service pension *plus* 33 shillings a week as disability addition under the War Warrants.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

593. ***Rai Bahadur Kunwar Raghubir Singh** : Will Government be pleased to state if it is a fact or not that the men senior in all respects, *viz.*, senior in retiring pay, senior in grading, senior in length of service and senior in the quality of services rendered will be eligible for higher relative military ranks and a higher amount of aggregate pension as compared to their juniors referred to in the preceding questions ?

Mr. G. R. F. Tottenham : With your permission, Sir, I propose to answer questions Nos. 593 and 594 together.

No such principles have been enunciated but this would certainly be the ordinary effect of the rules.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

†594. ***Rai Bahadur Kunwar Raghubir Singh** : Will Government be pleased to state if it is a fact or not that it is an established principle and practice of Government that no man senior in all respects, *viz.*, length of service, amount of monthly pay, departmental grading and quality of services rendered will rank junior in relative rank and earn less aggregate pension than his junior in all respects ?

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

595. ***Rai Bahadur Kunwar Raghubir Singh** : Will Government be pleased to state if it is a fact that the provisions of paragraph 224-A, Pension Regulations, in their original form as well as when corrected by correction slip No. 13 of May, 1930, were intended for general application without any limitations of pay or restrictions of any other kind ? If not, will Government be pleased to explain the general application of those provisions ?

Mr. G. R. F. Tottenham : With your permission, Sir, I propose to answer questions Nos. 595 and 596 together.

The attention of the Honourable Member is invited to my reply to starred question No. 591 (*e*). Government are not aware of any case of the kind referred to at the end of starred question No. 596.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

‡596. ***Rai Bahadur Kunwar Raghubir Singh** : Is it not a fact that the concession and privilege allowed in paragraph 224-A, Pension Regulations, as corrected by correction slip No. 13 of May, 1930, are freely given by the military pension authorities in the case of people drawing Rs. 40 or Rs. 50 per month when on field service in 1914-18 and retiring on salaries below Rs. 200 per month, say, between Rs. 150 and Rs. 199 per month, whereas the same concession and privilege are totally denied to individuals drawing the same rate of pay, *viz.*, Rs. 40 or Rs. 50 per month when on field service in 1914-18, but who were promoted to Rs. 200 per mensem and over by the time of their retirement ? Is it a fact that this resulted in juniors in pay, grading in service and service, etc., getting higher relative military ranks and higher rate of aggregate monthly pension than their seniors in pay, grading and service, etc. ?

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

597. ***Mr. A. Das** : (*a*) Are Government aware that in the replies given in this Assembly on 8th February, 1933, to question No. 296 (*a*), (*c*) and (*e*) by Mr. M. Maswood Ahmad, and on 9th February, 1933, to

†For answer to this question, *see* answer to question No. 593.
‡For answer to this question, *see* answer to question No. 595.

question No. 319 (*a*), (*c*) and (*e*) by Pandit Satyendra Nath Sen, Mr. P. R. Rau, Financial Commissioner, Railways, affirmed that :

> "teachers of the Indian Schools maintained by the East Indian Railway administration are Government servants " ;
>
> " that teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Local Government."
>
> " In the opinion of the Railway Board teachers employed in schools maintained by the Railway administration for the education of Railway children are *Railway employees* even though the teachers may actually be employed by the local committees of the several schools " ?

(*b*) Is it a fact that similar statements were made on behalf of Government in replies to questions by Pt. Hirday Nath Kunzru on 1st February, 1928 and 12th September, 1929 and in the course of the Railway Budget Debates on 25th February, 1928 and 21st February, 1929, and in the replies of the Railway Board to the reference made by the Agent, East Indian Railway, in June, 1928, and also in the replies given on behalf of Government to question No. 21 in the United Provinces Legislative Council on 19th February, 1932 ?

(*c*) Are Government aware that against the aforesaid statements of the Government, the East Indian Railway Administration do not treat the teachers of the East Indian Railway High Schools for Indians as Railway servants and the Agent, East Indian Railway, has recently written to the Income-tax Commissioner, Bengal " that teachers of the East Indian Railway Indian Schools are *not* Railway employees within the meaning of item 10, para. 4 of the Income-Tax Manual, but are employees of the various school committees " ?

P. R. Rau : (*a*) No. Sir. I affirmed nothing of the kind. I merely said that the questions contained in certain questions were substantially correct.

(*b*) As regards the first part of this question I would refer the Honourable Member to the reply I gave to Pandit Satyendra Nath Sen's question No. 274. Government have no information about the replies given in the U. P. Legislative Council.

(*c*) Government have no information but are enquiring into the matter.

Mr. A. Das : Are these passes granted to Anglo-Indian teachers of the Oakgrove School ?

Mr. P. R. Rau : I have already explained more than once on the floor of this House that these first class passes were granted to certain staff of the Oakgrove School by the late Board of Directors of the East Indian Railway, and Government have decided that this concession should be treated as personal to themselves and not applicable to their successors.

Mr. A. Das : What is the reason behind it ?

Mr. P. R. Rau : Behind what ?

Mr. A. Das : Behind the decision of the Government to give this sort of unfair and special treatment in granting first class passes to Anglo-Indian teachers ?

Mr. P. R. Rau : I am afraid my voice has not reached the Honourable Member. It is not a decision of the Government, but of the late Board of Directors.

Mr. A. Das : Are there any special privileges attached to Anglo-Indian and European teachers of the Oakgrove School ?

Mr. P. R. Rau : No, Sir ; Government have already decided that these concessions will not be granted to the successors of these teachers.

Issue of Passes to the Teachers of the East Indian Railway Indian Schools.

598. ***Mr. A. Das** : (*a*) Will Government be pleased to state whether letter No. 2740|T.|A., dated the 31st March, 1933, from the Director, Railway Board, to the Agent, East Indian Railway, providing uniformity of Free Pass Rules in Indian Railways, includes the teachers of the East Indian Railway Indian Schools also ? If not, why not ? Has any other Department of the East Indian Railway been similarly left out ? If so, which ?

(*b*) Are there any employees of the East Indian Railway in the officers' grade who get second class passes under Supplementary Rules 17 and 34 on account of drawing salaries below Rs. 750 p. m. ? If so, will Government please lay a list of such Railway officers on the table of this House ? Does this condition apply to the Principal, the Headmaster, the Headmistress and other assistant masters and mistresses of the East Indian Railway Oakgrove School for Anglo-Indians also ? If not, are Government aware that such a condition has been made applicable to the Headmasters of Indian Schools maintained by the East Indian Railway, and will Government please state the reasons for this exceptional treatment and distinction ?

Mr. P. R. Rau : (*a*) The letter in question applies to all staff to whom privilege passes are granted under the pass rules.

(*b*) Employees in the officers' grade are ordinarily granted first class passes on all Railways.

I have already explained that the first class passes granted to certain staff of the Oakgrove School by the late Board of Directors of the East Indian Railway Company have been treated as personal to themselves.

Status of Teachers of the East Indian Railway Indian Schools.

599. ***Mr. A. Das** : Is it a fact that the Agent, East Indian Railway, has ruled that teachers of the East Indian Railway Schools are not Railway servants in the same sense as other Railway servants are ? Will Government please state what this ruling signifies and how is it reconciled with the replies given in this House to questions already referred to and the decision of the Railway Board arrived at in June, 1928 ?

Mr. P. R. Rau : As I have already stated in reply to question No. 274 put by Pandit Satyendra Nath Sen, Government have not seen the ruling referred to, but are obtaining information from the Agent, East Indian Railway, on the matter.

Status of Teachers of the East Indian Railway Indian Schools.

600. ***Mr. A. Das** : (*a*) Is it a fact that in reply to question No. 324 (*d*) by Pandit Satyendra Nath Sen it was stated in this House

on the 9th February, 1933, by Mr. P. R. Rau, Financial Commissioner, Railways, that :

> " Teachers have a right of appeal to the Agent. If a subscriber to Provident Fund is dismissed with forfeiture of the bonus contribution to his provident fund, an appeal lies to the Railway Board " ?

(*b*) Are Government aware that appeals of the teachers of the East Indian Railway Indian Schools are not forwarded to the Agent at all but are disposed of by his secretary, in spite of the fact that the appeals are against his own decisions arrived at by him or confirmed by him in his capacity as Superintendent, East Indian Railway Schools ? Are Government prepared to order that in future the appeals be duly considered by the Agent and not left to be disposed of by his very same subordinate against whose decisions they are made ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) I am sending a copy of this question to the Agent, East Indian Railway, for any action that may be considered necessary.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

601. ***Mr. A. Das :** (*a*) Are Government aware that the Headmasters of all Local Government schools in all provinces are gazetted officers ?

(*b*) Are Government aware that the Principal, the Headmaster, the Headmistress, and several assistant masters and mistresses of the East Indian Railway Oakgrove School for Anglo-Indians are gazetted officers ?

(*c*) Is it a fact that in the reply given to question No. 793 (*c*) and (*d*) on the 20th March, 1933, Mr. P. R. Rau stated that " it has been decided that the Headmasters of the Railway High Schools will be treated as First Class Officers for purpose of travelling to the same extent and under the same conditions as Headmasters of High Schools under the Provincial Government concerned with whose pay their pay has been assimilated " ?

(*d*) If the replies to parts (*a*), (*b*) and (*c*) above be in the affirmative, will Government be pleased to state :

(*i*) if the Headmasters of the East Indian Railway Indian High Schools have been gazetted as railway officers. If not, why not ;

(*ii*) if they are now actually granted first class passes like all railway officers ? If not, why not ;

(*iii*) if they are actually treated as first class officers in the day to day administration and allowed to exercise the same powers and enjoy the same status as the Headmasters of Provincial Government schools for Indians or the Principal and the Headmaster of the East Indian Railway Oakgrove School for Anglo-Indians ?

(*e*) If the reply to part (*d*) above be in the negative, will Government be pleased to state why is this distinction made in the case of Headmasters of East Indian Railway Schools for Indians only, and when will Government be pleased to remove these distinctions ?

Mr. P. R. Rau : (*a*) Government are not aware of the position in all provinces but they are aware that in certain provinces Headmasters of High Schools belong to the Provincial Educational Service.

(*b*) The Principal is a gazetted officer. As I have explained in reply to another question certain other posts in that school were declared by the Board of Directors of the late East Indian Railway Company to be equivalent to the officers' grade.

(*c*) Yes.

(*d*) (*i*) No, but the matter is under consideration.

(*ii*) and (*iii*). I would draw the Honourable Member's attention to the reply given by me to part (*e*) of question No. 275.

(*e*) Does not arise.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

602. ***Mr. A. Das :** (*a*) Has the attention of Government been drawn to the reply given on behalf of Government to question No. 55 (*a*) by Rao Krishnapal Singh in the United Provinces Legislative Council on 13th June, 1932, that :

> " in respect of leave the position is as follows :
>
> (1) for those members of the teaching staff of the Oakgrove School who were in service on March 31st, 1930, and
>
> (2) for the teaching staff of all other schools maintained by the East Indian Railway in the United Provinces, there are no prescribed rules. The members of the teaching staff who were engaged after March 31, 1930, are governed by the New Rules published under the Railway Board's resolution No. 8373-E. of February 20, 1930. Teachers who are in the Officer's grade, are ordinarily allowed the same leave privileges as are admissible to other officers of the Railway under the East Indian Railway Leave Rules. Teachers of this class are to be found only in the Oakgrove School " ?

(*b*) If the reply to part (*a*) above be in the affirmative, will Government be pleased to state :

(*i*) the reasons for these distinctions ;

(*ii*) why the East Indian Railway Leave Rules apply to teachers in the " officers' grade to be found in the Oakgrove School " only and not to the Headmasters of the East Indian Railway High Schools also, keeping in view the reply of Mr. P. R. Rau to question No. 793 (*c*) and (*d*) of the 20th March, 1933 ;

(*iii*) if there are any other class of Railway employees on the East Indian Railway for whom there are no prescribed leave rules ? If so, which class of employees ? If not, will Government be pleased to state why there are no prescribed leave rules for Headmasters and teachers of the East Indian Railway Indian Schools in service on March 30, 1930 ;

(*iv*) whether the old East Indian Railway Leave Rules are more liberal than the new East Indian Railway Leave Rules ;

(*v*) whether under the present arrangement teachers engaged after March 31, 1930, are not in a position of much greater advantage than their seniors in service, *viz.*, those who were in service on March 31, 1930. If so, why ;

(*vi*) whether it is a fact that under clause 4 of the agreement for teachers, enforced in all East Indian Railway Indian Schools,

all the rules of the East Indian Railway apply to the teachers equally with the other employees of the East Indian Railway ?

Mr. P. R. Rau : (*a*) No. Sir : but I am quite content to accept the Honourable Member's statement on the point.

(*b*) I am obtaining certain information to enable me to give a complete reply to this question and shall lay a reply on the table in due course.

Mr. President (The Honourable Sir Shanmukham Chetty) : Short Notice question by Mr. James.

SHORT NOTICE QUESTION AND ANSWER.

ASSASSINATION OF MR. BURGE, DISTRICT MAGISTRATE OF MIDNAPORE.

Mr. F. E. James : Will Government be pleased to make a statement giving full information as to the assassination of the District Magistrate of Midnapore ?

The Honourable Sir Harry Haig : The circumstances of this dastardly outrage, so far as they have been ascertained at present, are as follows. Mr. Burge was assassinated at about 5-15 P.M. on Saturday on the police football ground at Midnapore. He was about to play football for the Town Club. Both assassins were on the field with players of the opposite side, the Muhammadan Sporting, who were practising before the match. As several of the players of the Muhammadan Sporting side wore *dhoties*, the assassins were unnoticed. Mr. Burge walked on to the field leaving his personal guards on the touch-line. As Mr. Burge approached the goal, the assassins separated from the players and attacked. One fired five shots with an automatic pistol into Mr. Burge's back from two or three yards range, the other fired three shots from the front at about the same range. Mr. Burge fell and expired within one minute! Mr. Norton Jones, Additional Superintendent of Police, who was also about to play and was a short distance away, immediately tackled the second assassin and was fired on. He struggled with the man who was shot by Mr. Burge's personal guard and secured. The name of this man was Mrigendra Datta, and he died at 8-30 on Sunday morning. The other assassin was named Anath Panja. He was tackled by Reserve Inspector Smith and was shot dead on the spot by the personal guards. Both assassins belong to Midnapore, and were political suspects. A cordon was formed round the ground within a few minutes by the police and troops, and four men were apprehended. Mrs. Burge was not present when the assassination took place.

I should like to take this opportunity of expressing on behalf of the Government of India their profound regret at the loss of this fine officer at the hands of assassins and their very deep sympathy with Mrs. Burge.

Mr. S. G. Jog : Have the antecedents of these three Bengalis been ascertained ?

12 NOON.

The Honourable Sir Harry Haig : I have given the information in my possession.

Mr. F. E. James : May I ask two questions arising out of the answer ? First, is it not a fact that two of the predecessors of Mr. Burge were murdered in the Midnapore district during the last two or three years and, secondly, will Government make a suitable provision for the dependants of Mr. Burge ?

The Honourable Sir Harry Haig : It is true, Sir, that two District Magistrates of Midnapore have been murdered within the last three years and that this is the third. I think the Honourable Member may be quite assured that suitable provision will be made for the dependants of Mr. Burge.

Sir Cowasji Jehangir : Mr. President, I desire on behalf of my party and myself to associate ourselves with the remarks just made by the Honourable the Home Member that the Civil Service has suffered a great loss by the death of Mr. Burge and I may say that India has also suffered. Sir, the assassinations in certain parts of India have become frequent as has just been said by my friend, Mr. James, and I am certain that none regrets these incidents more than the Members of this House. I also feel confident that these acts, far from helping this country towards the goal which we have in view, act as a definite setback to our ambitions, our desires and our life-long ambitions that this country should ultimately, if not immediately, attain Dominion Status. Many Englishmen also feel that acts of this kind will not help us. We regret it not for that reason only, but, again, I may mention for the more substantial reason that it is the loss of a gallant officer.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, it is with deep regret that we have heard of the outrage in Midnapore, putting an end to the life of an officer who was doing his duty and who was going to play football. The depths to which revolutionary criminalism could descend could not go further than this and I believe the time has come not only to express our genuine regret against such dastardly outrages, but also to organise a campaign in Bengal and the country as a whole to put an end to the unseemly atmosphere detrimental to the better understanding between India and England and Englishmen in India who, according to their best light, are serving this country as well as their country. Sir, it is with a sense of horror that we view these outrages and it is time that we backed our words by some kind of active propaganda so that the fair name of India will no longer be disgraced and our fair traditions no longer polluted by the foul hand of the assassin. We deeply sympathise with the bereaved family and we do hope that Government will make every provision for the unfortunate widow.

Mr. K. C. Neogy : Sir, I desire to associate myself and my friends with all that has fallen from the Deputy Leader of the Independent Party and the Deputy Leader of the Nationalist Party. I do not think it is necessary for me to say that we deeply abhor such dastardly crimes and that our deepest sympathies go out to Mrs. Burge and other relations of the deceased.

Mr. R. S. Sarma : Mr. President, I wish to associate the Central Party and myself with the feelings of horror and expressions of sympathy expressed on this occasion by the Leaders of the Parties in this House.

Sir Leslie Hudson : I wish to associate myself, Sir, with the remarks that have fallen from the Honourable Members of the other side

of the House and also from the Honourable the Home Member on this horrible deed. Mr. Burge was known to more than one of the Members of our Group here and, therefore, the feelings with which the news was received by us yesterday can be imagined. Our deepest sympathy goes out to Mrs. Burge in this tragedy which has fallen upon her.

Major Nawab Malik Talib Mehdi Khan : Sir, I associate myself with all the sentiments that have been expressed on the floor of this House on the death of Mr. Burge. Sir, the time has come—I think it came long ago—when some drastic action should be taken to preserve the life of those who come out to this country to teach us the ways of good citizenship. Our deep sympathies go to Mrs. Burge in her bereavement.

Sir Abdulla-al-Mámún Suhrawardy : Sir, as a Member from Bengal, as one closely associated with Midnapore as the first elected non-official Chairman of its District Board and one who had the privilege of the acquaintance of Mr. Burge, I rise to associate myself and the Members on this side of the House with what has fallen from the Honourable the Home Member. Whilst our deepest sympathy goes out to Mrs. Burge and the Government of Bengal, we desire to give expression to our feelings of horror and indignation at the dastardly outrage and act of insensate folly perpetrated by thoughtless youths which retard the attainment of India's freedom which is nearest the heart of all true Indian patriots.

Mr. Amar Nath Dutt : Sir, I wish to associate myself wholeheartedly with what has fallen from the Leaders on this side as well as the Honourable the Home Member. Sir, it is in defiance of the culture and religion of our race that this cult of bomb and murderous outrages have been introduced in India and the sooner this cult of assassination disappears from our sacred land, the better. I think every one in this House will try to co-operate to eliminate this deadly poison from our land, and thus ensure the progress of civilization on constitutional lines. Our sincerest sympathy goes to the bereaved widow and other members of the family of this gallant officer, who laid down his life at the altar of duty.

Major Nawab Ahmad Nawaz Khan : Sir, I also associate myself with the remarks that have been made by all the previous speakers. Besides that, I wish to appeal to all the elected Members and the Leaders that they should give wide publicity in the Press to their feelings of hatred and horror for such crimes so that in future the public should know what a harmful thing this is.

Mr. President (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the expressions of regret and sorrow at the assassination of a faithful public servant. I have no doubt that what has fallen from the lips of the various Leaders of Parties in this House would show to India and the outside world in the most unmistakable terms the unequivocal condemnation of such acts by the better minds of India as represented in this House.

MOTION FOR ADJOURNMENT.

AERIAL BOMBARDMENT ON KOTKAI IN THE TRANS-FRONTIER.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received a notice from Maulvi Muhammad Shafee Daoodi that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The unsatisfactory reply given by Government to the short notice question put today in regard to the aerial bombing of Kotkai."

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

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, if I take objection to this motion, it is not because Government desire to burke any discussion on this matter, but purely because it raises a question which may be of very great importance to the practice and procedure of this House. What the Mover wants to do is to discuss the bombing of Kotkai and not any answer that was given by my Honourable friend, Mr. Tottenham, on the 1st September. You, Sir, were pleased to rule on the 31st August that this matter had ceased to be a matter of urgent importance within the meaning of rule 12 of the Legislative Assembly Rules. I submit, Sir, that a matter which had ceased to be of urgent importance or of recent occurrence on the 31st August cannot again become urgent on the 4th September merely because Government, as a matter of courtesy, replied to a short notice question in anticipation of another question which appears on the notice paper. If, Sir, it is argued that though the matter itself has ceased to be urgent, the reply of Government has conferred on it a fresh urgency, then, Sir, I submit that if that argument were accepted, it might lead to serious consequences for this House. It would mean that any motion of this kind which refers to a matter of any distant date should be admitted, simply because a question has been asked and answered and a Member of this House considers that the answer was unsatisfactory. It follows that any Member of this House, who has lost his opportunity to move the adjournment of the House, would revive that opportunity by simply putting a question, obtaining an answer and then saying that it was unsatisfactory. In this particular case, Sir, I would bring to the notice of the House that the would-be Mover of this motion obtained no further relevant information from the reply given to him by Mr. Tottenham on the 1st, I say he obtained no more information than was available in His Excellency's address to both Houses on the 30th August. It, therefore, follows, I submit, that the position today is exactly the same as the position on the 31st when you were pleased to hold that the matter was not a matter of recent occurrence. The point, in short, that I wish to make is this. If a motion for adjournment is to be based on an answer to a question given in this House, the question itself must relate to a matter of recent occurrence.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : I am surprised to hear the Honourable the Leader of the House taking objection to this motion for adjournment. I find that he treats the subject as one which is of ordinary importance and as if it was a subject in which no great interest has been evinced in the country. The Honourable Member ought to know that there is intense feeling in the country and I would, therefore, urge upon the Government that they should allow all opportunity to discuss the *pros* and *cons* of the question, all sides of the questions, in order to show to the public what the viewpoint of the Government is and in order that the Government may learn

[Maulvi Muhammad Shafee Daoodi.]

from us, the representatives of the people, what people think of their action at Kotkai. If they do not allow a discussion at this stage, I do not know whether they will have to face something more serious and, for that reason, I would again urge that the technical objection that has been taken on a matter of this vast importance should be dropped and the matter should be allowed to be discussed on the floor of the House. The other day, of course, we derived much knowledge from the reply given by our Honourable friend, Mr. Tottenham. It was obviously beyond the scope of supplementary questions to elicit more definite and accurate reply from the Honourable Member. We, at any rate I and many of my friends here interested in the question, had no knowledge that supplementary questions were going to be put that day. Whatever the Honourable Member said on that occasion was unsatisfactory, because he took shelter on many questions under the confidential nature of the thing and we could not elaborate our arguments, which we feel the public want us to put before the Government. Now, the urgency which arose after the reply of Mr. Tottenham was this that Mr. Tottenham's reply showed that there was no justification whatsoever for the military operations at Kotkai, much less for the bombing operations and, therefore, I say that the matter should be elaborately discussed in this House so that the people may know the whole facts.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I want to ask one question of my Honourable friend.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House is discussing a point of order and the Honourable Member cannot ask questions. On the 31st August, the Chair gave the interpretation on the rule relating to urgency with regard to motions for adjournment, an interpretation which is borne out not merely by the language of the rule itself, but by the well established precedents in this House. Today the Honourable Mr. Shafee Daoodi asks for leave to move the adjournment of the House on the ground of the unsatisfactory answer given by the Honourable the Army Secretary to a short notice question on that subject. The Chair takes it that it is the intention of the Honourable Member not simply to censure the Government for giving an unsatisfactory reply, but to avail himself, if he gets the leave of the House, of that opportunity to discuss the main question, that is, the bombing at Kotkai.

Maulvi Muhammad Shafee Daoodi : Also to censure the Government for the military operations which they took at Kotkai without any justification much less for bombing by air.

Mr. President (The Honourable Sir Shanmukham Chetty) : It has been in the past the practice in this House to move the adjournment of the House on the unsatisfactory reply given by a Member of Government to a question. The Chair has now to decide whether, in the light of all the circumstances connected with the present case, the motion sought to be moved by the Honourable Member is in order. The Chair must say that the general line of argument adopted by the Honourable the Leader of the House in taking an objection to this motion is valid. There seems to be an impression in the minds of certain Honourable Members, at any rate, that the mere fact that the answer to a question is unsatisfactory is in itself a sufficient ground to make a motion for

adjournment on that point *ipso facto* in order. The Chair should distinctly rule that by itself the answer to a question is not a sufficient ground for moving for a motion for the adjournment of the House. In deciding the admissibility of such a motion, the Chair has always to take into consideration the subject-matter with which the question is connected and, if the subject-matter itself is in violation of the rules and Standing Orders relating to the motion for adjournment, no manner of unsatisfactory answers would make such a motion in order. But, in this particular case, there are other factors to be taken into consideration. So far as the Chair has been able to gather, the Honourable Members, whose attention had been drawn to the bombing at Kotkai, took what, in their opinion, were necessary steps to get the full facts of the case. For that purpose they entered into correspondence with the Private Secretary to His Excellency the Governor General and also entered into conversations with the Honourable the Army Secretary. In doing so, the Chair is convinced that they were under a genuine misapprehension that that act of theirs would keep this question alive and will not bar their moving an adjournment motion on the ground of urgency. Since the Chair is convinced that Honourable Members were in this case under a genuine misapprehension with regard to their rights, the Chair is prepared, as a measure of equity, to hold that this motion is in order, but the Chair would make it perfectly clear that the ruling of the Chair that in this particular case this motion is in order would not be taken as a precedent because the Chair wants it to be distinctly understood once again that by itself the answer to a question cannot be sufficient ground for moving the adjournment of the House unless the subject-matter of the question itself conforms to the rules and regulations relating to adjournment motion. As, however, objection has been taken in this case to the granting of the leave, the Chair has to ask Honourable Members, who are in favour of leave being granted, to rise in their places. (Some Honourable Members rose.) As not less than 25 Members have risen, the Chair declares that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

AMENDMENT OF STANDING ORDERS.

ELECTION OF MEMBERS TO THE SELECT COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that upto 12 Noon on Friday, the 1st September, 1933, the time fixed for receiving nominations for the Select Committee on the amendment of Standing Orders, eight nominations were received, out of which one candidate has since withdrawn his candidature. The number of candidates is, therefore, equal to the number of vacancies and I declare the following Members to be duly elected, namely :

Mr. S. C. Mitra,
Mr. Badri Lal Rastogi,
Mr. F. E. James,
Mr. Jagan Nath Aggarwal,
Mr. M. Maswood Ahmad,
Mr. Lalchand Navalrai, and
The Honourable Sir Joseph Bhore.

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 questions Nos. 127 to 140, asked by Mr. Gaya Prasad Singh on the 6th February, 1933.

FORGED TEN-RUPEE NOTES IN THE CURRENCY NOTES PRESS, NASIK.

*127. (*a*) The notes were forgeries of the Series E 23 The stolen notes so far recovered were of the Series G 45 to 52, 66, 67, and 69.

(*b*) Yes. They were printed on paper which was a good imitation of the genuine paper and had a well executed forged watermark put on afterwards.

STAR WATER-MARKED CURRENCY NOTES PRINTED IN THE CURRENCY NOTE PRESS, NASIK.

*128. One hundred and sixty notes have so far been recovered. It is not possible to state definitely how many notes were stolen, but as only three were recovered in 1931 and two in 1932, it is probable that few, if any, now remain untraced.

VERIFICATION OF SPOILED OR REJECTED CURRENCY NOTES IN THE CURRENCY NOTE PRESS, NASIK.

*129. (*a*) The verification and destruction of the notes not issued and of the balance of partly printed paper was carried out under the supervision of the Master, Security Printing. Government are satisfied with this arrangement. In the circumstances the second part of this question does not arise.

(*b*) and (*c*). The answer to the last part of (*c*) is No. The system has not been objected to by the audit authorities, and Government do not consider that any useful object would be served or that it would be in the public interest to describe in detail the methods they employ to check unused paper and spoiled notes.

CONVICTION AND SENTENCE OF THE PERPETRATORS OF THEFTS IN THE CURRENCY NOTE PRESS, NASIK.

*130. (*a*) Reports of thefts are not made to the courts but to the police, who take the matter to the courts in accordance with the ordinary procedure. The case in question was tried in the court of the Second Class Magistrate, Nasik, and the sentence was notified to the Master, Security Printing, by the police. Government do not consider that any useful purpose would be served by laying these voluminous documents on the table of the House, but they are available in the Finance Department for perusal by the Honourable Member if he so desires.

(*b*) Yes. Including the case referred to in part (*a*) there have been three court cases involving four accused.

(*c*) In his judgment on case No. 116 of 1928 the Magistrate held that there had been negligence on the part of the Assistant Supervisors. The matter was investigated by the Master, Security Printing, who found that only one Assistant Supervisor was concerned. He was reverted to a daily-paid post on the technical side.

SHORTAGE OF FIVE-RUPEE NOTE SHEETS IN THE CURRENCY NOTE PRESS, NASIK.

*131. (*a*) The Honourable Member is referred to the reply given to question No. 1328 asked on the 21st of November, 1932.

(*b*) Two sheets of Rs. 5 notes were temporarily missing owing to their being mixed up with other sheets, the temporary shortage being detected by the Chief Supervisor. Mr. Patel's fault in this connection was his failure to report the shortage at once and this was punished by his increment being withheld for three months. One Rs. 5 un-numbered sheet was stolen by an employee. This theft was rendered possible owing to careless searching by a search peon who was duly punished. No Supervisor was responsible.

DEPARTMENTAL ACTION TAKEN AGAINST THE SUPERVISORS RETAINED OR RETRENCHED IN THE CURRENCY NOTE PRESS, NASIK.

*132. (*a*) Two Supervisors, who were found to have exercised insufficient supervision, were removed from their appointments ; the Chief Supervisor was reverted to his previous employment as a letterpress printer and the Assistant to the daily-paid establishment. Mr. Mainkar's increment was postponed for three months during the investigation into the theft of the notes. The increment was granted at the end of the investigation without retrospective effect, but the period of postponement was allowed to count for further increments under Fundamental Rule 24.

(*b*) One of the retrenched Supervisors had his increment withheld on one occasion and on another occasion he received a reprimand which was entered in his service book. As previously stated in reply to the Honourable Member's question No. 1332 (*a*) of the 21st of November, 1932, the most efficient were retained. The service of those retrenched was in all cases not so satisfactory as that of those retained.

APPOINTMENT OF ADYA GAUD BRAHMANS IN THE CURRENCY NOTE PRESS, NASIK.

*133. (*a*) The latter reply is correct, the earlier one being based on the erroneous assumption that Savantwadi formed part of Ratnagiri District.

(*b*) No.

ASSISTANT SUPERVISORS OF DIFFERENT COMMUNITIES APPOINTED IN THE CURRENCY NOTE PRESS, NASIK.

*134. The following is the list showing by communities the appointments to the fifteen posts :

Hindus	.. Eleven, of whom nine are Brahmins and two Kshatriyas.
Anglo-Indian ..	.. One.
Parsee	.. One.
Indo-Portugese ..	.. One.
Indian Christian ..	.. One.

SPECIAL QUALIFICATIONS REQUIRED FOR THE POSTS OF THE MASTER AND DEPUTY MASTER OF NASIK PRESSES.

*135. The qualifications required for the posts of Master and Deputy Master of the Nasik Presses are special administrative ability and a sound training in engineering. As regards the Indianisation of these posts and the training of Messrs. Kapur and Das Gupta there is nothing to add to the answer which was given to question No. 1334 asked by the Honourable Member on the 21st of November, 1932.

EUROPEAN STYLE QUARTERS FOR INDIANS IN THE CURRENCY NOTE PRESS, NASIK.

*156. (*a*) Mr. Das received some training in Europe. Mr. Das lives in Indian style and therefore occupies an Indian quarter. He was not offered a European quarter.

(*b*) Mr. Bose took ordinary leave to England and when there studied some aspects of printing. As he also lives in Indian style he occupies an Indian quarter.

(*c*) One Indian Officer who occupies a European quarter has been to England. The remaining Indians who occupy European quarters have not been to England but live in English style. There appears no necessity for Government to define a difference which is well understood by all concerned.

(*d*) The charge for water consumed beyond the free supply is eleven annas per 1,000 gallons. The free supply referred to was sanctioned by Government in order to put the Press employees on the same footing as those of the Bombay Government Central Distillery in the same compound, who had enjoyed the concession for many years. The total value of the concession to all officers and staff, excluding only the daily-paid labourers, on the present occupancy is Rs. 3,205-8-0 *per annum*. It would be invidious to terminate this concession to the Press employees unless the Bombay Government withdraws it from the Distillery employees.

ALLOTMENT OF RESIDENTIAL QUARTERS IN THE CURRENCY NOTE PRESS, NASIK.

*137. (*a*) The Master and certain other employees who enjoyed free or nominally rented quarters either in previous appointments or under agreement, have been granted allowances in lieu on being brought on the rent-paying list. The allowance in some cases covers the rent, in others only partially.

(*b*) Miss Griffin could not be allotted a third grade quarter since these are bachelor quarters for men, with common bathing and sanitary arrangements. The second grade quarter which she occupies is under existing reduced working not required for others, and failing her would be unoccupied.

(*c*) The post of Master, Security Printing, would normally fall in Class 'B' in New Delhi and the average cost of this class is about Rs. 36,000. The Honourable Member is also referred to the reply given to part (*d*) of his question No. 1336 on the 21st of November, 1932.

RESULTS OF THE AUDIT OF THE ACCOUNTS OF ARCHITECTS OF NASIK BUILDINGS.

*138. (*a*) to (*e*). There is nothing to be added to what was stated in the reply given on the 5th of September, 1932, to the Honourable Member's question No. 11, and the reply given on the 21st of November, 1932, to his question No. 1327.

TECHNICAL APPRENTICES EMPLOYED IN THE PRESSES AT NASIK.

*139. The list is as follows :

Apprentices "A" Grade.

		Per day. Rs. A. P.	
Mr. S. V. Upadhye	.. ..	4 1 0	Hindu.
Mr. F. T. Jones	.. ..	4 1 0	Statutory Indian.
Mr. V. T. Rege	.. ..	3 7 0	Hindu.
Mr. Shafi Ahmed	.. ..	3 12 0	Muslim.
Mr. T. Bessent	.. ..	3 7 0	Statutory Indian.

Apprentices "B" Grade.

		Per day. Rs. A. P.	
Mr. B. S. Chitnis	.. ..	2 0 0	Hindu.
Mr. Karam Singh	.. ..	2 0 0	Hindu.
Mr. B. Nandlal	.. ..	1 12 0	Hindu.

APPLICATION OF THE FACTORY RULES TO THE CURRENCY NOTE PRESS, NASIK.

*140. (*a*) to (*e*). Factory inspection is a provincial matter. The Presses are, however, regularly inspected by Factory Inspectors of the Bombay Government and no criticism of the ventilation has ever been made by them. The ventilation is scientifically designed to give a sufficient inflow of fresh air and a maximum outflow of hot and ventilated air, and is far in advance of the arrangements existing in most factories in India in this respect.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I lay on the table—

(*i*) the information promised in reply to a supplementary question to starred question No. 348, asked by Mr. Gaya Prasad Singh on the 20th February, 1933 ;

(*ii*) the information promised in reply to starred questions Nos. 836 to 838 asked by Mr. Gaya Prasad Singh on the 21st March, 1933 ;

(*iii*) the information promised in reply to starred question No. 931 asked by Mr. S. C. Mitra on the 27th March, 1933 ;

(*iv*) the information promised in reply to starred question No. 932 asked by Mr. S. C. Mitra on the 27th March, 1933 ; and

(*v*) the information promised in reply to starred question No. 1106 asked by Khan Bahadur Haji Wajihuddin on the 1st April, 1933.

ENTRY OF SOME SOLDIERS OF THE DORSETSHIRE REGIMENT INTO THE DACCA UNIVERSITY CENTRAL BUILDING WITH FIXED BAYONETS.

*348. I am informed that a youth who was arrested on another charge was identified as one of the two two persons who assaulted the soldier. It was decided not to prosecute him for the assault as the evidence of identification was not considered strong enough to ensure a conviction.

PENSION OF CERTAIN MILITARY MEN INCREASED BY RE-EMPLOYMENT DURING THE GREAT WAR.

*836. (*a*), (*c*) and (*f*). The points raised in these questions were dealt with in the note on the conditions of re-employed service prepared for the informal committee on War Pensions, and were discussed at the meeting of the committee held on the 10th June. The note and a record of the proceedings of the Committee will be found in Volume II of the Report, a copy of which has been placed in the Library.

(*b*) No.

(*d*) No attempt has been made to lay down what records are necessary. The character of a man's service can normally be deduced from the records ordinarily maintained. It is unlikely that any inquiry held fifteen years after the war would elicit reasons for the non-existence of certain documents now.

(*e*) No.

(*g*) Government agree that service should be presumed to have been satisfactory in the absence of evidence to the contrary.

(*h*) No period was or is prescribed. The natural conclusion to be drawn from the fact that a man was discharged shortly after he was re-engaged is that he was not worth retaining.

(*i*) No ; the Pension Controller is chiefly concerned with the re-admission of the pensioner, on ceasing to be employed, to his original authorised rate of pension. It is

the responsibility of interested persons to approach their commanding officers for a re-assessment of their pensions.

DISABILITY PENSION TO DISCHARGED MILITARY MEN.

*837. (*a*) A pensionable disability is one attributable to military service assessed by the Medical Board at not less than 20 per cent.

(*b*) The actual words were not used but Rule 1058 of the 1915 rules required that a disability should affect a man's earning capacity before it could be deemed pensionable.

INSTRUCTIONS ISSUED BY GOVERNMENT *re* PAYMENTS ON CERTAIN CURRENCY NOTES.

*838. The claim has been admitted with effect from the 24th January, 1924.

OFFICERS OF THE ROYAL ARMY MEDICAL CORPS AND THE INDIAN MEDICAL SERVICE EMPLOYED ON SPECIALIST DUTIES.

*931.

Statement showing the nature of Research work on which I. M. S. Officers in the Medical Research Department are at present engaged.

Name of officer.	Nature of work.
1. Lt.-Col. J. Taylor ..	(*a*) The study of the influence of the factors of toxicity and virulence of vibrio stains on their immunising value, and the effect of various procedures on the antigenic value of vaccines prepared from them as estimated by protection experiments.
	(*b*) The basis for the selection of vaccine strains.
	(*c*) The preparation of a novarsenobenzol toxicity curve for Indian-bred mice.
2. Lt.-Col. J. Morison ..	(*a*) The various types of cholera and dysentery bacteriophage and their effects on the virulence of cholera vibrios and dysentery bacilli.
	(*b*) The best conditions for the production of bacteriophage for cholera and dysentery.
	(*c*) The study of outbreaks of cholera in the field with special reference to their origin in Assam and to the effect of vaccination and the different treatments on mortality on the spread of the disease.
	(*d*) The use of bacteriophage on a large scale in the prevention of cholera epidemic in two large populations.
3. Major K. R. K. Iyenger ..	(*a*) Studies in Comparative Antigenic Value of Carbolised and Formalinised antirabic vaccines prepared from the infected brains of rabbit and sheep.
	(*b*) Preparation of a potent antirabic serum.

Name of officer.	Nature of work.
4. Lt.-Col. H. H. King ..	As Director of the King Institute he takes part in all researches that are going on, not only in the initiation of several but also in giving advice and guidance on all. The most important of the present researches are : 1. The cultivation of the vaccine virus in vitro. 2. Minor researches on the improvement of vaccine lymph. These include :— (*a*) Alteration of the seed passage cycle. (*b*) Alterations in the technique of vaccination on calves to lessen bacterial contamination. (*c*) The effect of antiseptics designed to kill contaminations without damaging the lymph. (*d*) The value of heat resistant strains of the virus. (*e*) An attempt to separate the living virus from the dead material of lymph by the action of digestive enzymes on the latter. 3. Researches on cholera bacteriophage. 4. Cultivation of the bacillus of Trachoma. 5. The investigation of the pollution of sub-soil water. 6. An extensive series of investigations on water purification with experimental filters both at Madras and Guindy. 7. Experiments on the comparative value of various scents in attracting mosquitoes either into a trap or on to a bag containing a poisoned solution.
5. Lt.-Col. H. E. Shortt ..	*Rabies Researches.* (*i*) Human Experiments. (*a*) Experiments on a fixed proportion of the most severely bitten cases treated with antirabic sheep serum, as an adjunct to the routine vaccine treatment to determine whether the negative phase may be counteracted. (*b*) Serological researches on treated human cases. (*ii*) Animal Experiments. 1. To test the pre-infectional immunising value of various vaccines. 2. To test the post-infectional immunising value of immune serum as an adjunct to vaccine treatment and when used alone. 3. To test the duration of immunity in immunised animals.

Name of officer.	Nature of work.
5. Lt.-Col. H. E. Shortt—*contd.*	4. To test the post-infectional value of various chemical agents in preventing rabies. 5. To test the duration of potency in the antirabic vaccine now in use. 6. Serological researches on rabies. 7. A study of the morphology of the brain and salivary glands in rabies. Protozoal Parasites Enquiry into : (*i*) The life-histroy of the parasite of tick fever in dogs, *viz.*, *Babesia* and its treatment. (*ii*) Avian trypanosomes and their transmission by ectoparasites. (*iii*) Other minor work.
6. Lt.-Col. J. A. Sinton ..	Researches in Malaria.
7. Lt.-Col. L. A. P. Anderson ..	An investigation into the Serological Diagnosis of Enteric fevers in its relation to the special conditions of a tropical country where these fevers are prevalent. (*b*) Work in connection with the antigenic constitution of certain strains of the typhoid-paratyphoid organisms.
8. Major G. C. Maitra ..	The study of the effective fraction of antivenomous serum. The methods of preparation of Pseudoglobulin concentrates applicable for large scale production and the duration of potency of sera concentrated and preserved by different methods.
9. Major A. C. Craighead ..	The study of Indian strains of pneumococcus, meningococcus, and Hæmophilus influenzæ and the preparation of type sera for their classification.
10. Colonel R. MacCarrison ..	Nutritional Research.
11. Lt.-Col. S. S. Sokhey ..	Studying the biology of *B. pestis* with special reference to chemical and immunological reactions in correlation with animal experiments.
12. Major S. D. S. Greval ..	Ditto
13. Major G. Covell	On leave at present.
14. Captain H. W. Mulligan ..	Researches on Malaria.
15. Major W. J. Webster ..	Researches on improvements in the testing of water samples. They are : (*a*) The best and most economical method of conveyance of water samples without alternation of the bacterial flora. (*b*) An investigation into the presence and significance of streptococci in drinking water.

Name of officer.	Nature of work.
15. Major W. J. Webster—*contd.*	(*c*) The applicability of the Eijknam test under local conditions. (*d*) Researches on media for the differentiation of B. coli from T. B. ærogenes.
16. Captain M. L. Ahuja ..	The study of the relative value of different bacterial strains used for the preparation of typhoid vaccines and the comparative value of stock strains and recently isolated strains. (*b*) The antigenic properties of strains of vibrios choleræ from different parts of India and their value for the preparation of diagonostic sera. (*c*) The standardisation of Novo-arsenobillai under Indian conditions.
17. Captain S. M. K. Mallick ..	On leave at present.

MILITARY HOSPITALS IN INDIA.

*932.

British Military Hospitals.

Station.	No. of beds.	Number of patients on 1-1-32.	R. A.M.C. Officers.	No. of nurses employed.	R.A.M.C. other ranks.	Regimental Nursing Orderlies (British).		Indian Hospital Corps personnel.
						Trained.	Untrained.	
1st Class.								
Lucknow ..	162	43	8	12	25	5	10	64
Poona ..	170	64	10	14	23	3	16	93
Quetta ..	236	45	6	12	22	9	21	115
Rawalpindi ..	219	140	16	17	31	12	19	152
Secunderabad ..	140	58	5	12	20	6	4	76
2nd Class.								
Bangalore ..	115	31	9	9	14	3	12	70
Calcutta ..	111	22	4	5	1	17	5	59
Jubbulpore ..	125	31	5	9	22	3	15	63
Karachi ..	174	23	5	6	9	13	8	70
Lahore ..	163	51	6	10	11	..	18	67
Meerut ..	174	87	6	11	26	14	2	64
Mhow ..	101	27	6	9	17	10	..	56
Mingaladon ..	70	28	4	4	4	7	12	52

Station.	No. of beds.	Number of patients on 1-1-32.	R.A.M.C. Officers.	No. of nurses employed.	R.A.M.C. other ranks.	Regimental Nursing Orderlies (British). Trained.	Regimental Nursing Orderlies (British). Untrained.	Indian Hospital Corps personnel.
2nd Class—contd.								
Nowshera ..	90	32	4	5	..	9	14	73
Peshawar ..	146	41	6	10	20	3	9	111
Ranikhet ..	140	1	1	..	2	..	..	58
Murree ..	136	Open during the summer months only.						
3rd Class.								
Agra ..	71	18	4	4	..	9	11	39
Ahmednagar ..	50	20	2	..	..	7	..	30
Bareilly ..	65	25	4	6	..	12	6	33
Belgaum ..	24	5	1	..	2	..	..	15
Benares* ..	15	4	1	..	..	2	..	23
Bombay ..	147	12	3	12	21	9	..	59
Cawnpore* ..	63	20	2	3	..	3	6	40
Chakrata and Kailana.	80	..	1	..	..	3	2	39
Cherat (in summer, 3rd class; in winter, 5th class).	45	..	1	..	..	3	..	30
Dalhousie (in summer, 3rd class; in winter, 4th class).	72	..	1	..	3	..	..	8
Delhi ..	102	33	4	6	..	11	9	64
Deolali ..	70	8	2	..	15	1	1	46
Dinapore* ..	61	5	1	..	..	7	2	39
Jhansi ..	80	18	4	7	5	4	8	36
Kasauli ..	87	15	1	2	..	4	..	32
Madras ..	54	31	2	..	2	5	..	38
Maymyo ..	65	60	4	5	6	10	..	49
Muttra* ..	26	6	1	..	..	4	..	25
Risalpur ..	50	23	2	..	..	6	..	39
Sialkot ..	103	41	3	5	13	8	..	58
Wellington ..	85	13	2	6	..	5	10	48

* Includes Indian Wing of British Military Hospital.

Indian Military Hospital.

Station.	Number of beds.	Number of patients on 1-1-32.	I. M.S.	Number of nurses employed.	I. H. C. (Nursing) personnel.	Other (I. H. C.) personnel.
1st class.						
Abbottabad	112	62	5	..	13	31
Bangalore	120	34	6	3	19	30
Bannu	220	45	4	4	20	42
Dehra Dun	146	36	4	3	19	50*
Ferozepore	80	38	5	..	18	33
Jubbulpore	70	29	4	..	18	31
Kohat	253	124	10	4	22	42
Lahore	160	74	9	4	25	47
Landi Kotal	270	36	3	..	17	36
Lucknow	135	38	9	3	26	47
Meerut	140	66	5	3	24	45
Nowshera	155	38	5	3	23	41
Peshawar	200	111	7	5	30	54
Poona	85	65	7	3	17	31
Quetta	450	96	9	7	57	107
Rawalpindi	220	102	11	5	32	75
Razmak	300	107	8	..	26	60
Secunderabad	134	35	4	3	26	41
Sialkot	96	44	7	..	18	28
Wana	160	53	7	..	25	44
2nd class.						
Alipore	73	37	3	..	12	28
Ambala	85	52	4	..	17	33
Bombay	75	33	4	..	12	25
Delhi	75	26	4	..	9	27
Fort Sandeman	104	33	4	..	13	28
Jhansi	82	56	3	..	17	34
Jhelum	80	47	4	..	18	38
Jullundur	99	28	5	..	16	27

* Includes British Wing of I. M. H.

Station.	Number of beds.	Number of patients on 1-1-32.	I. M.S.	Number of nurses employed.	I. H. C. (Nursing) personnel.	Other (I. H. C.) personnel.
2nd class—contd.						
Karachi	75	28	4	2	14	28
Lansdowne	130	21	2	3	14	41
Mingaladon	60	108	5	..	8	18
Shillong	17	17	2	..	9	21
3rd class.						
Ahmednagar	30	12	1	..	7	14
Aurangabad	40	8	1	..	7	16
Bakloh	43	21	1	..	7	12
Bareilly	95	28	2	..	11	31
Belgaum	45	16	2	..	7	15
Chaman	100	4	2	..	12	25
Dharamsala	35	10	1	..	9	13
Loralai	79	4	3	..	8	25
Mandalay	75	28	3	..	11	30
Mardan	65	30	2	..	9	20
Maymyo	110	15	4	..	11	33
Manzai	48	14	1	..	5	16
Mhow	60	25	3	..	12	22
Mirali	15	6	1	..	6	12
Multan	60	16	3	..	9	19
Nasirabad	44	16	2	..	8	18
Risalpur	43	23	2	..	8	15
Roorkee	72	14	2	..	8	21
St. Thomas Mt.	45	11	1	..	6	18
Thal	40	9	1	..	3	11

Explanatory Note.

(*a*) *Number of patients.*—This does not include the numerous patients who are detained from day to day prior to admission or for minor complaints which, though not sufficiently prolonged to entail admission, nevertheless require medical treatment and nursing; nor does it include the large number of personnel treated in barracks. Families have also been excluded.

The date (1st January) conveys an erroneous impression of numbers, since Malaria is practically non-existent then.

(*b*) *Number of beds.*—This is the minimum number required to deal with the normal admission rate at the unhealthy season of the year, *i.e.*, when Malaria and Dysentry are most prevalent. The number would not suffice for unusually severe epidemics.

(*c*) *Number of personnel.*—With the exception of Nursing Sisters, medical personnel have many other duties to perform beyond tending the sick in hospital. The primary role of the Military Medical Services is to prevent disease, and not merely to treat it after it has occurred.

Many officers are borne on the strength of hospitals whose full time preventive and other duties lie entirely outside hospital precincts.

(*d*) No Indian nurses are employed in the Indian Military Hospitals in India. Only three Indian ladies have applied for appointment to the Indian Military Nursing Service during the last three years. None of these ladies had the essential qualification of training in the nursing of male patients.

BUILDINGS IN THE AMBALA CANTONMENT.

*1106. (*a*) to (*c*). As a Cantonment authority cannot refuse, under Section 181 of the Cantonment Act, to sanction a building, on the ground that the applicant's title to the site on which he proposes to build is disputed, the Ambala Cantonment authority have, in a large number of cases, added to their resolution conveying Municipal sanction, a warning that the building will be an encroachment, and that the applicant will therefore build at his own risk. The object of this is to make it clear that Municipal sanction does not imply any admission of title in the land.

(*d*) Yes; the land is claimed by Government.

(*e*) Government are considering the advisability of filing suits where necessary in order to obtain a declaration of their rights in the land.

(*f*) Government do not consider that the action of the member in question brings him within the mischief of Section 34 (2) of the Cantonment Act.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to supplementary questions to starred question No. 421 asked by Seth Haji Abdoola Haroon on the 21st February, 1933.

REDUCTION OF LAND REVENUE AND GRANT OF *Takavis* TO AGRICULTURISTS IN SIND AND BALUCHISTAN.

*421. Land revenue is realised in all the tahsils in Baluchistan which are not under cash assessment at the rate of 1|6th of the produce except Sibi tahsil where it is realised at the rate of 1|5th.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

(*i*) the information promised in reply to starred question No. 246 asked by Mr. Lalchand Navalrai on the 7th February, 1933;

(*ii*) the information promised in reply to starred question No. 783 asked by Mr. Jagan Nath Aggarwal on the 20th March, 1933; and

(*iii*) the information promised in reply to starred questions Nos. 1182, 1183 and 1184 asked by Mr. B. N. Misra on the 10th April, 1933.

TRANSFER OF CERTAIN MEN OF THE COMMERCIAL STAFF EMPLOYED IN THE QUETTA DIVISION ON THE NORTH WESTERN RAILWAY.

*426. (*a*) to (*k*). The Agent, North Western Railway, reports that the practice of transferring staff between the Quetta District and the other District of the North Western Railway was established prior to the introduction of the Divisional System to meet the needs of the North Western Railway to have a nucleus of staff available with experience of the working conditions in the Quetta Division who could be drafted up at short notice to the Quetta Division in the event of mobilisation. Under this scheme staff concerned were transferred for a period of 3 years after which they were sent back to their Home Divisions. It was decided in March, 1931, to hold this scheme in abeyance as a measure of economy. In consequence six commercial staff who were transferred from the Quetta to the Delhi Division remained on that Division.

It has been decided to introduce the three year scheme again. Three of the six commercial staff have already been transferred back to their Home Divisions and the other three are expected to be sent back to their Home Divisions at an early date.

CERTIFICATES OF SICKNESS PRODUCED BY THE NORTH WESTERN RAILWAY EMPLOYEES.

*783. (*a*) The Agent, North Western Railway, reports that medical certificates granted to staff by outside registered Medical Practitioners are generally accepted. Only in cases in which there are irregularities in the certificates or there is reasonable doubt about the genuineness of the certificates, medical certificates from outside registered Medical Practitioners may not be accepted. But such cases are very rare.

If a medical certificate is accepted, the employee concerned is granted leave admissible and due to him. In the rare cases when a medical certificate is not accepted each case is dealt with on its merits and the period of absence may be treated as leave without pay.

Government do not consider that any change in this procedure is necessary.

(*b*) No. Government are informed that this is not the case and that the granting of a certificate or not depends on the condition of health of the employee.

(*c*) and (*d*). Do not arise.

DENIAL TO RAILWAY SUBORDINATES OF MORADABAD OF THE PRIVILEGE OF SEEING OFFICERS AT CALCUTTA.

*1182. (*a*) No. The staff are granted, on application, interviews with officers at Calcutta, if it is considered that an interview can serve any useful purpose.

(*b*) In this case the appeal lay to the Divisional Superintendent and it was not considered that any advantage would be gained by the appellant by an interview with any officer in Calcutta.

PUNISHMENTS GIVEN TO THE SUBORDINATES OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

*1183. Staff are not punished in anticipation of their explanation. The reference number quoted appears to be wrong as the letter is not traceable.

SUSPENSION OF CERTAIN SUBORDINATES OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

*1184. (*a*) Pay under suspension is regulated in terms of Fundamental Rule 54. Staff who are not honourably acquitted of a charge are granted such proportion of pay as is ordered by competent authority. In cases in which full pay has not been sanctioned, the staff concerned were justly put under suspension and the forfeiture of a part of their pay was considered sufficient punishment.

(*b*) These are of purely departmental interest and Government do not consider that any public purpose will be served by publishing them.

THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table the report of the Select Committee to which the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes was referred.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to present the first part of the report of the Public Accounts Committee on the accounts of 1931-32.

Report of the Public Accounts Committee on the Accounts of 1931-32 other than Railways.

I.—EXCESS VOTES.

1. *General summary.*—The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants :

(In lakhs of rupees.)*

	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.
Expenditure charged to Revenue	1,09,69	6,16	1,15,85	1,08,65
Expenditure charged to Capital	13,29	..	13,29	8,35
	1,22,98	6,16	1,29,14	1,17,00
Disbursements of loans and advances	9,15	6,78	15,93	14,21
Grand Total ..	1,32,13	12,94	1,45,07	1,31,21

2. The following table compares the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :—

(In lakhs of rupees.)

	Original appropriation.	Supplementary appropriation.	Final appropriation.	Actual expenditure.
Expenditure charged to Revenue	1,20,10	70	1,20,80	1,19,76
Expenditure charged to Capital	13	6	19	20
Total Expenditure ..	1,20,23	76	1,20,99	1,19,90

* The figures in paragraphs 1 to 5 include Railway figures.

3. The position regarding total expenditure, voted and non-voted, is as follows :—

(In lakhs of rupees.)

	Original grant.	Final grant.	Actual expenditure.
Expenditure charged to Revenue	2,29,79	2,36,65	2,28,35
Expenditure charged to Capital	13,42	13,48	8,55
Total Expenditure ..	2,43,21	2,50,13	2,36,90
Disbursements of loans and advances.	9,15	15,93	14,21
Total ..	2,52,36	2,66,06	2,51,11

4. *Savings.*—There was thus a saving of 14,95 lakhs or 5.6 per cent. in the final grant. The percentage compares as follows with the results of previous years :—

	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.
Expenditure charged to Revenue ..	·6	1·1	1·4	·5	3·5
Expenditure charged to Capital ..	3·4	3·8	10·2	19·9	36·6
Disbursements of loans and advances	·1	—·3	—·3	—20·3	10·8
Combined percentage	1·0	1·4	2·4	1·2	5·6

5. The following table compares the percentage of savings under voted grants for expenditure proper (*i.e.*, exclusive of disbursements of loans and advances) with that of savings in non-voted appropriations :—

Year.	Voted.	Non-voted.
1927-28	—·4	2·8
1928-29	2·4	·3
1929-30	4·0	·8
1930-31	4·0	—·1
1931-32	9·4	·9

6. *Excesses.*—In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :—

Item No.	Number of Grant.	Grant.	Amount voted by the Assembly.	Actual expenditure.	Excess.
			Rs.	Rs.	Rs.
1	20	Stamps	2,000	7,762	5,762
2	26	Interest on Miscellaneous obligations.	47,78,000	48,90,238	1,12,238
3	74	Superannuation Allowances and Pensions.	46,98,000	56,60,750	9,62,750
4	76A	Expenditure on Retrenched personnel charged to Revenue.	..	2,69,155	2,69,155
5	77	Refunds	84,43,000	90,31,307	5,88,307
6	80	Delhi	43,69,000	44,74,697	1,05,697
7	96A	Expenditure on Retrenched personnel charged to Capital.	..	1,42,779	1,42,779

7. A brief explanation of each excess is given below :—

Item 1.—The excess was due to the Security Printing Press having sustained a loss during the year as the result of a fall in the demand for the products of the Press.

Item 2.—The voted charges under this grant represent mainly payments to the Posts and Telegraphs Department for savings bank and cash certificate work. The excess was due to an increase in the number of savings bank transactions beyond that anticipated when the supplementary grant was obtained under this head.

Item 3.—The excess was mainly due to the abnormally large number of retirements towards the close of the year as a result of the retrenchment campaign and to the adjustment of Posts and Telegraphs Department pensionary liability at a lower rate than anticipated.

Items 4 and 7.—These items have been dealt with in paragraph 15 of this Report.

Item 5.—The excess occurs mainly under customs refunds and is partly due to the late adjustment of debits connected with the refund of excise duty on motor spirit and kerosene produced in Burma and exported to Kashmere and Afghanistan.

Item 6.—An unanticipated grant-in-aid made to the New Delhi municipality to meet expenditure on certain activities transferred to it from the Public Works Department caused the excess. This was largely counterbalanced by corresponding savings in the Public Works grant.

8. We recommend that the Assembly assent to the excess grants detailed in paragraph 6 above, which the Governor-General in Council will place before them in due course.

9. Rule 52 (2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every reappropriation from one grant to another grant, every reappropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. We are glad to be able to report that there have been no reappropriations falling under these categories during the year, nor have the Finance Department requested us to bring to the notice of the Assembly any particular item of expenditure.

II.—COMMENTS ON MATTERS OUTSTANDING FROM PREVIOUS REPORTS.

10. *Disposal of surplus stocks of quinine.*—We were informed that in accordance with the recommendations of the previous Public Accounts Committees arrangements had been made for the disposal of the surplus stock of quinine held by the Government of India after retaining 150,000 lbs. as a reserve stock in accordance with the advice given by the experts. In view of the impending constitutional changes and the introduction of Provincial Autonomy we do not think that the Government of India should at

its own expense maintain a large stock of quinine for supply to the Provincial Governments after the new constitution comes into being. We therefore suggest that if the arrangements now made for the disposal of the surplus stock are successful, the Government of India should reconsider the amount of the reserve stock to be maintained by them.

11. *Utilisation of unanticipated credits to cover excess expenditure.*—The Public Accounts Committee in paragraph 29 of their Report on the accounts of 1930-31 observed that unanticipated credits should not be utilised for the purpose of covering expenditure in excess of the grant and recommended that such credits should be treated in the accounts as receipts and not as deductions from expenditure. The Auditor General has explained to us that the fact of anticipation or non-anticipation of a credit is not really a valid criterion for classification and that he cannot classify an item as a receipt or as a deduction from expenditure merely according to the accuracy of a previous forecast. He entirely agrees with us that such credits should not provide excess supplies for the spending departments without the fact being brought to the specific notice of the Assembly. He has therefore suggested that such items should be brought to the notice of the Assembly either through the Budget memorandum or the review of Appropriation Accounts. We feel that this suggestion will not be enough to give the Assembly proper control over the matter. We therefore recommend that, in cases where substantial unanticipated credits are to be utilised to incur fresh expenditure which would not have been incurred but for such credits, the approval of the Standing Finance Committee should be obtained in the same way as for items of supplementary grants.

12 (*a*). *Andamans Forests.*—With regard to the subjects of royalty and shipping freights on timber, we have accepted the Government view as recorded in paragraphs 20 and 21 of the Proceedings of our meetings.

(*b*) *Andamans Butchery and Dairy.*—We are glad to note that as a result of many improvements introduced in these two concerns the Butchery made a profit in 1932-33 against losses in previous years and the loss of the Dairy was considerably reduced. We are not, however, satisfied as to the need for maintaining the Dairy if it can only be run at a loss and suggest that the Government of India should further examine the point.

III.—IMPORTANT COMMENTS ON MATTERS ARISING OUT OF THE ACCOUNTS FOR 1931-32.

13. *Accuracy of budgetting, control over expenditure, etc.*—From the point of view of accurate estimating and efficient control of expenditure the year 1931-32 was one of peculiar difficulties. Owing to the severity of the financial stringency the Finance Department had to make heavy reductions in the estimates of the various Departments and as this had to be done at short notice, summary methods were adopted. After the budget was passed, various sub-committees of the Retrenchment Advisory Committee got to work ; a large number of schemes of retrenchment and economy were brought into force from time to time during the year and in many cases it was difficult to forecast exactly what savings might be expected to accrue during the year from those schemes. Percentage cuts

in the pay of Government officers were also applied, with effect from the 1st December 1931. Throughout the year the primary responsibility of every controlling and disbursing officer was to reduce expenditure as far as possible and not merely to keep it within his allotment. Some confusion was also caused by the amalgamation of certain accounts and audit offices during the year, itself a measure of retrenchment. There were also abnormal circumstances affecting the Army expenditure, *viz.*, disturbances in various parts of India, such as the Burma rebellion, and variation in the prices of stores, particularly food-stuffs. For these reasons we agree with the Auditor-General that the conditions of the year 1931-32 were such that no safe conclusions can be reached regarding the standard of estimating and that there was no marked deterioration in control over expenditure.

As regards the Posts and Telegraphs Department, however, we agree with the Auditor-General that even after due allowance is made for the abnormal conditions of the year, current control of expenditure continued to be inadequate, although we recognise that some progress has been made. The Director-General explained to us the various steps taken to improve the current control of expenditure.

After the Inchcape Committee's Report, the post of a Financial Adviser was created for the Department and the present Director-General was one of the earlier occupants of this office. He told the Committee that during his régime as Financial Adviser he had other duties of a Secretarial nature which occupied much of his time. The present Financial Adviser informed the Committee that he had no specialized staff to help him in his work. Whatever may be the explanation, we consider the position as disclosed in this Report and in previous reports unsatisfactory and recommend that the Government should take urgent action to remove any defects that they may find to exist in the organisation.

14. *Financial Irregularities.*—We have gone very carefully into the cases of financial irregularities included in the various reports. Such irregularities in the Civil Departments were not numerous. A case was brought to our notice in which a theft occurred from a sub-treasury as a result of the sub-treasurer's action in handing over his set of sub-treasury keys to a chaprasi to be taken to the sub-treasurer for the day. The local Administration issued orders impressing on all officials concerned with the administration of treasuries the need for strict observance of the rules in the Treasury Manual, but did not consider that any disciplinary action was necessary against the sub-treasury officer. We understand that such cases are not reported to the Government of India unless there is some loss to be written off by the Government of India. We consider that this is not satisfactory and that arrangements should be made for the reporting of all such cases of theft, fraud or defalcation, etc., to the Government of India in the administrative Department concerned so as to enable them to judge whether the action taken by the local Administration was sufficient.

A grant-in-aid equivalent to 50 per cent. of the actual expenditure on equipment was admissible to a certain college. A sum of Rs. 5,000 was paid to the college on the basis of an estimate of the probable expenditure, but later on it was found that the actual expenditure incurred by the college was less than Rs. 10,000 and the excess amount paid to the college had to be regularised by the Government of India. We under-

stand that in some Provinces the procedure is that, in cases, where the grant-in-aid is expressed as a certain percentage of the actual expenditure incurred by the institution, the amount is paid only after the production of vouchers. We suggest that the Government of India should consider whether a similar procedure could not be introduced in the areas directly administered by them.

As regards the Army Department, the subject has been fully dealt with in the Report of the Military Accounts Committee and the proceedings attached to it.

15. *Grants for expenditure on retrenched personnel.*—The Auditor-General has brought to our notice that though the expenditure on retrenched personnel was known to be inevitable before the close of the year, no steps were taken to obtain supplementary grants from the Assembly to cover it. The Financial Secretary explained to us that it was extraordinarily difficult to frame even the vaguest estimate of the expenditure likely to be incurred during the year, which was clear from the fact that against a provision of Rs. 20 lakhs in the revised estimates the actual expenditure amounted only to little over Rs. 4 lakhs. He added that the Assembly knew that such expenditure was being incurred, as the terms given to retrenched personnel had been brought specifically to its notice. We realise the difficulties of preparing an estimate of this expenditure, but consider that from a constitutional point of view it was incorrect not to have obtained some specific vote from the Assembly even though the Assembly knew that such expenditure was being incurred.

16. *Trading results of Government of India commercial concerns.*—The Accountant-General, Central Revenues, has in paragraphs 22—29 of the Commercial Appendix given a comprehensive review of the financial results of all the Central Government commercial concerns and indicated in a clear form and comparatively brief compass the special features of the accounts of these concerns. As observed by the Accountant-General, some of these concerns show improvements, but the total extent of the deterioration in others far exceeds the amount of the improvement, mainly due to the widespread and continued fall in prices and the general economic depression. We agree with the Auditor-General that the results of the year are not any worse than the prevailing financial conditions would give reasons to expect.

17. *Abolition of commercial accounts in certain commercial concerns—Appendix XV.*—It was explained to us that the commercial activities of the Imperial Institute of Animal Husbandry and Dairying, Bangalore, the Imperial Cattle Breeding Farm, Karnal, cultivation and cattle breeding experiments in the Agricultural Section of the Imperial Institute of Agricultural Research, Pusa, had been considerably curtailed and their activities were now confined to education and research. In the Imperial Cattle Breeding Farm, Karnal, only the cultivation accounts had been commercialised, but now practically all the lands were leased out to tenants. At Pusa, commercial accounts were maintained only for the Agricultural Section and the Government of India had laid down that the maintenance of commercial accounts should not be regarded in any measure as implying that education and research work should be sacrificed in order to run an institution as a profit-making concern. The Kitchen Garden of the Imperial Institute of Agricultural Research at Pusa was only a very small affair. The Auditor-General agrees to the proposal to abolish commercial accounts in all these concerns partly because this will lead to some economy but mainly because he is convinced that the research and educational functions of these concerns outweigh so much the commercial side that commercial accounts can not actually be of much service. We also accept the proposal but on the distinct understanding that, if in any of these concerns commercial activities are revived, commercial accounts should be re-introduced.

18. *The Indian Stores Department.*—We discussed in detail with the Chief Controller of Stores the *pro forma* profit and loss accounts of the Indian Stores Department which showed a heavy loss during the year under review. The Chief Controller explained that as a result of the large fall in prices the commission credited to the Department, which was based on a percentage of the price of stores, had fallen considerably. He also mentioned that a correct estimate of the financial position could only be obtained if on the receipt side of the account credit could be taken for the large savings in the expenditure budgets of the consuming departments on the cost of stores purchased through the Indian Stores Department and that it was also impossible to assess in rupees, annas and pies the value of the services rendered by the Department in connection with the promotion and encouragement of Indian industries. We are of opinion that, though the *pro forma* accounts are very useful for the purpose of enabling us to keep a general watch upon the operations of the Department, the Department cannot be expected to be self-supporting on the basis of those accounts—at any rate at a time when the prices of all commodities are as low as at present.

19. *Financial position of the Indian Posts and Telegraphs Department.*—We have perused the memoranda furnished by the Director-General, Posts and Telegraphs (Annexures I and II to the Proceedings of the 7th and 8th meetings) on the future commercial prospects of the Indian Posts and Telegraphs Department and on the various measures taken to reduce the expenditure of the Department. We note that the Director-General hopes that if the improvement in revenue which is noticeable in the first three months of 1933-34 is maintained, the economy campaign which is being pursued steadily will enable the Department to balance its budget in the not distant future.

20. *Report of the Military Accounts Committee.*—We append the Report submitted by the Military Accounts Committee (Annexure A) constituted to make a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and observations of the Committee both in its Report and in the accompanying proceedings of its meetings. As regards the special point of the *pro forma* account of expenditure on Auxiliary and Territorial Forces, we agree with that Committee that the present arrangements are unsatisfactory from a practical point of view. We therefore approve of the suggestion of the Army Secretary that proposals should be worked out for classifying the cost of certain units as wholly debitable to the *pro forma* account and the cost of others as wholly debitable to the ordinary Army grant.

IV.—MISCELLANEOUS OBSERVATIONS.

21. We were consulted on the action to be taken to reconstitute the Committee in view of the extension of the life of the present Assembly

and after full consideration we recommended that a new Public Accounts Committee should be constituted on the expiry of the normal term of three years.

22. As in the previous years, we append to our Report minutes of our proceedings which we consider should be treated as part of the Report. We assume that in accordance with the established practice action will be taken by Departments as necessary on the observations and recommendations contained in these proceedings.

23. We wish to thank the Auditor-General for his lucid comments on the various Appropriation Accounts which greatly facilitated our work and also for the assistance which he rendered to us throughout the proceedings.

24. We also wish to express our appreciation of the valuable services rendered to us by our Secretary, Mr. K. Sanjiva Row.

A. H. LLOYD.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

ISMAIL ALI KHAN.

S. C. MITRA.

S. C. MITRA for K. P. THAMPAN.

M. A. AZIM.

J. RAMSAY SCOTT.

R. D. DALAL.

M. C. RAJAH.

K. SANJIVA ROW,

Secretary.

25. The non-official members of the Committee desire to record their appreciation of the ability, energy and tact with which the Chairman guided its deliberations.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

ISMAIL ALI KHAN.

S. C. MITRA.

S. C. MITRA for K. P. THAMPAN.

M. A. AZIM.

J. RAMSAY SCOTT.

R. D. DALAL.

Dated the 23rd August, 1933.

ANNEXURE A.

Report of the Military Accounts Committee.

We were constituted in pursuance of the recommendations of the Public Accounts Committee of the year 1931-32 in paragraph 31 of their Report to make a preliminary examination of the Military Appropriation Accounts and connected documents. In our task we received great assistance not only from the Auditor General and the Financial Adviser, Military Finance, and his staff but also from the Army Secretary and the officers of Army Headquarters who appeared before us. We have once again to record our appreciation of the obvious desire of the Army authorities to secure every possible economy and stricter financial control, of the efficacy of the action which they have taken to this end and of their readiness to accept any proposals in this respect which we found ourselves able to suggest to them.

2. The results of our examination of the Appropriation Accounts and connected documents are as usual embodied in the proceedings of our meetings (Annexure I) and it is unnecessary for us here to do more than to refer to the more important points.

3. *Revision of Army Regulations.*—In view of the numerous instances of wrong payments due to the complexity and obscurity of the existing rules last year's Committee had recommended that the steps taken to simplify and amend the existing regulations should be reported to us this year. The Auditor General in his letter forwarding the Appropriation Accounts again pointed out that the accounts with which we had to deal this year provide ample evidence that not only have irregularities been caused by the bulk and complexity of the regulations but that the unskilful and careless drafting of individual orders has led to losses that were not inconsiderable in total amount. He has therefore suggested that two measures are necessary :—

(1) more careful scrutiny by the Finance Branch in conjunction with the office of the Military Accountant General of the drafts of proposed rules, and

(2) the immediate incorporation in the relevant regulations of new orders affecting them.

We are informed that both these suggestions have already been given effect to. We are also glad to note that with a view to achieve real and lasting simplification of the regulations some progress has been made in the preparation of basic rules applicable to the various classes of personnel. We suggest that everything possible should be done to accelerate the work. We agree with the Auditor General that the cause of the trouble in the past has been the tendency of the Army Department to issue special orders to meet individual cases outside the ordinary regulations. We therefore strongly endorse the Auditor General's suggestion that having got the basic rules the Army Department should resist any such tendency.

4. *Authorised war reserves of stores.*—As recommended by the Committee last year, the Quartermaster General and the Master General of Ordnance have furnished the necessary certificates in regard to the existence in stock of all the authorised war reserves of stores on the 31st March 1933. Copies of these certificates are attached to our proceedings.

5. Pro forma *account of expenditure on Auxiliary and Territorial Forces.*—The Financial Adviser has in the Appropriation Accounts furnished a *pro forma* account of special expenditure incurred in 1931-32

for the expansion of the Territorial Force. The Army Secretary explained to us the difficulties involved in compiling figures of expenditure debitable to the *pro forma* account as certain charges in a particular unit were so debitable while others were not. He has therefore suggested that it would be much simpler if the complete cost of certain units were debited to the *pro forma* account and the complete cost of others to the ordinary Army Grant. We recognise the difficulties pointed out by the Army Secretary and suggest that the Public Accounts Committee should consider the suggestions made by the Army Secretary.

6. *Expenditure on special programme measures.*—We were furnished by the Army Secretary with a certificate from the Chief of the General Staff stating that the expenditure on programme measures up to the 31st March 1933, was estimated at Rs. 728.30 lakhs, that funds to the extent of Rs. 39.34 lakhs had been provided in the budget estimates for 1933-34 and that all outstanding measures could be completed by a further expenditure of Rs. 226.7 lakhs. We would like to point out in this connection that the estimate, *viz.*, Rs. 10 crores, of the cost of special measures was framed before the fall in prices. We, therefore, suggest that the Army Department should carefully examine the question whether the total expenditure on these measures could not be reduced in view of this fall in prices, although we recognise that, for valid reasons, the fall has not been felt by certain classes of Military stores.

7. *Claims against other Governments.*—The Auditor General has brought to our special notice a number of cases of failure to debit other Governments or Departments with expenditure properly debitable to them. We were informed by the Military Accountant General that a special procedure had been introduced last year to ensure that such claims should not be overlooked. In view of the fact that some of the claims against other Governments, etc., had been overlooked for very long periods in the past, we would suggest that the Financial Adviser, Military Finance, should consider whether some arrangements could not be made to review periodically as far as practicable all agreements with outside parties which entitled them to concessions.

8. *Military Engineer Services.*—We went through the special review of expenditure on Military Engineer Services prepared by the Financial Adviser as desired by the previous Committee. The review is lucid and informative and we hope its value may be still further enhanced when the Financial Adviser is able to incorporate his projected improvements. The year 1931-32 was, however, quite exceptional as in several cases deliberate departures were made from the basis on which the budget estimates had been framed with a view to secure a maximum amount of economy as a result of the retrenchment campaign. We therefore agree with the Auditor General that it would not prove a fair test of the measures taken to secure conformity with a settled programme of works.

9. In the above review the Financial Adviser has suggested that the present system of holding of reserves should be reconsidered. We went through this question in great detail with the Quartermaster-General and the Engineer-in-Chief. From the explanations given to us it was clear that the only real reserve is that held by the Quartermaster-General himself and we agree with him that this reserve is necessary to meet certain unforeseen emergencies. The reserves held by subordinate officers are really not reserves at all but either (*a*) annual grants for minor works wrongly described in the accounts hitherto as "reserves" or (*b*) sums set apart

at the beginning of each year by the controlling officers out of the lump allotments made to them for expenditure on works, maintenance, etc., during the year.

10. A case was brought to our notice in which the residential quarters of the Commandant of a certain school were provided with a hot water installation, the expenditure having been incurred before an estimate was framed and proper sanction obtained. The Auditor General has suggested in this connection that with a view to having some sort of check over works undertaken without sanctioned estimates intimation as to the intention of starting such a work should be communicated to the Controller as soon as possible. We also understand from the Auditor General that in the Railway Department all cases in which there is doubt as to the proper sanctioning authority and all important cases are referred for pre-audit or for advice to the Chief Accounts Officer who acts as a Financial Adviser. We suggest that the Military Accountant General should consider whether a similar procedure cannot be introduced on the Army side.

11. In paragraph 45 of the Report of the Director of Army Audit a case has been reported in which machinery valued at about Rs. 30,000 which had actually been disposed of in 1908, continued to be shown in the accounts up to 1929-30. It is a very serious matter that machinery which did not actually exist continued to be shown on the books for over 25 years without the mistake being detected. We consider that it is necessary to devise some procedure to avoid such mistakes in future and we should like to have a report next year as to the steps taken in this direction.

A. H. LLOYD.
J. B. TAYLOR.
M. A. AZIM.
S. C. MITRA.

The 10th August, 1933.

ANNEXURE I.

Proceedings of the First meeting of the Military Accounts Committee held on Tuesday, the 25th July, 1933, at 11 A.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*	
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.	*Members.*
Mr. S. C. MITRA, M.L.A.	*Members.*
Mr. MOHAMMAD ANWAR-UL-AZIM, M.L.A.	*Members.*
Mr. A. C. BADENOCH, Auditor General.	Were also present.
Mr. G. R. F. TOTTENHAM, Army Secretary.	Were also present.
Mr. W. R. TENNANT, Financial Adviser, Military Finance.	Were also present.
Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.	Were also present.
Lt.-Col. R. PRINCE, Military Accountant General.	Were also present.
Mr. L. J. PECK, Director of Army Audit.	Were also present.

The Committee took up the examination of Appendix A to the Appropriation Accounts prepared by the Financial Adviser, Military

Finance. The Committee accepted the explanation given or the action taken in regard to the cases mentioned in the Appendix subject to the following remarks.

2. ITEM 1. *Revision of Army Regulations.*—The Army Secretary explained that some of the more complicated portions of the different regulations had been revised but that this touched only the fringe of the subject. To achieve real and lasting simplification, the first step, in his opinion, was to prepare a set of basic rules applicable to the various classes of the personnel ; this had been taken in hand and considerable progress had already been made. He added that the Army Department Secretariat was at present considerably under-staffed as a result of the retrenchments made last year, that they would have to entertain an extra officer for this purpose and that the work might take some time. The Auditor General agreed with the Army Secretary that this was the best way to proceed with the matter. He suggested that the Army Department, having got these basic rules, should resist the tendency to issue special orders to meet individual cases which had been the cause of the trouble hitherto. The Committee noted the explanation given by the Army Secretary and concurred with his views. They also desired that everything should be done to accelerate the work. The Committee also agreed with the Auditor General's suggestion.

3. ITEM 3. *Reduction of stocks.*—The Committee decided to deal with this item while going through the report in detail. In reply to Mr. Mitra, it was explained that the increase in the stocks of medical store depots was mainly due to smaller demands from the Local Governments as a result of the financial stringency.

4. ITEM 4. *Exhibition of losses due to sale of surplus and obsolete stores.*—It was explained to the Committee that the scope and method of exhibiting the figures of losses due to the sale of surplus and obsolete stores was under examination and that Sir Ernest Burdon had been requested to find out about the procedure in England. The Military Accountant General suggested that it was not correct to call this a ' loss ' ; the Army had to maintain a certain amount of equipment and in the course of time some of it got obsolete and had to be replaced by more up-to-date and efficient equipment. In some cases this even led to economy ; it should therefore be treated as part of the normal cost of the upkeep of the Army and not as a loss. The Auditor General explained that both from the theoretical and practical point of view, a loss like this was one which should be known and should be considered, as a certain amount of the taxpayer's money had been spent infructuously and that even if it was impossible to get accurate figures, an effort should be made to get approximate figures. The Committee agreed with the Auditor General on this point, and on the general question agreed to await the result of Sir Ernest Burdon's enquiries.

5. ITEM 6. *Long-term contracts.*—The Committee was informed that the number of long-term contracts was very small and that they were entered into only in exceptional cases when it was to the specific advantage of Government. They were also informed that, as desired by the Committee last year, arrangements had been made to have all such contracts scrutinized by the Director of Army Audit and to include a clause providing for variations in prices. The Committee noted the position and decided to examine the Quartermaster General on this question.

6. ITEM 9. *Certificate in regard to existing stock of all authorized war reserves of stores.*—The Quartermaster General and the Master General of Ordnance have furnished the necessary certificates in regard to the reserves held on 31st March 1933. (Copies appended.)

7. ITEM 10. *Improving the present procedure for ascertaining the cost of drugs.*—At the instance of the Director of Army Audit and the Military Accountant General, the Committee agreed that the point might be left over.

8. ITEM 11. *Cost of production of bread.*—It was explained to the Committee that the overhead charges in India were larger than in England as there were only one or two large bakeries in England whereas in India there were a number of small bakeries scattered over the country. The Military Accountant General quoted figures to show that quality for quality, the cost of production in Army bakeries in Bombay, Calcutta, Delhi and Quetta was lower than the cost of production in private bakeries. The Committee agreed that a comparison with the cost of production in England was not of much value and were satisfied with the explanation of the Military Accountant General that the cost of production in important centres was lower than the cost of production in private bakeries.

9. ITEM 12. *Pro forma account of expenditure on Auxiliary and Territorial Forces.*—The Army Secretary explained the difficulties involved in compiling figures of expenditure on the items covered by the Civil grant because certain charges in a particular unit might be so debitable while others were not. He suggested that it would be much simpler if the complete cost of certain units were debited to the Civil grant and the cost of others to the Ordinary Army grant. The Committee recognised the difficulties pointed out and suggested that the question of the items to be debited to the Civil grant should be re-examined.

10. ITEM 13. *Excess in the grant under pay of Reservists.*—The Committee recognized that accurate estimating under this head was difficult as the training year cut across the financial year.

11. ITEM 14. *Expenditure on Stationery and Printing.*—The Committee agreed that the progress made had been real and satisfactory.

12. ITEM 16. *Reduction in working balances of stores.*—The Committee decided to examine the Director of Ordnance Factories and Manufacture on this subject.

13. ITEM 21. *Losses on sales of waste and scrap in Ordnance and clothing factories.*—The Committee were informed that the figures given were not altogether reliable. They suggested that further enquiries under this head might be combined with those referred to under item 4 and be dealt with together in next year's report.

14. The Committee proceeded to consider the comments in the Auditor General's letter.

15. *Paragraphs 3, 4 and 5 of the Auditor General's letter.*—The Committee agreed with the Auditor General that the difficulties of the year were

such that it could not be said that there was deterioration either in budgeting or in financial control. As regards the Auditor General's remark that it was necessary to impress on local authorities their responsibilities in connection with the estimates that they prepared, the Committee was informed that necessary instructions had already been issued.

16. The Committee adjourned till 2-30 P.M.

Indian Certificate.

(*Vide* paragraph 6 of Proceedings.)

I certify that, on 31st March, 1933, the War Research of stores authorised by the Government of India to be held at that date for the mobilization of the Army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and maintenance of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.

A. E. WARDROP,

Lieut.-General,

Quartermaster General in India.

The 31st March, 1933.

Indian Certificate.

(*Vide* paragraph 6 of Proceedings.)

I certify that, on 31st March, 1933, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilization of the Army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and manufacture of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.

B. R. KIRWAN,

Lieut.-General,

Master General of the Ordnance in India.

The 25th April, 1933.

Proceedings of the Second meeting of the Military Accounts Committee held on Tuesday, the 25th July, 1933, at 2-30 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Members.
- The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.
- Mr. S. C. MITRA, M.L.A.
- Mr. MOHAMMAD ANWAR-UL-AZIM, M.L.A.

Were also present.
- Mr. A. C. BADENOCH, Auditor General.
- Mr. G. R. F. TOTTENHAM, Army Secretary.
- Mr. W. R. TENNANT, Financial Adviser, Military Finance.
- Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.
- Lt.-Col. R. PRINCE, Military Accountant General.
- Mr. L. J. PECK, Director of Army Audit.

17. *Paragraph 6 of the Auditor General's letter.—Audit of the special programme measures.*—The Director of Army Audit explained that the amount accepted in audit up to date was 6,68,31,000 including Rs. 1,34,000 for which full details were not available, but which was accepted by audit as having been legitimately spent for this purpose. The difference between this figure and that given in Appendix B of the Appropriation Accounts was Rs. 3,57,000 and the Financial Adviser had agreed to withdraw this amount. The Committee noted with satisfaction that the matter had thus been brought up to date. The Committee was furnished a certificate by the Chief of the General Staff stating that the expenditure on programme measures up to the 31st March, 1933 was estimated at Rs. 728.30 lakhs, that funds to the extent of Rs. 39.34 lakhs had been provided in the budget estimates for 1933-34 and that all outstanding measures could be completed by a further expenditure of Rs. 226.76 lakhs.

18. *Paragraphs 7—9 of the Auditor General's letter.—Financial irregularities.*—The Committee went through the cases of financial irregularities mentioned in the Auditor General's letter. As regards the Auditor General's recommendations, that, to prevent losses due to unskilful and careless drafting of orders, arrangements should be made for the more careful scrutiny of the drafts of proposed rules by the Finance Branch in conjunction with the office of the Military Accountant General and for the immediate incorporation in the relevant regulations of new orders affecting them, the Military Accountant General explained that suitable arrangements had already been made both at the drafting stage in his office and also when orders were received in Controllers' Offices, to have doubts and ambiguities removed or settled. The incorporation of orders in relevant regulations, whenever necessary, was now the business of a special section in

the Army Department, in which such work was centralised and co-ordinated.

19. *Paragraph 23 of the Report of the Director of Army Audit.*—The Military Accountant General explained that a special procedure had been introduced last year to ensure that claims against other Governments were not overlooked. The Auditor General stated that the revised procedure would be watched by audit to see whether it was effective. In view of the fact that some of the claims against other Governments, etc., had been overlooked for very long periods the Committee desired that the Financial Adviser, Military Finance, should consider whether some arrangements could not be made to review periodically, as far as practicable, all agreements with outside parties which entitled them to concessions.

20. *Paragraph 33 of the Report of the Director of Army Audit.*—In reply to a question as to why the amount of the loss was not recovered from the officer whose negligence contributed to the loss, the Army Secretary explained that the Commanding Officer's ultimate responsibility in the matter of losses was recognised and that in this particular case he had been removed from his appointment.

21. *Paragraphs 35 and 36 of the Report of the Director of Army Audit.*—The Army Secretary explained that as a result of the investigations by a special committee of experts it had been decided to issue a pamphlet giving clear instructions regarding the maintenance of the accounts of the Auxiliary and Territorial Forces. The Committee agreed with the Auditor General that the best method of securing the proper maintenance of Auxiliary and Territorial Force accounts was that of frequent and careful inspection. The Military Accountant-General explained that arrangements had been made for quarterly local inspections of these accounts.

22. *Paragraph 63 of the Report of the Director of Army Audit.*—The Financial Adviser, Military Finance, explained the defects in the system which facilitated the fraud and the steps taken to remedy them.

23. *Paragraph 52 of the Report of the Director of Army Audit.*—The Army Secretary explained that the Military Engineer Services supplied water to individual civil residents in many Cantonments, whereas under the Cantonments Act the responsibility for making recoveries in respect of the water supplied was vested in the Cantonment authority. Though the Military Engineer Services might know the total amount of water supplied, the Cantonments authorities often had no means of distributing the cost and collecting it from individuals as the supply was not metered. To get over this difficulty, which had caused considerable loss to Government in the past, it had been decided that in future the Military Engineer Services would make a metered supply of water in bulk by agreement to the Cantonment authorities, who would then pay the Military Engineer Services for the total amount supplied and make their own arrangements for recovery of the cost from individuals.

24. The Committee then adjourned till 2-30 P.M., on Wednesday, the 26th July 1933.

Proceedings of the Third meeting of the Military Accounts Committee held on Wednesday, the 26th July, 1933, at 2-30 P.M.

PRESENT:

The Honourable Mr. A. H. LLOYD, Finance Member, *Chairman*.

The Honourable Mr. J. B. TAYLOR, Financial Secretary.
Mr. S. C. MITRA, M.L.A.
Mr. MOHAMMAD ANWAR-UL-AZIM, M.L.A. } *Members.*

Mr. A. C. BADENOCH, Auditor General.
Mr. G. R. F. TOTTENHAM, Army Secretary.
Mr. W. R. TENNANT, Financial Adviser, Military Finance.
Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.
Lieut.-Colonel R. PRINCE, Military Accountant General.
Mr. L. J. PECK, Director of Army Audit. } were also present.

25. *Paragraph 53 of the Report of the Director of Army Audit.*—The Auditor General remarked that it was absolutely necessary to have some sort of check over works especially those undertaken without sanctioned estimates. He quoted the instance of Railway Administrations where all important cases and not only cases in which there was some doubt as to the proper sanctioning authority were referred for pre-audit or for advice to the Chief Accounts Officer who acted as a Financial Adviser. He added that even if it was necessary to undertake a work before the estimate was sanctioned by the proper authority, intimation as to the intention of starting such a work should be communicated to the Controller. The Committee agreed with the Auditor General and suggested that the Military Accountant General should consider whether a procedure similar to that in force on the Railways could not be introduced on the Army side.

26. *Paragraph 45 of the Report of the Director of Army Audit.*—The Committee felt that it was a very serious matter that machinery which did not actually exist should continue to be shown on the books for 25 years without the mistake being detected. The Military Accountant General suggested that in order to avoid such mistakes in future there might be a special annual perambulation as in England. The Auditor General said that it was unnecessary to have such an annual perambulation as it would lead to extra staff and extra expenditure. He added that there was in existence a procedure in some of the Departments, for example, he believed, in the Posts and Telegraphs Department, under which the administrative officer had to give an annual certificate that the stores, apparatus and plant in his charge were in proper condition. The Committee felt that it was necessary to devise some procedure without entertaining extra staff to avoid such mistakes in future and desired to know next year what steps had been taken.

27. *Paragraph 49 of the Report of the Director of Army Audit.*—The Committee decided to examine the Director of Ordnance Factories and Manufacture on this point.

28. *Paragraph 10 of the Auditor General's letter—Review of Military Engineer Services Expenditure.*—The Committee agreed with the Auditor General that the review which was prepared at their special request was lucid and informative and hoped that its value would be enhanced when the Financial Adviser was able to incorporate his projected improvements. They also agreed that the year 1931-32 would not prove a fair test of the measures taken to secure conformity with a settled programme of works.

29. *Paragraph 67 of the Report of the Director of Army Audit.*—The Army Secretary read out the instructions recently issued by the Engineer-in-Chief to the effect that

(1) if time permitted, a comparative statement of the tenders should be submitted to the Controller of Military Accounts for concurrence, where it was proposed to accept a tender other than the lowest, together with reasons in support of the proposed action and a clear statement of the financial effect;

(2) if there was not sufficient time, the administrative officer might act on his own responsibility but should at once submit a report on the case to the Controller of Military Accounts and obtain his concurrence; and

(3) doubtful cases should always be referred to the Controller except when there was great urgency.

The Committee suggested that the instructions issued did not make it sufficiently clear that reasons for accepting a tender other than the lowest should always be recorded in writing immediately, as was done in the Public Works Department. The Army Secretary agreed that supplementary instructions might be issued to that effect.

30. *Paragraph 235 (b) of the Appropriation Accounts.*—The Committee desired to discuss this question with the Quartermaster General.

31. *Paragraph 245 of the Appropriation Accounts.*—The Auditor General pointed out that the lump figure for stock given on page 99 of the Accounts did not serve any useful purpose, as the Director of Army Audit was not in a position to see how much of it was effective and how much non-effective and was therefore not in a position to carry out satisfactorily the responsibility imposed on him in item 3 of Appendix A. He suggested that a classification of the stock such as is furnished by the Railways and the Public Works Department would be more useful. The Committee agreed that this was *prima facie* desirable, if practicable.

The Committee accepted the Auditor General's suggestion that the figures for "overpayments to contractors" might be examined annually, as they would afford some evidence of the executive officers' control and the regularity of their expenditure.

32 *Paragraph 11 of the Auditor General's letter and Appendix E of the Appropriation Accounts.*—The Committee agreed with the Auditor General that, as far as it was possible to judge from the figures available, the improvement in the stock position had, on the whole, been achieved as desired by the previous Committee.

33. *Appendix G of the Appropriation Accounts.*—The Committee desired to examine the Director of Ordnance Factories and Manufacture regarding the large increases in stock in the Ammunition Factory, Kirkee, and the Gun and Shell Factory, Cossipore.

34. *Paragraph 12 of the Auditor General's letter.*—The Committee went through Appendix I to the Supplementary Report of the Director of Army Audit and had no comments to offer.

35. The Committee then adjourned till 11 A.M. on Tuesday, the 1st August.

Proceedings of the Fourth Meeting of the Military Accounts Committee held on Tuesday, the 1st August, 1933, at 11 A.M.

PRESENT:

The Honourable Mr. A. H. LLOYD, Finance Member, *Chairman.*	
The Honourable Mr. J. B. TAYLOR, Financial Secretary.	*Members.*
Mr. S. C. MITRA, M.L.A.	
Mr. MUHAMMAD ANWAR-UL-AZIM, M.L.A.	
Mr. A. C. BADENOCH, Auditor General.	Were also present.
Mr. G. R. F. TOTTENHAM, Army Secretary.	
Mr. W. R. TENNANT, Financial Adviser, Military Finance.	
Mr. J. C. BROMMAGE, Deputy Financial Adviser, Military Finance.	
Lieut.-Colonel R. PRINCE, Military Accountant General.	
Mr. L. J. PECK, Director of Army Audit.	
Lieut.-General Sir ALEXANDER WARDROP, Quartermaster-General in India.	Witnesses.
Major-General G. H. ADDISON, Engineer-in-Chief.	
Brigadier G. A. HARE, Director of Ordnance Factories and Manufacture.	

36. The Quartermaster-General and the Engineer-in-Chief were first examined in regard to the question of long term contracts (item 6 of Appendix A to the Appropriation Accounts). The Quartermaster-General explained that some long term contracts were inevitable if they were to get the supplies they wanted, as otherwise the contractors would never invest the capital necessary for the carrying out of the contract. He stated that at present in practically every long-term contract a clause was inserted under which the rates entered in the contract could be subjected to review periodically. He quoted the instance of a contract entered into for the supply of vegetables which was for a period of five years but the rates in which would be subject to review after six months. Two other

contracts, *viz.*, for the supply of grain and ghee contained clauses empowering the Army authorities to buy local stuff if it was cheaper than the rates mentioned in the contract. All contracts were entered into only after inviting open tenders except in very special cases, such as the Bagai contract, which was for running two sections of Mechanical Transport involving about 60 wagons to carry supplies in Waziristan. This contract provided for an alteration in the rates for petrol as the price rose or fell.

37. *System of holding Military Engineer Services reserves—paragraph 235 (b) of the Appropriation Accounts.*—The Quartermaster-General explained that there were two kinds of reserves, *viz.* : (1) a big reserve held by the Quartermaster-General himself and (2) a number of smaller reserves which were the ones referred to in the above paragraph of the Appropriation Accounts. His own big reserve was intended to meet big unforeseen emergencies and was distributed only under the orders of His Excellency the Commander-in-Chief. He said that this reserve was absolutely necessary and gave particulars of the items on which it was spent. Both he and the Engineer-in-Chief explained how the other smaller reserves referred to in this paragraph were created. It was clear from this explanation that some of them were really not reserves but sums set apart by the controlling officers out of the lump allotments made to them for works, maintenance, etc. They were of opinion that these sums held in reserve served a very useful purpose and they had no reason to believe that they were not being utilised properly.

38. *Paragraph 67 of the Report of the Director of Army Audit.*—The Engineer-in-Chief agreed that full reasons for accepting tenders other than the lowest should always be recorded immediately. He informed the chairman later that it was unnecessary to issue special instructions on this point, as under the Revised (1933) edition of the Regulations for the Military Engineer Services the officer who receives the tenders is bound to record his reasons in full in every case where he recommends acceptance of other than the lowest tender.

39. *Item 16 of Appendix A to the Appropriation Accounts.*—The Director of Ordnance Factories and Manufacture explained that he had gone into this question of working balances very carefully and that greater control was being exercised now as each item was being dealt with individually by his office and he hoped that this system would reduce such balances to the minimum actually required.

As regards the larger balances of stock held at Kirkee and Cossipore, it was explained that the money value of the stocks held varied with the cost of manufacture. The Auditor General remarked that while prices in the case of ordinary commercial concerns were going down, the reverse was the process in the Army, as their overhead charges remained the same, while the output was considerably lower. The Director of Ordnance Factories and Manufacture assured the Committee that he was doing his best to reduce the stock.

40. The witnesses withdrew at this stage.

Mr. S. C. Mitra then raised the question whether the original estimate of ten crores for programme measures should not be reduced in view of the fall in prices. The Committee agreed that the Army Department should be requested to examine this point.

V.—PROCEEDINGS OF THE COMMITTEE.

Proceedings of the First Meeting of the Public Accounts Committee held on Thursday, the 3rd August, 1933, at 11 A.M.

PRESENT :

The Honourable Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.
Kunwer Hajee ISMAIEL ALIKHAN.
Mr. S. C. MITRA.
Mr. MUHAMMAD ANWAR-UL-AZIM.
Mr. J. RAMSAY SCOTT.
Dr. R. D. DALAL.
} *Members.*

Mr. A. C. BADENOCH, Auditor General.
Mr. J. F. MITCHELL, Accountant General, Central Revenues.
} Were also present.

The Honourable Mr. J. B. TAYLOR, Financial Secretary, *witness.*

Before proceeding with the business the chairman gave his reasons for proposing that the examination of the Railway Appropriation Accounts should be taken up immediately after the completion of the examination of the Appropriation Accounts of the Civil and Posts and Telegraphs Departments. After obtaining the views of all the members and of the Auditor General, the chairman decided to leave the matter over till the next day.

2. The Committee then took up the consideration of the items shown against the Finance Department in the Quarterly List of Outstandings (Appendix I). They accepted the action taken and the explanation given in regard to the items subject to the following remarks :—

Item 4. Revision of leave rules.—The Committee was informed that a draft of the revised leave rules applicable to the services under the control of the Governor General in Council was ready and that orders would issue before long. The Committee expressed the hope that the revised rules would issue during the current year.

Item 5. Recovery of public claims from pay and pensions.—The Committee after some discussion accepted the Government of India's conclusion that it would be impracticable to make any such specific stipulation and that the existing powers of the Government of India for the recovery of losses should be adequate for all practical purposes if properly exercised.

Item 6. Items awaiting constitutional changes.—The Committee desired that this item should continue to appear in the Quarterly List till the cases included in the Special Appendix referred to in this item were properly disposed of.

Item 7. Examination of financial prospects of capital projects.—The Committee was informed that the question was not of immediate practical importance in view of the embargo on borrowing for new projects as a result of the financial stringency. They were assured that all proposals for loans were subjected to a severe scrutiny by the Finance Department.

Item 11. Stores balances.—The Committee decided to deal with the memoranda furnished to them on this subject when dealing with the Appropriation Accounts of the particular Departments. With reference to the question whether this item should continue to be shown in the Quarterly List the Auditor General explained that the question of stocks was one of the important items to which the Accountants-General had been instructed to devote special attention in their Appropriation Accounts. In reply to a question from one of the members whether actual verification of stock was done by the auditors, the Auditor General explained that Audit satisfied themselves that verification of stock had been done, but did not ordinarily conduct a test check, though it had the power to do so if it thought that the verification had not been properly done.

Item 12. Unanticipated credits.—The Auditor General explained that the fact of anticipation or non-anticipation of a credit was not really a valid criterion for classification and that he could not classify an item as a receipt or as a deduction from expenditure merely according to the accuracy of a previous forecast. Detailed rules governing the classification of credits like these had been drawn up by Sir Frederic Gauntlett and this criterion did not find a place in those rules. The Auditor General accepted the Committee's recommendation that unanticipated credits should not provide excess supplies for the spending Departments without the fact being brought to the specific notice of the Assembly. In order to give effect to this recommendation, he, in consultation with the Financial Commissioner, Railways, had suggested a procedure for bringing such items to the notice of the Assembly either through the Budget memorandum or the review of Appropriation Accounts. The Committee thought that the suggestion to bring such items to the notice of the Assembly in a statement appended to the Budget memorandum or through the Appropriation Accounts would not be enough to give the Assembly proper control over the matter. The question should be considered whether such items should not be brought before the Standing Finance Committee just as all items for supplementary grants.

3. The Committee then took up for consideration the portions in the Auditor General's letter of comments relating to the Finance Department.

Paragraph 8 of the Auditor General's letter.—The Committee agreed with the Auditor General that the conditions of the year 1931-32 were such that no safe conclusion could be reached regarding the standard of estimating and that there was no marked deterioration in control over expenditure.

Paragraph 10 of Auditor General's letter.—After some discussion the Committee agreed that the present method of estimating for leave salaries on the basis of previous actuals gave sufficiently accurate results.

Paragraph 11 of the Auditor General's letter.—The Committee went through the general review of the financial results of all the Central Government commercial concerns given in paragraphs 22—29 of the Commercial Appendix and expressed satisfaction with the position as reported by the Auditor General, *viz.*, that the results of the year were not any worse than the prevailing conditions would give reason to expect. The Committee requested the Auditor General to consider the best method of dealing with the point that in the commercial accounts of the Northern India Salt Revenue Department royalties on salt issued in any one year appear in the accounts of the following year and thus vitiate the cost of production in each particular year as deduced from those accounts. They also requested the Auditor General to consider the comparative merits of the calculation of the contribution to the Depreciation Fund on a straight line method and on the sinking fund method as regards its effect on the calculation of the cost of production of salt.

Paragraph 12 of the Auditor General's letter.—The Financial Secretary explained that the stocks in the Currency Note Press had been considerably reduced in 1932-33 and that as a matter of fact they were much lower than normal. As regards the stocks in the Bombay Mint, it was explained that the balance was high as it included a large quantity of obsolete stores purchased in bulk during the War which owing to the temporary cessation of coinage in this Mint were not being consumed. The stores are essentially mint stores and having no value in the local market could not be sold without heavy loss.

4. As regards the Accountant General's comment in paragraph 63 of the Commercial Appendix that the coinage of rupees for the Udaipur Durbar led to a loss as full overhead charges were not recovered, the Financial Secretary explained that the Government of India had to maintain the mints even when there was a temporary drop in the demand for their own coin and that it was not reasonable to charge the full cost of maintaining the mint to the Durbar during the period when their coinage was being executed by the mint. The prime cost of manufacture of the Udaipur coins amounted only to Rs. 9.93 per thousand pieces against which the Durbar was charged Rs. 15.35 thus including a certain amount on account of overhead charges. The coinage which the Government of India undertook for others at a time when their mints were not busy with their own coinage actually reduced the loss of the Government of India.

5. The Committee adjourned till 2-30 P.M.

Proceedings of the Second meeting of the Public Accounts Committee held on Thursday, the 3rd August, 1933, at 2-30 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Members.
- Rao Bahadur M. C. RAJAH.
- Kunwer Hajee ISMAIEL ALIKHAN.
- Mr. S. C. MITRA.
- Mr. MUHAMMAD ANWAR-UL-AZIM.
- Mr. J. RAMSAY SCOTT.
- Dr. R. D. DALAL.

Were also present.
- Mr. A. C. BADENOCH, Auditor General.
- Mr. J. F. MITCHELL, Accountant General, Central Revenues.
- Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.

Witnesses.
- The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.
- Mr. G. S. HARDY, Member, Central Board of Revenue.
- Khan Bahadur J. B. VACHHA, Member, Central Board of Revenue.

6. The Committee continued the examination of the Appropriation Accounts relating to the Finance Department.

7. *Paragraph 13 of the Auditor General's letter.*—As regards the Accountant General's remark that it was a common feature of administration that when increases of establishment were contemplated insufficient allowance was frequently made for the inevitable delays which were apt to occur, the Financial Secretary explained that the Finance Department always scrutinised the estimates with care and that the circumstances in which provision had to be made for the particular item in respect of which the Accountant General had made this remark were quite exceptional. As a result of the passing of the Supplementary Finance Bill in September 1931, provision had to be made for a large staff for work in connection with the lowering of the limit of taxable income before working out full details.

8. *Paragraph 14 of the Auditor General's letter.*—The Financial Secretary explained that estimates for the profit or loss on circulation of bronze and nickel coins were furnished by the Controller of Currency in January on the basis of actuals up to the end of December. During this particular year there was a large return of these coins during the first nine months of the year and the estimates provided for a moderate absorption in the last quarter, but as a result of India going off the gold standard the actual absorption greatly exceeded anticipations.

9. *Paragraph 15 of the Auditor General's letter—Expenditure on retrenched personnel.*—The Financial Secretary explained that it was extraordinarily difficult to frame even the vaguest estimate of the expenditure likely to be incurred during the year which was clear from the fact that a sum of Rs. 20 lakhs was provided in the revised estimate on this account, while the actual expenditure amounted only to a little over 4 lakhs. The terms given to retrenched personnel had been brought specifically to the notice of the Assembly who therefore knew that expenditure on this account would be incurred. The Committee realised the difficulties of preparing an estimate of the expenditure but considered that from a constitutional point of view it was not correct to incur expenditure without taking a specific vote from the Assembly, even though the Assembly might know that expenditure was being incurred.

10. *Paragraph 16 of the Auditor General's letter—Loans and advances bearing interest—loan to the Bahawalpur Durbar for the Sutlej Valley Project.*—As regards the two specific points raised by the Accountant General, the Committee was informed that the capital expenditure on railways was only Rs. 12,000, the balance being expenditure on maintenance, and that the sanction of the Secretary of State had been applied for, for the excess over the amount of the loan previously sanctioned by him. The Committee was also informed that a detailed investigation was now going on as to the financial prospects of the project. The Auditor General suggested that if as a result of that investigation it was considered necessary to write off any portion of the capital, it should be done as soon as possible so that the amount to be written off might not be inflated by the addition of arrears of interest. The Financial Secretary entirely agreed with the Auditor General but pointed out that it should be borne in mind that the amount to be written off might diminish considerably or even disappear altogether if the rates of interest went down and prices of produce rose. The Committee suggested that the point mentioned by the Financial Secretary should be borne in mind when considering the question of writing off any part of the capital.

11. *Paragraph 17 of the Auditor General's letter.*—As regards embezzlements in Burma treasuries, the Auditor General informed the Committee that he had heard from the Accountant General, Burma, that the Burma Government had introduced effective measures so far as treasuries were concerned and that the question of improving the work of sub-treasuries was engaging the attention of the local Government and the Accountant General.

12. *Paragraph 18 of the Auditor General's letter—Salt Stores Accounts.*—As regards the accumulation of stock in Burma, the Committee was informed that in 1930 there was a heavy cyclone in Burma which caused great damage to the stocks held there and manufacture was consequently speeded up to meet an anticipated shortage. In March 1931, after the Delhi Pact, the salt concessions came into operation and there was an unexpected decrease in the demand. It has since been decided to close this factory.

13. The Committee was informed that the writing off of over 2 lakhs of maunds of salt at Kuda did not involve any financial loss to Government, as under the agreement the Government of India had to take 5 lakhs of maunds of salt every year and at the time of the receipt of the salt the quantity was roughly estimated by measurement and only an advance payment made. The final payment was made in accordance with the result of actual weighment after the salt was issued.

As regards the failure to verify stocks properly in the salt works in Bombay Presidency, the Committee was informed that the conditions in Bombay were entirely different from those in Madras. In Madras, salt was stored in small heaps which could be measured easily while in Kharagodha the salt was stored in one large heap. The actual weight of the salt put into the heap was known and the loss was calculated only after the stock was exhausted. The possibility of having an approximate stock-taking by geometrical methods was carefully examined some time back but it was found impracticable. In Sind there are no Government salt works now.

14. In reply to a question by one of the members as to the progress made in developing the Khewra mines with a view to put the Khewra salt in the Bengal market, the Committee was informed that the Government of India had expected to get crushed salt made on a commercial scale out of Khewra for the Bengal market about May last, but when the machinery was installed the crusher exhibited certain defects and they were still examining the question how to get over the difficulties. Mr. Pitt, the Engineer in charge, who is now on short leave in England, is going into this matter with the manufacturers.

15. *Paragraph 19 of the Auditor General's letter—Important comments of the Accountant General, Central Revenues, on the grant under refunds.*—The Committee hoped that the revised procedure introduced with effect from 1st April 1933, would prevent such irregularities.

16. The Committee then adjourned till 11-15 A.M. on Friday, the 4th August 1933.

Proceedings of the Third Meeting of the Public Accounts Committee held on Friday, the 4th August 1933, at 11-30 A.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH,
Kunwer Hajee ISMAIEL ALIKHAN.
Mr. S. C. MITRA.
Mr. MUHAMMAD ANWAR-UL-AZIM.
Mr. J. RAMSAY SCOTT.
Dr. R. D. DALAL.
} *Members.*

Mr. A. C. BADENOCH, Auditor General.
Mr. J. F. MITCHELL, Accountant General, Central Revenues.
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.
} Were also present.

Mr. G. S. BAJPAI, Secretary, Department of Education, Health and Lands.
Mr. RAM CHANDRA, Joint Secretary, Department of Education, Health and Lands.
} *Witnesses.*

17. The Auditor General explained that he had further considered the question discussed by the Committee the previous day, *viz.*, the best method of bringing unanticipated credits to the notice of the Assembly. He explained that the legal position was that an unanticipated credit which was taken in reduction of expenditure according to the rules of classification could be taken in aid of expenditure and that the Government of India could not ask the Assembly to vote a token grant for what was already voted.

18. The Committee then took up the consideration of the Appropriation Accounts and connected documents relating to the Department of Education, Health and Lands.

19. *Item 1 of the Quarterly Statement—Surplus stocks of Quinine.*—The Committee was informed that the quantity of manufactured quinine now held by the Government of India was about 280,000 pounds, of which it was proposed to keep 150,000 pounds as reserve in accordance with the advice given by experts and to dispose of the balance of 130,000 pounds. Instructions had already been issued to the Director, Botanical Survey, to make arrangements for the sale by the method of limited tenders.

The Committee was not quite satisfied whether, in view of the impending constitutional changes and the introduction of Provincial Autonomy, the Government of India should at its own expense maintain a large stock of quinine for supply to the Provincial Governments. They therefore suggested that the amount of the reserve stock to be maintained by the Government of India should be reconsidered, if the arrangements now made for the sale of the surplus were successful. With a view to curtail Government of India's annual production and manufacture of drug, extension of cinchona cultivation in Burma had been stopped. Measures for reduction in the Burma production were proceeding as quickly as consideration for capital value, represented by the area developed and about to yield its quota of bark, would allow.

20. *Item 2 (a) of the Quarterly Statement—Royalty on Andamans timber.*—The Secretary, Education, Health and Lands Department, informed the Committee that the Government had come to the conclusion that there were no data to enable them to fix a rate of royalty and that the question had therefore been dropped. The Auditor General agreed that there was no point in including royalty as the conditions in the Andamans were different from those elsewhere and there was no competition with private enterprise to provide a standard of comparison. The Committee after some discussion accepted the Auditor General's views.

21. *Item 2 (b) of the Quarterly Statement—Shipping freight on Andamans timber.*—The Committee was informed that Mr. Morgan assumed that the Forest Department was paying a lower rate of freight than they would have had to pay if ordinary commercial ships were employed for the carriage of timber, but the probable fact was that private freight could be obtained at a lower rate than the Forest Department was now paying. The result of employing private shipping would only mean a greater loss to the Government of India as a whole, as in any case they had to run a Government steamer service. The Committee accepted this explanation.

22. *Item 3 of the Quarterly Statement—Wellington Farm.*—It was explained that, as a result of the economies introduced in the working of the Wellington Farm with effect from the 1st April 1932, there was a great decrease in the cost of production. The cost of production now was slightly less than the selling price and the Farm had made a profit of Rs. 6,629 in the year 1932-33. The Committee noted with satisfaction that the institute was now able to pay its way.

23. *Paragraph 28 of the Auditor General's letter and paragraphs 187 and 189 of the Commercial Appendix.*—The Committee was informed that arrangements had been made for exhibiting the excesses and deficits found at the time of stock-taking in a separate abstract and also for a test check by the Officer in Charge. The Committee was also informed that free issues had been reduced from 36,000 to 14,000 and that the latter figure would be reduced still further as it included supplies to the High Commissioner for sale in England which were wrongly included under free issues.

24. The Committee then adjourned till 2 P.M.

Proceedings of the Fourth Meeting of the Public Accounts Committee held on Friday, the 4th August, 1933, at 2 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Members.
- Rao Bahadur M. C. RAJAH.
- Kunwer Hajee ISMAIEL ALIKHAN.
- Mr. S. C. MITRA.
- Mr. MUHAMMAD ANWAR-UL-AZIM.
- Mr. J. RAMSAY SCOTT.
- Dr. R. D. DALAL.

Were also present.
- Mr. A. C. BADENOCH, Auditor General.
- Mr. J. F. MITCHELL, Accountant General, Central Revenues.

Witnesses.
- Mr. G. S. BAJPAI, Secretary, Department of Education, Health and Lands.
- Mr. RAM CHANDRA, Joint Secretary, Department of Education, Health and Lands.
- The Hon'ble Mr. J. A. SHILLIDY, Secretary, Department of Industries and Labour.
- Mr. A. G. CLOW, Joint Secretary, Department of Industries and Labour.
- Mr. T. C. S. JAYARATNAM, Deputy Secretary, Department of Industries and Labour.
- Mr. F. T. JONES, Chief Engineer, Central Public Works Department, Delhi.
- Mr. HAFAZAT HUSSAIN, Under Secretary, Department of Industries and Labour.

25. The Committee agreed to discuss the Railway Appropriation Accounts immediately after the examination of the Civil and the Posts and Telegraphs Appropriation Accounts was completed on the understanding that there would be a further meeting later in the year to consider the coal purchase policy and any other outstanding item.

26. The Committee then continued the examination of the Appropriation Accounts relating to the Department of Education, Health and Lands.

27. *Paragraph 30 of the Auditor General's letter and the Important Comment on pages 119 and 120 of the Appropriation Accounts.*—The Secretary, Education, Health and Lands Department, informed the Committee that they had already taken steps to bind the Director of Archæology

and other Heads of Departments to observe strictly the principles regarding agreements referred to by the Accountant General, Central Revenues. As regards the particular case, the Committee was informed that out of 140 plates ordered, 89 had actually been delivered and that 36 were expected shortly. As regards the balance of 15, he was not in a position to say when they would be delivered. He however hoped that the work would be completed by the end of the current year. The Committee desired to have a report next year regarding the position.

28. *Paragraph 31 of the Auditor General's letter—Commercial Accounts of the Research Institute, Muktesar.*—The Committee was informed that the selling prices of the serum produced by the Institute had been reduced and that the present prices allowed for only a very small margin over the cost price as shown below :—

	Rate per dose of serum.		
	Anti-rinderpest.	Hæmorrhagic septicæmia.	Blackquarter aggressin.
Cost of production for the year ended 31st March 1932	Re. 0-1 4·47	Re. 0-3-7·35	Re. 0-3-3·74
Selling price	Re. 0-1-6	Re. 0-4-0	Re. 0-3-6

29. *Commercial Accounts of the Forest Department.*—The Committee was informed that the Department was now losing steadily on scantlings sold in Calcutta and the question was under consideration whether the production of such scantlings should not be discontinued.

30. *Appendix XV.*—It was explained to the Committee that the commercial activities of the Imperial Institute of Animal Husbandry and Dairying, Bangalore, the Imperial Cattle Breeding Farm, Karnal, cultivation and cattle breeding experiments in the agricultural section of the Imperial Institute of Agricultural Research, Pusa, had been considerably curtailed and their activities were now confined to education and research. At Karnal it was only the cultivation accounts that were commercialised, but now practically all the lands were leased out to tenants. At Pusa, commercial accounts were maintained only for the agricultural section and the Government of India had laid down that the maintenance of commercial accounts should not be regarded in any measure as implying that education and research work should be sacrificed in order to run it as a profit-making concern. The Kitchen Garden, Imperial Institute of Agricultural Research at Pusa, was a very small affair and it was unnecessary to maintain commercial accounts for it. The Auditor General stated that he was prepared to agree to the proposal that commercial accounts should be abolished in all the concerns mentioned in the Appendix with the exception of Wellington, partly because this would lead to some economy but mainly because he was convinced that the research and education functions of these concerns outweighed so much the commercial side that commercial accounts could not actually be of very much service. Sufficient control could be maintained over the expenditure through the scrutiny of the budget estimates, the control of audit and local inspections. The Committee after some discussion agreed to the proposal on the understanding that if in any of these concerns commercial activities were revived commercial accounts should be reintroduced.

(Mr. Bajpai and Mr. Ram Chandra then withdrew and Mr. Jones and Mr. Jayaratnam entered.)

The Committee then took up the examination of the Appropriation Accounts relating to the Industries and Labour Department.

31. *Items 16 and 17 of the Quarterly Statement—Budgeting and Control of Public Works Expenditure and Utilization of Reserve in Civil Works Budget.*—The Committee was informed that detailed rules regarding Public Works budget procedure, which incorporated the recommendations of the Committee, had been framed.

32. *Paragraph 24 of the Auditor General's letter.*—As regards item 3 on page 191 of the Appropriation Accounts, the Committee was informed that when the budget was framed in October it was not anticipated that the work would really be finished before the close of the year. A provision of Rs. 10,000, being the amount anticipated to be spent in the following year, was included in the estimates. But later on it was found possible to complete the work before the close of the year by re-appropriating savings from other heads. The provision made in the budget for the following year therefore lapsed.

33. The saving of about Rs. 1,10,000 in the provision of Rs. 1,60,000 for the Forest Research Institute buildings was explained to be due entirely to the economy campaign and the consequent abandonment of certain works.

34. *Review of the financial administration of residential buildings in New Delhi.*—The Committee were very much interested in the review prepared by the Accountant General, Central Revenues, and desired that the Accountant General should prepare such a review every three years but statements similar to those on pages 201 and 203 of the Appropriation Accounts should be furnished every year. For this purpose it was not necessary to calculate the capital cost every year but it would suffice if the capital cost as calculated in the last triennial review was given. The Chief Engineer remarked that the review related to the year 1929-30 and that the position had improved since then, as the Government of India were now staying in Delhi for six months and as maintenance charges had been reduced considerably as a result of the fall in prices.

(Mr. Jayaratnam and Mr. Jones then withdrew and Mr. Clow entered.)

35. *Items 15 and 18 of the Quarterly Statement—Printing of publications and use of Assembly Debates covers for Government advertisements and adequacy of existing allotments for stationery.*—The Committee after some discussion accepted the explanation given in Appendices X, XIII and XIV.

36. *Paragraph 26 of the Auditor General's letter.*—The Auditor General explained to the Committee why the form of trading accounts of Government of India Presses previously prepared was unsatisfactory and stated that a financial review by the Controller of Printing and Stationery, which it was proposed to include from next year, would give all the information that the Committee would require.

37. *Paragraph 479 of the Commercial Appendix.*—The Committee discussed with the witness the reasons for the large outstanding balance (Rs. 60,636) relating to 1928-29 and previous years outstanding under "sundry debtors" and requested the Department to furnish a memorandum to the Committee on the subject.

(Mr. Clow then withdrew and Mr. Hafazat Hussain entered.)

38. The Committee was informed that the method of charging the Meteorological Department for the cost of telegrams sent by them had been changed with effect from the 1st April 1933, and consequently variations between the estimates and actual expenditure which used to occur till now were not likely to occur in future.

(Mr. Hafazat Hussain then withdrew and Mr. Shillidy entered.)

39. The Committee noted with satisfaction that the Indian State Broadcasting Service had made a profit in the year 1932-33. Mr. Shillidy informed the Committee that he hoped to show better results next year if the Assembly passed the Bill which they were introducing to put a stop to piracy.

40. The Committee then adjourned till 11 o'clock on Monday, the 7th August 1933.

Proceedings of the Fifth Meeting of the Public Accounts Committee held on Friday, the 4th August, 1933, at 11-30 A.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Members.
- Rao Bahadur M. C. RAJAH.
- Mr. S. C. MITRA.
- Mr. K. P. THAMPAN.
- Mr. J. RAMSAY SCOTT.
- Dr. R. D. DALAL.

Were also present.
- Mr. A. C. BADENOCH, Auditor General.
- Mr. J. F. MITCHELL, Accountant General, Central Revenues.

Witnesses.
- The Hon'ble Mr. T. A. STEWART, Secretary, Commerce Department.
- Mr. A. RAISMAN, Joint Secretary, Commerce Department.
- Mr. T. SLOAN, Joint Secretary, Home Department.
- Mr. C. M. TRIVEDI, Deputy Secretary, Home Department.
- Lala BISHEN SWARUP (from Delhi Administration).

41. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Commerce Department.

42. *Paragraph 32 (a) of the Auditor General's letter—Bengal Pilot Service.*—The Committee was informed that the review was hitherto prepared by the Deputy Accountant General, Central Revenues, but in future would be prepared by the Principal Officer, Mercantile Marine Department, who would give the sort of account required by the Committee.

43. *Paragraph 32 (b) of the Auditor General's letter.*—The Accountant General, Central Revenues, informed the Committee that he had since heard from the Deputy Accountant General, Central Revenues, that the accounts of stores on board the Pilot Vessel " Lady Fraser " were now being maintained properly.

44. As regards the large loss on the Bengal Pilot Service during the year 1931-32, the Committee was informed that the loss was mainly due to a cause beyond the control of the Government of India, *viz.*, a large decrease in the volume of shipping. The aim of the Government of India was to make the service self-supporting and with this object a surcharge of 10 per cent. on the pilotage fees had been imposed with effect from the 1st April 1932 and considerable economies effected in expenditure. As a result of these measures the accounts for 1932-33 showed a small surplus.

45. *Grant No. 47—Lighthouses and Lightships.*—The Committee was informed that the decrease in the surplus of this Department in 1932-33 as compared with 1931-32 was due to a reduction of light dues by one pie per ton. It was not the intention of the Government of India to make a profit out of the Department but only to make it self-supporting. The reduction in the dues was introduced with effect from the 1st April 1932 as appreciable reserves had been built up.

(Mr. Stewart and Mr. Raisman then withdrew and Mr. Sloan, Mr. Trivedi and Mr. Bishan Swarup entered.)

46. *Item 14 of the Quarterly Statement—Andamans Butchery and Dairy.*—The Committee was informed that the Chief Commissioner had effected many improvements ; the sale of mutton, which accounted for a considerable portion of the loss under the Butchery, had been stopped while the sale price of cream had been enhanced from Re. 1-4-0 to Rs. 2 per pound. As a result of these improvements the Butchery made a profit in 1932-33 and the loss of the Dairy was considerably reduced. The Committee was not, however, satisfied as to the need for maintaining the Dairy if it could only be run at a loss. The Home Department was therefore requested to examine this point.

47. *Paragraph 20 of the Auditor General's letter.*—As regards paragraph 1 of the Important Comments on page 285 of the Appropriation Accounts, the witness admitted that it was a serious irregularity and that the officer concerned had been warned and that steps had been taken to prevent such irregularities in future. The Accountant General, Central Revenues, observed that the financial side of the Delhi Administration required strengthening owing to the abolition of the Pay and Accounts Office. The witness informed the Committee that they had now effected considerable improvements and that experience of this year would show whether the financial side actually required strengthening.

48. *Paragraph 2 of the Important Comments on page 286 of the Appropriation Accounts—Irregular payments of grants-in-aid.*—The Committee was informed that the sanction of the Government of India had since been obtained.

49. *Paragraph 3 of the Important Comments on page 286 of the Appropriation Accounts.*—A grant-in-aid of Rs. 5,000 was paid to a college for equipment subject to the production of suppliers' receipts, but it was found later on that the actual expenditure incurred by this college was

Rs. 7,257 only, so that the grant-in-aid admissible, which was 50 per cent. of the actual expenditure, was less than the amount paid to the college. The Committee desired that in cases where the grant-in-aid was a certain percentage of the actual expenditure incurred by the school or college, the Government of India should consider whether payments should not be made only after the production of necessary vouchers by the school or college authorities, which, the Committee understood, was the procedure in force in Madras.

50. *Commercial accounts of the Shipping Department, Andamans.*—The Committee was informed that the Government of India were now investigating whether they could manage with only one steamer leaving the Forest Department to arrange for the service of private steamers where necessary. The Committee desired that the results of the investigations should be intimated to them next year.

51. The Committee then adjourned till 2-30 P.M.

Proceedings of the Sixth Meeting of the Public Accounts Committee held on Monday, the 7th August, 1933, at 2-30 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.
Kunwer Hajee ISMAIEL ALIKHAN.
Mr. S. C. MITRA.
Mr. K. P. THAMPAN.
Mr. J. RAMSAY SCOTT.
Dr. R. D. DALAL.
} *Members.*

Mr. A. C. BADENOCH, Auditor General.
Mr. J. F. MITCHELL, Accountant General, Central Revenues.
Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.
} Were also present.

Sir JAMES PITKEATHLY, Chief Controller of Stores.
Mr. HAFAZAT HUSSAIN, Under Secretary, Department of Industries and Labour.
Rai Sahib KIRPA RAM, Assistant Director of Administration and Intelligence, Indian Stores Department.
} *Witnesses.*

52. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Indian Stores Department.

53. The Committee discussed in great detail with the Chief Controller of Stores the *pro forma* profit and loss accounts of the Indian Stores Department which showed a large " loss ". The Chief Controller explained that as a result of the large fall in prices the commission credited

to the Department, which was based, on a percentage of the price of stores, had fallen considerably. He also mentioned that a correct estimate of the financial position could only be obtained if on the receipt side of the account credit could be taken for the large savings in the expenditure budgets of the consuming Departments on the cost of stores purchased through the Indian Stores Department and that it was also impossible to assess in rupees, annas and pies the value of the services rendered by the Department in connection with the promotion and encouragement of Indian industries. The Committee expressed the opinion that though the *pro forma* accounts were very useful for enabling them to keep some sort of watch upon the general operations of the Department they could not expect the Stores Department to be self-supporting on the basis of those accounts,—at any rate, at a time when the prices of all commodities were as low as at present.

(The witnesses then withdrew.)

54. The Committee then took up for consideration Appendix XIX regarding the amendment of the rules relating to the constitution of the Public Accounts Committee. After some discussion further consideration was postponed till the next day.

Proceedings of the Seventh and Eighth Meetings of the Public Accounts Committee held on Tuesday, the 8th August, 1933, at 11-30 A.M. and 2-30 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Members.
- Rao Bahadur M. C. RAJAH.
- Kunwer Hajee ISMAIEL ALIKHAN.
- Mr. S. C. MITRA.
- Mr. MUHAMMAD ANWAR-UL-AZIM.
- Mr. K. P. THAMPAN.
- Mr. J. RAMSAY SCOTT.
- Dr. R. D. DALAL.

Were also present.
- Mr. A. C. BADENOCH, Auditor General.
- Mr. JAGAT PRASAD, Deputy Auditor General.
- Mr. S. A. VANESWAR, Accountant General, Posts and Telegraphs.
- The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Witnesses.
- The Hon'ble Mr. J. A. SHILLIDY, Secretary, Department of Industries and Labour.
- Sir THOMAS RYAN, Director General of Posts and Telegraphs.
- Mr. S. P. VARMA, Financial Adviser, Posts and Telegraphs.
- Mr. F. T. DEMONTE, Chief Engineer, Posts and Telegraphs.

55. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Indian Posts and Telegraphs.

56. *Item 21 of the Quarterly Statement—Indo-European Telegraph Department.*—The Committee agreed that the settlement was an equitable one.

57. *Appendix IX—Recommendations of the Posts and Telegraphs Accounts Enquiry Committee.*—The Committee noted the decisions of the Government of India and had no remarks to offer.

58. *Paragraph 4 of the Auditor General's letter—Financial position of the Posts and Telegraphs Department.*—Copies of the statements made by the Director General regarding the financial position of the Posts and Telegraphs Department and the retrenchments effected are attached (Annexures I and II). The Committee was also informed that it should be noted that the loss of the Department included losses in connection with a number of activities which for reasons unconnected with the Department had to be definitely worked at a loss, for example, the loss on press messages, the loss on the non-commercial branch of the Wireless and the loss in working a number of unremunerative post offices.

59. *Paragraph 5 of the Auditor General's letter.*—The Financial Adviser and the Director General explained to the Committee the various steps which they were taking to improve the financial control.

60. *Paragraph 6 of the Auditor General's letter and paragraph 74 of the Appropriation Accounts.*—The Director General informed the Committee that instructions had been issued to all Heads of Circles drawing their attention to the necessity of calling for tenders in all cases. He promised to circulate a copy of the instructions to the members of the Committee.

61. *Item 20 of the Quarterly Statement—Works expenditure in Posts and Telegraphs Department.*—The Financial Adviser informed the Committee that certain orders had been issued last year but he considered that they were not quite sufficient and said that they would be supplemented further.

ANNEXURE I.

(*Vide* paragraph 58 of Proceedings.)

MEMORANDUM ON THE FINANCIAL POSITION OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

NOTE.—*The figures are in thousands of rupees.*

1931-32.

1. The accounts for the year 1931-32 closed with a loss of 93,84, the expenditure charged to revenue being 11,58,44 while the revenue was only 10,64,60.

1932-33.

2. The budget estimate for 1932-33 provided for a revenue of 11,50,73 or an improvement from enhanced tariffs of 86,13. As the year advanced it was found that this expectation will not be realised and in the revised estimate a figure of 10,56,88, *i.e.*, 7,72 less than the actuals for 1931-32 and 93,85 less than budget estimate 1932-33 was adopted. The expenditure provided in the budget for 1932-33 was 11,66,92 but the

results from the economy campaign exceeded all anticipations that were entertained. This and various decisions on the recommendations of the Posts and Telegraphs Accounts Enquiry Committee enabled the provision being reduced in the revised estimate to 11,04,61 the saving compared with the budget being as large as 62,31. Big as this saving was it was insufficient to cover the gap caused by the fall in revenue and the revised estimate showed a loss of 47,73 as compared with 16,19 worked out in the budget estimate.

3. The March final accounts for 1932-33 have just been closed and the summary available indicates that the actuals will probably be a little better than was estimated in the revised estimate. The figures are subject to alterations as adjustments continue to be made until about October when the year's accounts are finally closed. According to these figures now available revenue amounted to 10,51,62 being less than the revised estimate figure by 5,26. If subsequent adjustments do not raise the figure it will be the lowest on record since 1926-27.

Fortunately, the results of the economy campaign have been more satisfactory and the total expenditure brought to account is 10,93,67 being 10,94 less than the revised so that the loss on the year's working amounts to 42,06 compared with 47,73 adopted for the revised estimate.

The following table summarises the figures and compares them with those for 1931-32.

	Revenue.	Expenditure charged to revenue.	Loss.
Accounts 1931-32	10,64,60	11,58,44	93,84
Budget Estimate 1932-33 ..	11,50,73	11,66,92	16,19
Revised Estimate 1932-33 ..	10,56,88	11,04,61	47,73
Accounts March Final, 1932-33 ..	10,51,62	10,93,67	42,05

Prospects for 1933-34.

The Budget Estimate for 1933-34 provides for a revenue of 10,81,34 while the expenditure has been estimated at 11,38,54 working to a loss of 57,20.

The following table compares the figures for the first three months of the current year with the budget proportions for the period and also the actuals for the corresponding months of the last year.

	Revenue.	Expenditure.
April to June 1933-34	2,56,24	2,20,31
Budget proportions	2,54,47	2,29,09
April to June 1932-33	2,48,69	2,22,47

It will be noticed that revenue is better compared with the last year as also with the budget anticipations, while expenditure is less. The same impression of an improvement having set in is conveyed by reports relating to the volume of traffic which either show a perceptible although small improvement or an absence of deterioration compared with the last year.

There seem to be some grounds therefore for entertaining the hope that the trough of depression has been reached if it has not been traversed. It is dangerous to speculate, but if the improvement in revenue is maintained, the economy campaign which is being pursued steadily will enable the Department to balance the budget in the not distant future.

ANNEXURE II.

Paragraph 4 of Auditor General's letter and paragraph 9 of Appropriation Accounts.

(Figures in thousands of rupees.)

The sanctioned budget for Working Expenses and Interest was 12,37,24 while the expenditure amounted to 11,58,44 showing a saving of 78,80. The sources of this saving can be analysed as follows :—

I. Net savings on items not controlled by the Department (*e.g.*, Recommendations of Accounts Enquiry Committee) :—

	Rs.
Credits for services rendered to other Departments	3,06
Contribution for Pensions	5,44
Interest including surcharge	9,47
	17,97
Deduct excess on provision for depreciation ..	63,17,34
II. Emergency Deduction from pay	15,00

III. Results of Economy Campaign in the Posts and Telegraphs Department including its Audit Offices :—

	Permanent.	Temporary.	Total.
Pay charges ..	1,16	..	1,16
Allowances, etc. ..	..	9,32	9,32
Repairs	6,00	7,11	13,11
Contingencies ..	4,00	3,88	7,88
Subsidies	2,50	..	2,50
Stamps and Postcards ..	3,46	..	3,46
Stationery and Printing	5,33	..	5,33
Miscellaneous ..	2,00	2,18	4,18
	24,45	22,49	46,94
Deduct expenditure on retrenched personnel ..	..	48	48
	24,45	22,01	46,46

Note.—The reason for which the saving on stamps and Postcards and Stationery and Printing are treated as permanent is that the percentage ratio between the expenditure under these heads and the gross receipts of the Department is almost normal.

No increase should occur normally unless traffic and receipts show a large increase when the increased expenditure is likely to be inappreciable compared with the increase in revenue.

The distribution of the total saving between Permanent and Temporary is of course speculative being based on the nature of the items and of the economies carried out.

The most noticeable feature of the figures given above is that the savings under staff exclusive of the emergency deduction, were only Rs. 1,16,000. This was to be expected as retrenchment of staff even to keep pace with the fall in traffic could be initiated only after Government orders had issued after consideration of the Retrenchment Committee's recommendations. The orders were issued only in November 1931 and so only 4 months' savings in pay less leave salary, travelling allowance and gratuities could accrue as a maximum.

In this connection attention is drawn to paragraphs 18 and 19 of the Posts and Telegraphs Retrenchment Sub-Committee's report in which the Committee observed that out of a gross grant of nearly 13 crores only about Rs. 1,46,58,000 corresponded to what would be regarded in an ordinary Government Department as controllable expenditure susceptible of reduction without reducing salaries or establishment.

The Committee will be interested, with reference to the second clause of paragraph 4 of the Auditor General's letter, to learn that the economies in staff which were initiated in the last few months of 1931-32 bore fruit in 1932-33. In a statement circulated to the Legislative Assembly during the budget session it was stated that the savings from retrenchment of personnel on orders issued by the end of 1932-33 were estimated at Rs. 6,27,000 per mensem. The latest figures now received show that the savings have reached a figure of Rs. 6,68,000 per mensem or Rs. 80,16,000 per annum. It will be appreciated, of course, that a saving of this magnitude will appear in the accounts only when the economy has been in force for a full financial year and the men have ceased to draw leave salaries.

It may be added that the search for economies continues and the latest estimates indicate a figure of Rs. 8,76,000 per mensem, or Rs. 1,05,12,000 per annum, being reached by the end of 1933-34.

The following figures of the pay charges of the Department during the last few years also help in realising the magnitude of the saving achieved :—

Year.	As in the account.	Add amount of emergency deduction.	Totals being strictly comparable.	Annual increment or decrement.
1924-25 ..	6,12	..	6,12	..
1925-26 ..	6,33	..	6,33	+ 21
1926-27 ..	6,57	..	6,57	+ 24
1927-28 ..	6,90	..	6,90	+ 33
1928-29 ..	7,34	..	7,34	+ 44
1929-30 ..	7,66	..	7,66	+ 32
1930-31 ..	7,90	..	7,90	+ 24
1931-32 ..	7,88	15	8,03	+ 13
1932-33 ..	7,19	60	7,79	— 24

An increment which had never been less than 13 lakhs per year has been converted into a decrement of 24 lakhs and this in spite of the fact that the annual increments are estimated to cost between 12 to 20 lakhs of rupees.

In view of the observations contained in this note, the Posts and Telegraphs Department consider that the economies achieved even to the end of 1931-32 are neither small nor altogether temporary or likely to involve increased expenditure later on.

Proceedings of the Ninth Meeting of the Public Accounts Committee held on Wednesday, the 9th August, 1933, at 11-45 A.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.
Mr. T. N. RAMAKRISHNA REDDI.
Kunwer Hajee ISMAIEL ALIKHAN.
Mr. S. C. MITRA.
Mr. K. P. THAMPAN.
Mr. MUHAMMAD ANWAR-UL-AZIM.
Mr. J. RAMSAY SCOTT.
Dr. R. D. DALAL.
} *Members.*

Mr. A. C. BADENOCH, Auditor General.
Mr. JAGAT PRASAD, Deputy Auditor General.
Mr. S. A. VANESWAR, Accountant General, Posts and Telegraphs.
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.
} Were also present.

Sir THOMAS RYAN, Director General of Posts and Telegraphs.
Mr. S. P. VARMA, Financial Adviser, Posts and Telegraphs.
Mr. F. T. DEMONTE, Chief Engineer, Posts and Telegraphs.
} *Witnesses.*

62. The Committee continued the examination of the Appropriation Accounts and connected documents relating to the Posts and Telegraphs Department.

63. *Paragraph 76 of the Appropriation Accounts.*—The explanation given by the Director General, Posts and Telegraphs, was considered by the Committee to be satisfactory. The Auditor General remarked that, if the facts as put forward by the Director General had been known to Audit, the paragraph would not have appeared in the Appropriation Accounts. The Committee desired that when the Departmental investigation into cases of financial irregularities put forward by audit had not been completed, a note to that effect should be made in the Appropriation Report.

64. *Paragraph 78 of the Appropriation Accounts.*—The Director General explained that no private houses were available in the locality. The alternatives were either to hire the Railway bungalows available at the place or to construct their own buildings. As a measure of economy it was decided to rent the railway bungalows rather than construct new buildings. The Committee accepted the explanation.

65. *Paragraph 79 of the Appropriation Accounts.*—The Director General informed the Committee that case No. 1 had been settled and that the other cases were under examination.

66. *Paragraph 7 of the Auditor General's letter—Establishment charges.*—The Committee accepted the conclusion of the Auditor General and the Director General that the present method of working out these figures did not serve any useful purpose and desired to have a report next year showing the results of the enquiry now being undertaken by the Financial Adviser.

67. *Paragraph 8 of the Auditor General's letter—Stores Accounts.*—The Director General admitted that the balances of stores were unduly high mainly as a result of the large purchases made immediately after the War. He pointed out that the balances had been reduced from about 2½ crores in 1923-24 to 69 lakhs at the end of 1931-32 and added that every endeavour was being made to reduce the balances still further. The Committee noted with satisfaction the steady progress made in reducing the balances.

68. *Paragraph 9 of the Auditor General's letter—Rents.*—The Director General explained that the increase in the number of houses still to be assessed was due to (1) in cases where a building consisted of a number of quarters, each set of quarters was now being treated as a separate unit for the purpose of assessing rent, and (2) as a result of the economy campaign, a number of officers, who were formerly allowed rent-free quarters, had now to pay rent and the quarters occupied by such officers had to be added to the number of buildings the rent of which had to be assessed. The Director General informed the Committee that there was no loss of revenue to Government, because, in the case of quarters the rent of which had not yet been assessed, ten per cent. of the pay of officers was being recovered.

69. The Committee then adjourned till 2-30 P.M.*

*The Committee at its Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth meeting dealt with Railway Appropriation Accounts.

Proceedings of the Fifteenth Meeting of the Public Accounts Committee held on Saturday, the 12th August, 1933, at 11 A.M.

PRESENT :

Chairman from 11 A.M. to 12 NOON. — Mr. S. C. MITRA.

Chairman from 12 NOON. — The Hon'ble Mr. A. H. LLOYD, Finance Member.

Members.
- Mr. T. N. RAMAKRISHNA REDDI.
- Kunwer HAJEE ISMAIEL ALIKHAN.
- Mr. K. P. THAMPAN.
- Mr. RAMSAY SCOTT.
- Dr. R. D. DALAL.

Were also present.
- Mr. A. C. BADENOCH, Auditor General.
- Mr. J. F. MITCHELL, Accountant General, Central Revenues.
- Mr. L. J. PECK, Director of Army Audit.
- The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Witnesses.
- Sir LANCELOT GRAHAM, Secretary, Legislative Department.
- Mr. V. NARAHARI RAO, Additional Deputy Secretary, Foreign and Political Department.
- Rai Bahadur CHUNI LAL, Financial Secretary, North-West Frontier Province.
- L. SUNDAR DAS, Financial Assistant, Baluchistan.
- Mr. G. R. F. TOTTENHAM, Secretary, Army Department.
- Mr. W. R. TENNANT, Financial Adviser, Military Finance.

As the Hon'ble Mr. Lloyd, the Finance Member, had to attend a meeting of the Executive Council, the members elected Mr. S. C. Mitra as chairman during his absence.

70. *Grant No. 29—Council of State.*—The Accountant General, Central Revenues, explained to the Committee that during the last four years there had been savings under the head allowances, honoraria, etc., to members of the Legislature owing to the fact that a supplementary grant was obtained from the Assembly during the year to cover a carry-over of expenditure from the previous year as a result of the extension of the Legislature beyond the 31st March. A major portion of these supplementary grants proved unnecessary as there was a similar extension of the Legislature beyond the 31st March during the year and consequent carry-over of expenditure to next year. He therefore suggested that the estimate should be framed on the assumption that extensions beyond 31st March would occur. Sir Lancelot Graham explained that there were two uncertain factors, *viz.*, (1) the November session of the Legislature and (2) the extension of the Legislature beyond 31st

March. In addition to these two there was also the factor that though the Legislature might be extended beyond 31st March some members left before that date and their allowances had to be paid before the close of the financial year. As regards the emergency session, the Committee agreed that it could not be anticipated and nothing could be done, but as regards the extension of the Legislature beyond 31st March, the Committee was of opinion that the estimate should be framed on the basis of the experience of past years. As during the last five years the session actually extended beyond 31st March, the estimates should be framed on this basis but due allowance should be made for the fact that some members left before the 31st March.

(Sir Lancelot Graham then left and the representatives of the Foreign and Political Department were called in.)

71. *Paragraph 22 of the Auditor General's letter—Laxity of current control of expenditure under Frontier Watch and Ward.*—Mr. Narahari Rao explained that the main difficulty was in connection with the expenditure in Burma which was controlled by the local Government. The difficulties of the local Government were mainly in connection with the anti-slavery expeditions; and they were real difficulties as these expeditions started late in the financial year with advances for expenditure and were out of touch with the headquarters till the beginning of the next financial year. The Committee recognised the difficulties, but, at the instance of the Auditor General, suggested that the Accountant General, Burma, should consult the local Government whether some system could not be devised whereby a more efficient control of expenditure could be achieved.

72. *Paragraph 23 of the Auditor General's letter and Important Comments on Grant No. 79-Baluchistan—Fictitious transfers of Government servants in Baluchistan.*—The Committee considered that this was a very serious irregularity and noted the orders issued by the local Administration.

73. *Grant No. 71—Currency and Important Comments on page 177—Theft of Rs. 3,000 from a sub-treasury in Baluchistan.*—In this case the sub-treasury officer handed over his set of sub-treasury keys to a chaprasi to be taken to the sub-treasurer for the day. As the loss had been made good by the treasurer, the local Administration merely issued orders impressing on all officials connected with the administration of treasuries the strict observance of the rules in the Treasury Manual. They did not consider that any further action, departmental or otherwise, against the sub-treasury officer was necessary. The Committee did not agree with this decision and suggested that the Foreign and Political Department should take up the question of some disciplinary action against the sub-treasury officer. It was also brought to the notice of the Committee that cases of such thefts or defalcations were not being reported to the Government of India by the local Administrations unless the sanction of the Government of India was necessary for writing off the whole or a portion of the loss. The Committee considered that arrangements should be made for the reporting of all such cases to the Government of India in the Administrative Department concerned so as to enable them to judge whether the action taken by the local Administration was sufficient.

(The Foreign and Political Department witnesses then left and the Army Department witnesses entered.)

The Hon'ble Mr. A. H. Lloyd took the chair.

74. *Report on the Military Accounts Committee.*—The Committee endorsed the recommendations and observations of the Committee both in its report and in the accompanying proceedings of its meetings. As regards the special point of the *pro forma* account of expenditure on Auxiliary and Territorial Forces, the Public Accounts Committee agreed with the Military Accounts Committee that the present arrangements were unsatisfactory from a practical point of view. They therefore approved of the suggestion of the Army Secretary that proposals should be worked out for classifying certain units as wholly debitable to this account and others as wholly debitable to the ordinary Army Grant.

75. The Committee decided to meet on the 21st August 1933 at 2-30 P.M. to deal with the draft report.*

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I wish to ask the Honourable the Finance Member a question. During the winter Session, the report of the Public Accounts Committee of 1930-31 was never taken into consideration by this House and I wish to know whether it is the intention of the Government to discuss the present report on the floor of the House during either the November Session or the January Session ?

The Honourable Sir George Schuster : If my Honourable friend's question implies that he is disappointed that there has been no opportunity to discuss the report of the Public Accounts Committee on the accounts of 1930-31, I should like to take this opportunity of stating that I share his disappointment. I think the House will recognise that its time was fully occupied and that it has been impossible to find time to provide for the discussion on the accounts of 1930-31. The Government are fully alive to the point and it is constantly before them. I can assure my Honourable friend that we shall do our best to find time for that discussion.

THE DANGEROUS DRUGS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move for leave to introduce a Bill to amend the Dangerous Drugs Act, 1930, for certain purposes.

The motion was adopted.

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

THE COTTON TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL.

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

"That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, be taken into consideration."

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*The draft Report of the Public Accounts Committee was adopted by the Committee with certain modifications at its sixteenth meeting held on Monday, the 21st August 1933, at 2-30 P.M.

[Sir Joseph Bhore.]

I must, Sir, regret that circumstances over which I have no control have forced me once again to come to this House and ask it to agree to the extension of the Cotton Textile Industry (Protection) Act for yet another period, namely, until the end of March, 1934. In the circumstances, however, which confront us today, I am confident that the House will agree that the passage of this short extending Bill is inevitable and that there is no other course which is either possible or expedient. I have considered very carefully whether I should take this opportunity of replying in some detail to criticisms, I may say at once, uninformed criticisms which have been levelled against the Government of India in respect of action in connection with such matters as giving notice of their desire to terminate the trade convention with Japan and increasing the rates of duty on cotton textiles last June. I have, however, come to the conclusion that I could not go in any deail into these matters without saying something which might give cause for offence and, as I said the other day, we should, at this moment, endeavour to do all we can to allay and not to excite hostile feelings. This is not the time, Sir, as I said before, to ruffle feelings. I will only say this, that the limit of endurance and patience had been passed before we reluctantly decided to impose the higher duties in June last, duties, be it noted, which did not increase the substantive protection as against Japan given long ago, but barely compensated for the consequences of a heavily depreciated currency. In giving six months notice at the time we did, we were actuated by the dictates of ordinary prudence. We could not have run the risk of protracted negotiations ending perhaps infructuously and then having to give a notice of six months afterwards. But the giving of notice did not in any way prejudice the inception of friendly conversations. I may tell the House that, after the last Delhi Session, we set on foot informal enquiries with a view to the initiation of friendly negotiations, and notice was given on our behalf by His Majesty's Government or rather an invitation was extended on our behalf to the Japanese Ambassador in London on the 6th June inviting Japan to enter into negotiations. We took the initiative in this case and it is certainly not our fault if negotiations have not begun earlier. I would, however, like to take this opportunity of saying emphatically that our action in giving notice and in raising the duties was not inspired or suggested by any authority or interest outside this country. We gave the notice and imposed those duties on our own initiative and in what we believed to be the best interests of our own industries. Now, this brings me to the subject of this Bill. From what I have said, I hope the House will agree that no other course is open to us other than that which we are adopting, namely, the continuance of the existing arrangements. We are on the threshold of negotiations with Japan, negotiations which, we all hope, will result in the solution of, at any rate, some of the most important trade problems which confront us today. The industrialists of the three countries, I believe, are contemplating entering into discussion amongst themselves with a view to finding a way acceptable to all of them which will lead to a solution of their difficulties. In these circumstances, I hope, the House will agree that it would have been in the highest degree inexpedient if we had attempted at this juncture to formulate a cut-and-dried scheme for the cotton textile industry of this country or to alter our tariff rates. If we had done so, I feel that there might possibly have been grave repercussions on the forthcoming negotiations. I hope that the House will find no difficulty in passing this extending measure. I would, however, like to make one appeal to Honourable Members. I would like to ask them to refrain from saying anything which may make our task more difficult or may result in weakening our hands. I would like to assure the House that the Government are seized of the case for all the industries concerned, particularly would I like to say that we realise the importance of safeguarding the interests of the agriculturist. If we have not been over-perturbed by action in certain quarters designed to frighten the grower of cotton, it is not because we do not realise the paramount necessity for safeguarding his interests, nor because we do not realise the possibilities of a situation in which Japan is the largest external buyer of our short-staple cotton. I do not want to say anything more on this subject. I would ask the House to join with me in offering a warm welcome to the Japanese Delegation. (Applause.) I need not assure the representatives of Japan of the profound admiration in this country for the genius and achievements of the Japanese nation (Hear, hear) and, I think, I am voicing the views, not only of the Government, but also of the people of India, when I express the hope that the result of these negotiations will be to continue and to cement the traditional feelings of regard and friendship which have always existed between the two countries. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, be taken into consideration."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, if I venture to offer a few remarks on the motion before the House, it is not due to any want of appreciation on my part of the delicate position in which the Government of India is placed, in view of the impending Indo-Japanese Conference. On the other hand, Sir, it is with an honest desire on my part that in any negotiations which the Government of India may conduct, it may give due consideration to all the vast and varied interests of the country involved in a matter of this kind. I am perfectly well aware, Sir, of the reply which the Honourable the Commerce Member was pleased to give in answer to the question which was asked by my friend, Mr. Das, only a few minutes ago, that he could assure the House that all the varied interests would be duly considered and safeguarded by the Government. But my difficulty in appreciating that is this. Honourable Members of this House are perfectly well aware that, a few days ago when His Excellency the Viceroy addressed both Houses, he said as follows :

"Of significance too is the fact that India is to be the scene of a tripartite Conference between the textile industrialists of India, Lancashire and Japan. In this Conference the Government of India will not take any part, but they would welcome any agreement consonant with the welfare and interests of India as a whole."

Sir, my difficulty is this. I may be wrong, but I do feel that the answers which the Honourable the Commerce Member was pleased to give this morning were not exactly in consonance with the statement which was made by His Excellency the Viceroy. Here is to be a Conference which is to be a tripartite Conference, between certain indus-

[Mr. B. Sitaramaraju.]

trialists in this country, Japan and Lancashire, and the Government of India, according to His Excellency the Viceroy, will not take any part, but they would welcome any agreement consonant with the welfare and interests of India as a whole.

The Honourable Sir Joseph Bhore : If I may explain the point again, I think it may save the time of the House and also remove a misapprehension which I think my Honourable friend is labouring under. The negotiations which will take place will be official negotiations between the representatives of the Government of Japan and the representatives of the Government of India. At the same time, as those negotiations are taking place, certain entirely unofficial conversations between the representatives of Indian commercial and industrial interests, those of Japan and those of Manchester will also take place. With that the Government of India have no concern whatsoever, but, as His Excellency said the other day, naturally the Government of India must be greatly interested in any conclusion arrived at by that entirely unofficial gathering which may help us to a solution and a satisfactory solution of this problem.

Mr. B. Sitaramaraju : May I respectfully ask the Commerce Member how the other interests apart from the interests of the industrialists which are mentioned here would be consulted by the Government of India ?

The Honourable Sir Joseph Bhore : I do not quite follow my Honourable friend, but if he means that the Government of India will pay attention only to the interests of the commercial and industrial bodies to which he referred, then he is entirely under a misapprehension. I hope it will be possible for us to attach, as an unofficial adviser, a representative of the agricultural interests of this country as well.

Mr. B. Sitaramaraju : Sir, the Honourable the Commerce Member has been pleased to explain to us that the negotiations which have to be carried on between the Government of India and Japan would be purely a matter between the Government of India and Japan and that the Government of India would be consulting the interests represented by the industrialists of this country as well as of Lancashire.

The Honourable Sir Joseph Bhore : The Honourable Member is entirely wrong. What I did say was that in conducting the official negotiations with Japan, we would keep in the closest possible touch with representatives of the industries of this country including the great industry of agriculture. We have nothing directly to do with the unofficial tripartite discussions which will be taking place, but we shall obviously pay attention to and consider any conclusions that may be arrived at by so important a Conference, even though it is unofficial.

Mr. B. Sitaramaraju : I am glad to hear the Honourable the Commerce Member's explanation of the position of the tripartite Conference and of the assurance that the Government of India would be consulting all the various interests concerned including agricultural interests. Sir, while I appreciate that assurance, I would like to bring very prominently to the notice of the Honourable Member that there are certain interests which are very important and as important as the mill industry in this

country and probably even more important than that industry. I would particularly like to bring to the notice of the Honourable the Commerce Member that in any negotiations that they may make due consideration should be given to all those interests. One most important industry I should like to mention and press very much for consideration is the interest of the hand loom weavers of this country. That the hand loom industry of this country is the most important interest can be very well seen from the fact that we have in this country over two million hand looms working ; that is to say, for every hand loom which supports four or five people we have ten million people supported by that industry. Whereas, comparing that with the mill industry in this country, which employs not more than four lakhs of people and if each one so employed has four others to depend upon him, that would make about 16 lakhs of people provided by the mill industry as against 8 to 10 millions which are supported by the hand loom industry in this country. I would like to draw the attention of the House to the actual production of the cloth as well. The figures for 1929-30 were as follows : in millions of yards, the mill production was 24,18, whereas the hand loom was 14,04 : and the total of both was 38,22 millions of yards. You will, therefore, see, Sir, that even from the point of view of the actual production of cloth, the hand loom industry occupies a very prominent position in the country. It will be seen that it forms about 40 per cent. of the total amount of cloth produced in the country. In this connection I would like to draw attention to two small passages in this book " How to compete with foreign cloth " by the Secretary of the Indian Chamber of Commerce, Calcutta :

" It would be quite evident from the table given above (*the table which I have just given*) that the hand loom industry has not only gone out of existence as is erroneously presumed by many, due to ignorance or prejudice or want of enquiry, but that it supplies nearly 25 per cent. of the total annual consumption of cloth in this country and that it is responsible for about 40 per cent. of the total cloth produced in India."

In the table I have given for 1929-30, it is even much more than 25 per cent. from the figures of 1929-1930 :

" Since March, 1930, the production of cloth on the mills and the hand looms is on the increase, and, as a result of the movement for the boycott of foreign cloth, imports of foreign cloth are greatly diminishing. The above statistics make it quite clear that the belief that the hand loom weaving industry is a small moribund industry inevitably doomed to be entirely crushed by the power-looms is absolutely erroneous and has no foundation in fact. The industry has steadily maintained its position. It has had lately an access of strength in the shape of the khaddar movement sponsored by so powerful a personality as Mahatma Gandhi who lays great stress on the use of the Charkha and the hand looms for producing the cloth required in the country, with a view to provide work for the teeming millions of the people of this land during the periods when they have nothing to engage themselves on....."

Therefore, both from the point of view of production as well as the number of people who are actually supported by such an industry, and by the fact that it is a poor man's industry benefiting a large class of poor people, one would consider that it is not the industry which my Honourable friend, Mr. Mody, had the honour to represent as really a national industry, but it is the hand loom industry which is really the national industry of this country. It is very unfortunate that so important an industry as the hand loom industry has not received that recognition which it is entitled to expect from the Government of India who have always been trying to impress that they are always solicitous for

[Mr. B. Sitaramaraju.]

the welfare of the masses. In this connection the Government of Madras, in their Press Communiqué, issued on the 5th October last, stated as follows. This was a communiqué issued by that Government on the reference by the Tariff Board, and they have suggested a particular scheme about which I shall speak presently. They say in this communiqué :

"The mills benefit by tariffs whose effect, it appears, is mainly detrimental to the hand looms. A large articulate interest benefits at the expense of a larger but inarticulate community. Legislation which permits such results needs revision."

I would like to present this little passage to the Honourable the Commerce Member. The interests of the hand loom industry have, if not neglected, been relegated to the background, because they are not so articulate : they cannot be, since they are entirely confined to a class of persons who are poor and illiterate. Nevertheless, they form the backbone of this country, because they belong to the agricultural population of this country. The Government of Madras, in proposing their scheme, suggested to the Tariff Board that a cess of two pies might be levied in order to have reorganised the whole of the hand loom industry in this country, and they made also certain recommendations about the countervailing duty from which they stated the United Kingdom would be exempted. I will not and many of us may not agree with the view taken by the Government of Madras that the United Kingdom should be exempted from the countervailing duty ; nevertheless, the fact remains that so far as the scheme is concerned, it is an original scheme intended mainly to organise the hand loom industry in this country. That scheme requires the very careful consideration of the Honourable the Commerce Member before the Government of India can think of taking any action on the Tariff Board Report. This brings me to the question of the report of the Tariff Board. I can very well understand the Honourable the Commerce Member's difficulty in not being able to take action on the Tariff Board Report in view of the impending negotiations with Japan. But my complaint is not so much on that the Government of India have not taken any action so far or have not come to any decision on the Tariff Board Report, as it is on the non-publication of the Report. I claim that the report which was made to the Government of India by the Tariff Board ought to have been placed in our hands. When we, in this House, are asked to consider a subject about which valuable information has been withheld from us, I consider that it is grossly unfair to us. If that report had been placed in our hands, we would certainly have come forward, as the Madras Government have done, and offered suggestions which would greatly help Government themselves in coming to the very decision which they want to get. On the other hand, to ask us to believe entirely in what they say, to trust them entirely without knowing the facts of the case or the interests which the whole question involves and to ask us to take decisions on the floor of the House on a subject like this after withholding valuable information is, I consider, very unfair.

Again, I would like to impress upon the Government with all the emphasis at my command that this hand loom industry, which not only should the Government take into consideration as much as they do the other industries, *e.g.*, the industry which my Honourable friend, Mr. Mody, represents so ably—but I would ask the Government that in any negotiations, that they may carry on with Japan or any other foreign country, the interests of the hand loom weavers should be represented and amply safeguarded and dealt with equally impartially as the interests of the industry which Mr. Mody represents. So far as this matter is concerned, the Government apparently consider there are only the mills and Mr. Mody, with Lancashire thrown in between the two. As I have been trying to point out, it is not so. There are other interests which deserve greater consideration and consultation at the hands of the Government in this matter.

I am, however, glad to note, the other day, on the Resolution of my Honourable friend, Mr. Haroon, the Honourable the Commerce Member assured us—and he has repeated that assurance today—that he would consider the interests and claims of the cotton growers in this country. But they are not the only interests in this country. If all the agricultural interests are going to be safeguarded, as the Honourable the Commerce Member was pleased to say a few minutes ago with all his large-hearted and wide perspective, if all the labour interests, which my friend Mr. Joshi so ably represents in this House, are also to be safeguarded, we need entertain no apprehensions at all. I do trust that in a matter of this kind,—perhaps you are aware yourself, Sir,—that in the Ottawa and similar Trade Agreements, when trade negotiations are entered into by countries, all the interests concerned are usually consulted. What do the Governments of those countries do in order to consult them ? They call the representatives of the various interests together from time to time and invite their views. Do the Government of India propose to do the same thing now ? I hope they will do so. It is only but fair that they should do so, it is only but just that they should take that wider aspect, because their responsibility is very heavy. With these few words, Sir, I submit that in any negotiations that the Government of India may possibly undertake now or in future, the due interests of this country in all its varied interests should have the just and fair consideration of the Government of India and that their interests should be duly safeguarded solely in the best interests of this country.

1 P.M.

Mr. J. Ramsay Scott (United Provinces : European) : Sir, as the industry requires protection so badly, I rise to support this Bill. The Bill is, however, an inadequate measure and in no way adapted to the specific needs of the cotton industry of today.

It is, however, typical of the attitude of the Government of India in that they follow the line of least resistance. It is a "Wait and see" policy—I might say it is a "Wait and See Japanese Policy". Sir, we all hope for satisfactory results from the Indo-Japanese Government Conferences, but we do not see why India's premier industry should be sacrificed to placate Japan.

One of the points which I wish to bring to your notice is the Tariff Board Reports. The Tariff Board was instituted through this Assembly and is paid for by the tax-payer ; so we fail to see why the results of the Tariff Board's deliberations are not made public as soon as each inquiry is concluded. (Applause.) Why should Government sit on these Reports for over a year and in some cases for over two years ?

Several Honourable Members : That is the whole question.

Mr. J. Ramsay Scott : Surely, the industry should be the first to know its fate. The industry has, in the first place, to make out a *primâ facie* case for protection before Government pass orders to the Tariff Board, which means that Government admit the justice of the application, and the real case left to the Tariff Board is, how much and in what manner protection should be given. Now, Sir, in my opinion and in the opinion of many others in this country, it is considered that the recommendations and criticisms of the Tariff Board should be made known to the industry as early as possible. At the present moment, Government know the recommendations of the Tariff Board, but the advisers whom Government are asking to help them at the coming Conference are in the dark.

The second point is that until the Tariff Board's Report is issued, it is impossible for Government to protect the Hosiery industry under this Act. This industry is in a perilous state and the delay of six months has already been too great a strain, but a further six months will spell ruination and many a man will be thrown out of employment. If you protect cotton, which is woven, why should cotton, which is knitted, be left outside the pale of protection ? This, Sir, is a policy of discrimination with a vengeance and is an injustice which no Government worthy of the name would not have rectified at the earliest possible opportunity without the repeated unavailing protests of the industry itself. I do ask Government to lose no time in bringing in a measure to put this matter right.

Then, Sir, there are several Tariff classifications which are in need of correction, and I feel sure that the Honourable Member will admit that Tariff Classifications in general need overhauling. For instance, in the tariff of many years standing the customs duty on piece goods was 11 per cent., while various other goods made of cotton, in a slightly more finished state, were classified as Haberdashery, and paid 15 per cent. duty. Under the Tariff Board cotton protection, the duty on foreign piece goods has risen to 75 per cent. while Haberdashery protection by the fortuitous circumstances of Revenue Finance Bills has only risen from 15 per cent. to 25 per cent. Such articles as towels and handkerchiefs, if imported in the piece, pay 75 per cent. duty, while, if imported in the more finished state, hemmed or fringed, pay 25 per cent. duty. Surely anomalies like these should be put right, and perhaps the Government will take us into their confidence and give us an inkling of their intentions.

In conclusion, Sir, I would refer to the increase of 25 per cent. cotton piece goods protection granted in June last. If this further protection had been given 6 months earlier, it would have been more useful. The delay has allowed a considerable influx of foreign piece goods and the markets are glutted with such goods and, until they are absorbed, conditions will not improve.

The cotton mills in my district are laid out for Indian cotton, but, until they can run full time and overtime, they cannot use as much Indian cotton as they would wish to.

Sir, I would emphasise the need for quick action, and ask you to take a leaf out of South Africa's book. If Indo-Japanese negotiations are not concluded by October 10th, I would suggest that the treaty be allowed to lapse and the Protection of Industries Act come into force at once.

Japan's currency has depreciated 40 per cent. and there are already signs that it will depreciate still further. Government should be prepared

and should be ready to act. The Japanese Government have assisted her industries in every possible manner and by every possible means. Why cannot our Government do the same ?

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, on behalf of the Democratic Party, I rise to oppose the consideration of this Bill till the Government come forward and fulfil their pledge and publish the Tariff Board's Report which they received long ago. My Honourable friend, the Commerce Member, has asked us to be modest in our criticism, but yet I found he was apologetic and tried to justify his action, and brought in irrelevant issues about what Japan might do or what might happen. But my friend forgot the supreme responsibility that lay on him. The Commerce Member should not only give protection to a particular industry, but it is his duty to see that other industries and other interests are not in any way injured thereby.

Sir, the history of the Cotton Textile Protection Scheme dates as far back as 1927. It was in that year, the Bombay agitators,—here I take this opportunity to welcome back my friend, Mr. Mody, whom we have been missing so long in this House,—I am grateful for the condescension and graciousness of the Bombay millowners' representative to come here and listen to our views,—and probably if my friend gets everything that he wants, he will go back to Bombay and will some day find time to read through the speeches and appreciate the viewpoints which we lay before this House on behalf of 38 crores of people *minus* the 200 millowners of the Bombay town. Sir, in 1927, the gallant Baronet, Sir Victor Sassoon—he is not here—was the representative of the constituency which my Honourable friend, Mr. Mody, represents here today. The gallant Baronet pleaded before the Government, and the Cotton Yarn Protection Act came into existence. Japan retaliated. Who suffered ? Japan retaliated by boycotting rice and pig iron. The rice industries of Burma, Bengal and Bihar and Orissa have vanished and also the pig iron industry. Can the Commerce Member or Mr. Mody say that the pig iron industry has not suffered ? The other day, when my Honourable friend, Seth Haji Abdoola Haroon's Resolution was being discussed, statistics, misquoted statistics, were flying about on the floor of this House, and, on that day, my Honourable friend, Sir Leslie Hudson, in a sweet little speech, came to the rescue of the absentee millowners of Bombay, and probably those statistics came by air mail from Bombay to Simla. But I will also give a few statistics to show to my Honourable friends, the Commerce Member and Mr. Mody, how the Japanese policy of retaliation has destroyed the pig iron industry of India. In 1926-27, India exported 234,000 tons of pig iron ; in 1927-28, 270,000 tons ; in 1928-29, 353,000 tons ; 1929-30, 349,000 tons ; 1930-31, under 61,000 tons ; 1931-32, under 88,000 tons ; in 1932-33, 71,000 tons.

The Honourable Sir Joseph Bhore : Has my Honourable friend the statistics of the last six months ? I would commend them to his consideration.

Mr. B. Das : I am not the Commerce Member, nor have I Dr. Meek in my sleeves to produce the statistics that my Honourable friend wants in a moment. We, outsiders, legislators, public men, collect statistics from the published documents, and the statistics that I have given have been compiled and computed by the Federation of the Indian Chambers of Com-

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merce and Industry, and I do not think that my Honourable friend will challenge those statistics.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Was it circulated to all public men ?

Mr. B. Das : It is for the Government to circulate them. I am circulating them by my speech here and I hope that my friend, Mr. Amar Nath Dutt, will take note of these statistics.

Mr. Amar Nath Dutt : Can't you give a copy ?

Mr. B. Das : It is a confidential document, but I will give you a copy.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till 2-30.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. B. Das : Sir, before recess, I was saying that I was opposed to the consideration of this Bill, because the Government have not published the Tariff Board's Report and I was also referring to the retaliatory policy of Japan by which multitudes in this country have been seriously affected in their economic wealth. I was giving certain figures and statistics about the loss in trade in the pig iron industry. The proprietors of these pig iron industries might say that this House has given them protection and they would not mind if Japan retaliated. Multitudes of rice growers in Burma, Bengal, Orissa and Madras cannot export their rice and they have suffered seriously from the Japanese policy of retaliation and what Japan has done. Japan has made herself self-supporting about rice and, if certain questions that have been asked on the floor of the House are to be believed, Japan is also exporting rice to India. I am only referring to this, because the other day, the Honourable the Commerce Member made some statement that there was no truth in the idea that Japan would retaliate about the export of raw cotton to Japan and I also read in the press a statement by some of the representatives of the Bombay millowners. They said that this idea that Japan would retaliate and not buy Indian cotton was a bluff. Sir, if it is a bluff, it is bluff on the part of those Bombay millowners who want to hoodwink this House and they want an extension of this protective measure. They want to bluff only for the moment, because they know the truth will come out in the end. Japan will buy no more Indian cotton, because everybody knows that Japan has occupied a vast territory in China and Japan has got a five year plan like Russia. In five years, Japan will grow sufficient cotton to do away with the paltry half a million bales that they buy from India.

We, who represent the multitudes in this country, have to see that they do not suffer by this scheme of protection. When the Cotton Textile,

Bill was introduced, the Honourable Sir George Rainy, my Honourable friend's predecessor, said that it was only a temporary measure meant to alleviate temporary distress of a big and mighty industry in this country and that it was meant only as a stop-gap. At that time, the Members of the House will remember, I opposed it on behalf of the Opposition. My friend, Mr. Mody, remembers it well and then none of us thought that the scheme of protection would continue and we would not be asked even to examine the Tariff Board's latest Report. Sir, I find now that my friend, the Commerce Member, is very partial to the Bombay millowners. When I was a school boy, I used to read that there was a Lieut.-Governor in East Bengal who used to say that the Mussalmans were his favourite wives. It was Sir Bampfylde Fuller who said that the Muslims were his favourite wives. I now find that the capitalist section of Bombay has become the favourite wife of the Honourable the Commerce Member. My friend is so obsessed with the idea that the mill industry should be protected and he is so convinced with the views that are privately advanced in his Chamber by my friend, Mr. Mody, on behalf of the millowners, that he thinks there is no justification for the serious charges that are laid against the mill management by my Honourable friend, Sir Frank Noyce, in that admirable report of his on the position of taxtile industry in 1929. I am afraid, my friend, the Industries Member, cannot denounce his colleague, the Commerce Member, but in that admirable report certain serious charges were laid against the mismanagement of mill agents. Why should not the Tariff Board Report be published ? Does not my friend feel perturbed when he finds the *Times of India* and the *Bombay Chronicle* challenge the non-publication of the Tariff Board's Report ? They find fault with the Commerce Member for shelving that Report. I take this opportunity to congratulate the *Times of India* on this one occasion for having spoken the truth. The Tariff Board, as it was constituted, had one of the Bombay capitalists on it. They are supposed to be experts. Why is my friend so shy about publishing an expert report ? This House does not ask the Government to publish their considered views. Facts are facts, and if they are misrepresented, why is my friend afraid of publishing that publication ? We, on this side, have challenged that the Tariff Board does not always consist of experts. If the Tariff Board really consists of experts and they have applied their mind to the scientific investigation of these problems, why is it that Government are afraid of publishing this document ? They fear that it might create bad blood between Japan and India. Sir, I do not believe in it. How can the representatives of industrial interests in Japan and the representatives of Indian interests create bad blood over an expert document like the Tariff Board Report ? My friend, in not publishing that document, proves that certain misstatements have occurred there, particularly when we remember that one of the Members of the Tariff Board was a Member of this House and that he was a great protagonist of the principle of Imperial Preference. The House has to remember and to recognise that fact.

Sir, I want every industry to be protected and I want the mill industry also to get adequate protection. We want discriminating protection and not indiscriminating protection given to the mill industry whereby other allied industries would suffer. Considering all that I have read in various published documents and from the views that are available to the public, I think that the system of protection that exists now ought not to continue for the mill industry. As far as I understand, the millowners of India have one enemy, and that is Japan. We have already passed the Anti-Dumping

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Act. And through that Act, the Government can put 100 per cent. or 200 per cent. tariff. My Honourable friend, the Commerce Member, has enough experts in his Department and they will tell the Honourable the Commerce Member what that percentage should be. But why should there be a preference over other countries ? I want that the protective tariff should be taken away. I want healthy competition from Lancashire, Italy, etc. Only that particular country, which today penalises the Bombay mill industry, should be penalised.

The Honourable Sir Joseph Bhore : I hope my Honourable friend recognises that even if his suggestion were carried out, it could not possibly be put into practice before October next.

Mr. B. Das : I would rather see the suspension of this Act up to the 10th October. As I develop my point, I hope my Honourable friend will agree with me that untold harm has been done to other industries. I am very much indebted to my friend, Mr. Raju, for his very illuminating speech where he showed the loss that the handloom industry has suffered since 1927. Government's tariff policy has almost destroyed the great handloom industry. My friend, Mr. Mody, supports only eight lakhs of people through the mill industry, and the handloom industry supports nearly ten million people in India. Now, these 10 million people are earning a very precarious living, because, on account of the Cotton Yarn Protection Act, the prices of yarn went up. Not only that, the millowners, when they came up for protection in 1930, assured the Government that they would not spin yarns of finer counts and they would not experiment and investigate in new directions. But they went on experimenting in new directions. Today I find that the Bombay millowners are flooding the Bengal and Orissa markets with their cloth and *saris* that were formerly the privilege of the handloom weavers to manufacture. Why have they done that ? Who asked them to buy American cotton and to buy the fine yarn and thus kill the trade of the handloom weavers ?

The Honourable Sir Joseph Bhore : My Honourable colleague, to whose admirable report he has referred.

Mr. B. Das : I would ask my friend to have it out in the Executive Council with his Honourable colleague. His Honourable colleague is the cause today of the loss of bread to eight million people. Sir, the millowners gave an assurance in 1929-30 and now they have gone behind it. The other day, my friend gave certain statistics and said that only 163,000 bales of cotton were imported from America last year. If the millowners have reduced their purchase of American cotton, it is not due to their goodwill towards the Indian cotton grower. It is due to the great pressure which the country and the Congress have exercised on these millowners. My friend, the Commerce Member, felt so very happy that the millowners were using so many millions of pounds of Indian cotton. Well, they are bound to use it. They belong to Bombay, Broach and other places and they must buy Indian cotton. These Bombay millowners bought Natal coal seven or eight years ago and these very Bombay millowners are now buying American cotton, because they are now catering to the finer tastes of the public of India. But let my Honourable friend, Mr. Mody, rise and speak the truth and say how much pressure the Congress has applied on them. The Congress insisted that yarn made out of Indian cotton must

be used by them and that is the reason why, with trembling hearts, they have reduced their purchases of the American cotton.

Sir, I am not one of those who think that any decrease in purchase of American and Egyptian cotton will solve the problem of the Indian cotton growers, because, as I find, India produces six million bales of cotton. My friends, the millowners, can consume only three million bales. So, unless the Government help the Indian cotton growers to find a solution to export it outside the country, they cannot prosper. As now every country is producing the maximum of cotton, a few years hence a time will come when India will hardly be able to export any cotton outside India. Therefore, ban on the import of foreign cotton is no panacea to the cotton grower. What I wish to emphasise is that Government should not blindly believe what the millowners say. They always think that whatever the millowners do is right, and whatever the other interests say is wrong, because the latter are not so vociferous and clamorous, as the millowners are. As my friend, Mr. Raju, was saying, these millowners are a minute section of the public of India. If Mr. Raju could organise a deputation of a million of handloom weavers to the residences of my Honourable friends, the Commerce and Industries Members, then my friends would realise the extent of the damage done to that huge cottage industry through the past policy of my friends. I know of a family consisting of four people who worked for two days and produced one piece of cloth. That does not give even a margin of eight annas after one day's work by eight people. Therefore, my friends are all killing today the trade of handloom weavers.

Sir, let the Government have these tripartite Conferences, but this morning it seems to me my Honourable friend misunderstood the speech of His Excellency the Viceroy. His Excellency said that it was a Conference of the industrial interests of India, Lancashire and Japan. I will quote from his speech. He said :

"Of significance too is the fact that India is to be the scene of a tripartite Conference between the textile industrialists of India, Lancashire and Japan. In this Conference the Government of India will not take part."

My friend said something else.

The Honourable Sir Joseph Bhore : I must protest against this deliberate misunderstanding of what I have said. I endeavoured to make it perfectly clear to my Honourable friend, Mr. Raju, when he spoke as to what really was the position of the Government of India, and I can quite believe that my Honourable friend has not outgrown his school days.

Mr. B. Das : We are all outgrowing our school boy days, I am representing 360 millions of people of India. I cannot be puerile in my interpretation of the Viceroy's speech.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : How many millions do you represent ?

Mr. B. Das : I am representing 360 millions.

Sir Cowasji Jehangir : But this morning you said you represented 380 millions.

Mr. B. Das : As long as the millowners claim to be only 200 from Bombay, I do not mind representing the rest. I will just finish the quotation from the Viceroy's speech :

" In this Conference the Government of India will not take part, but they would welcome any agreement consonant with the welfare and interests of India as a whole."

Where the interests of a small number of industries, rather the interests of India are concerned, the Government and this House ought to consider them. Therefore, in supplementary questions, some of us wanted to see that the representative of labour should be there, that the representative of cotton growers should be there (Hear, hear) and the representative of the vast number of consumers should be there. Sir, this reminds me of a little story. On my return from my voyage this time, I went to a small place of pilgrimage where I have a little cottage. For the last few months, I am taking a little interest in the *harijan* movement. While I was in my house, I found that there was a different sweeper serving my house and I asked him—everybody nowadays wants to befriend all *harijans*—I enquired of him as to why he came to serve my house. He said : " We had a conference of our caste and we had partitioned out the different houses in this town and you have come to my share and you are now under me." So also in this tripartite Conference among the Bombay millowners, the Lancashire millowners and Japan, it may be, they will divide the whole of India amongst themselves and my friend, Mr. Mody, may say : " Look here, Orissa has been allotted to Japan and so you will have to purchase Japanese goods." (Laughter.) These are some of the points that are agitating our mind. I hope Government will bear all these in mind when they are making platonic speeches in the House.

My Honourable friend, the Commerce Member, made a statement the other day about the larger export to Japan of Indian cotton, and when I questioned him, he remarked that I always showed a sublime disregard for facts. Here is a statement made by the East Indian Cotton Association, the membership of which is confined to Sir Purshotamdas Thakurdas, Sir Victor Sassoon and other people.

Mr. R. S. Sarma (Nominated Non-Official) : That statement of the East Indian Association is not inconsistent with the statement of the Leader of the House.

Mr. B. Das : That is your view. You can talk it over with the Honourable the Commerce Member. But let me read out :

" The fact of the matter is that a large volume of Indian cotton shipped to Japan, after the declaration of the boycott of Indian cotton by the Japan Cotton Spinners' Association, Osaka, consisted mainly of the commitments in cotton made before the declaration of boycott of Indian cotton. To give a concrete instance in substantiation of this fact, it may be mentioned that the Japan Cotton Spinners' Association, which is in charge of allotting freight for cotton shipments to Japan, does not allow freight for shipment to Japan since the declaration of the boycott of Indian cotton was declared."

My Honourable friend, the Commerce Member, may derive some satisfaction from the support which has come from my Honourable friend, Mr. Sarma. No doubt the figures and statistics quoted by my Honourable friend were right, but my friend wanted us to draw wrong conclusions. He wanted us to infer that the export of cotton has largely increased during the last few months for which my Honourable friend gave the figures. Surely my Honourable friend knows and the Government know it that Japanese ships do not now carry Indian cotton to Japan.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Those were old contracts.

Mr. B. Das : What was carried were only old contracts. If I am accused of showing a sublime disregard for facts, I accuse the Honourable the Commerce Member.....

The Honourable Sir Joseph Bhore : I withdraw that expression and substitute therefor a sublime inability to draw deductions from facts.

Mr. B. Das : As long as there will be a Government, an irresponsible Government, and as long as there will be an opposition and people's representatives clamouring, so to say, in the wilderness, so long we on this side will be accused of showing sublime ignorance and inability to draw deductions from the facts, and the facts are always facts only. When it suits my Honourable friend, he utilises them for his own purpose, I do not mean my Honourable friend, he utilises them for his own purpose, but for the purpose for which the Government for his personal purpose, but for the purpose for which the Government of India at the time have decided him to act. My Honourable friend, Sir Frank Noyce, in his report, not only asked the Managing Agents to give up all their great earnings which they unjustifiably pocket, but that they should reorganise that industry. Is there anything to prevent my Honourable friend from bringing out to the public the Report of the Tariff Board and give us the particular chapter where the Tariff Board have given their findings about the reorganisation of the mill industry which my Honourable friends, the Bombay millowners, particularly have done since 1930. Knowing their utter disregard to public criticism and public sentiment and the way they have been instrumental in the destruction of hand loom industry in the country, I cannot think they have done anything since 1930 to reorganise their industry and to put it on an economic basis, so that protective measures would not be necessary at this stage. As an old stager in this House, I know, since the Tariff Board came into existence, the capitalists and industrialists have been shouting for more and more protection without any regard to the interests of the consumers, and today the consumers are suffering for lack of funds owing to the great economic depression that has swept the world. The oil industry of Burma came in for protection and everybody, who reads their balance sheets, knows what large dividends they have been paying their shareholders. The same is the case with the millowners. How is it, the millowners in Delhi have been earning 200 per cent. dividend up to last year ? We all knew it and, when you ask them, they say it is only 60 per cent. and they further reduce it to 15 per cent. (Interruption.) My Honourable friend must be knowing Lala Sri Ram's mills in Delhi ; they used to show large dividends ; and when the Government made an enquiry, all the capitalists combine together and produce a different balance sheet. Sir, before you became President, you were yourself a capitalist and you also know how balance sheets are drawn up. You know how depreciations and reserve funds, unforeseen expenditure and extensions, and all such things are deducted out of the huge dividends earned, so that a gullible Government can see only a few per cent. dividend. If I make these serious charges, it is for Government to read out chapter and verse from the Tariff Board's Report. So, Sir, I do not know if I will succeed in my proposal that the consideration of this Bill should be postponed till the Tariff Board's Report is published, but if, at all, a scheme of protection is necessary, my own belief is that no scheme of protection is necessary after October 10, because my friend will apply the Anti-Dumping Act and give them the protection which he or they think

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necessary. But before this House can give any protection, this House must see the report, must now how the various interests are affected thereby, and we have to consider particularly the interest of the hand loom weavers. We have also to consider the interest of the cotton growers, and, if these are not adversely affected, I am not one who would oppose any measure of protection to the cotton mill industry. But yet, if I remember aright the speech of my old friend, the Honourable Sir George Rainy, I feel that it was a temporary help given to a particular industry and it will not be necessary after October 10 when that particular Anti-Dumping Act will give them the necessary relief. Sir, with these remarks, I appeal to the Honourable the Commerce Member to be kind enough to postpone consideration of this measure and to take steps to publish the Tariff Board's Report so that the country may know whether there is any truth in the sufferings of the millowners.

Mr. R. S. Sarma : Sir, Mr. Das, the old stager as he styled himself, thought that he was making a big case by putting the statement of the East India Cotton Association of Bombay against the statement that the Commerce Member made in this House last week. Lest this House should be misled by the wrong inferences made by Mr. Das, I should like to point out that to my memory all that the Commerce Member did was, he quoted certain figures of exports to Japan, compared them with the figures of last year and the year before and left this House to draw its own conclusions from these figures. What the East India Cotton Association published yesterday in the papers was simply that, after boycott was declared, no freight for cotton was booked. I cannot see any inconsistency in these two statements. Japan, the Japanese merchants and their politicians, certainly much cleverer than people like Mr. Das, knowing that they were going to declare a boycott, must have made more commitments than necessary, must have placed more orders than necessary with this view that between the date of the declaration of the boycott and the date of these delicate negotiations that are going to take place, they may not book any freight or ship any cotton from here so that they would not suffer from any lack of cotton. But they may not send cotton, because they have already had more than they want so that simple-minded people like some of us might think that the boycott has become effective.

I want to say, Sir, that I whole-heartedly support this Bill.

Sir, there is a well-known saying that he who giveth quick giveth twice. Of all the Commerce Members of the Government of India, I think Sir Joseph Bhore has shown the liveliest appreciation of the force and the truth of this statement. Our Bombay industrialists and also other industrialists in India cannot be too grateful to Sir Joseph for the timeliness and expedition which has inspired the liberal measures which he has initiated for the support and protection of the indigenous industries of this country. Sir, in these days of great changes and quick transformations in the world of finance, trade and commerce, too much deliberation on any event, as in Hamlet, will spell only disaster. And we expect from the Government of India a mobile outlook, a sort of forward policy and expeditious execution in all the measures that they undertake for the support of the industries of this country. And, in this, Sir Joseph Bhore, our first Indian Commerce Member, has achieved marked success.

Viewing this Bill as part of this new and forward policy, I support this Bill and offer my congratulations to H. P. Mody and Company for what they have got.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : What do you mean by H. P. Mody and Company ?

Mr. R. S. Sarma : If you cannot understand plain English, I will explain to you outside the Chamber if you will ask me.

Sir, Without wanting to embarrass the Commerce Member who has got to conduct delicate negotiations within the next fortnight or so or trying in any way to prejudice the issues in that Conference, let me plainly tell the Honourable Member himself that many of us are as much puzzled and mystified as Mr. Ramsay Scott or Mr. Das about the reasons underlying the non-publication of the Tariff Board's Report. If the only reason for its non-publication is that a report like that should not be published, when these delicate negotiations are going to come on, I think the Commerce Member will have the support of the entire House in what he has done in not having published it now. But there are suspicions that there are other considerations why this report has not been published. Sir, the *Indian Finance*, the well-known financial paper of Calcutta, to which Sir George Schuster himself has paid warm tributes in this House and to which even His Excellency the Viceroy was obliged to pay tribute in one of his addresses to this Assembly, has hinted that the report contains expositions of the uses and abuses of the managing agency system of the protected industries of this country and it is so unpalatable to the Bombay millowners that Government, who are always soft and tender to them, are very reluctant to publish it. (*An Honourable Member* : " Are you connected with the *Indian Finance* ? ") I am not. But I shall certainly be proud to be connected. Therefore, we should like to know from the Commerce Member whether it is these considerations that are delaying it or whether it is considerations of these delicate negotiations that are responsible for this delay.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I fully appreciate the reasons given by the Honourable the Commerce Member for not making or not suggesting any changes in the tariff as regards the cotton textile industry. But, Sir, I am not satisfied that the impending negotiations between Japan and India should come in the way of the Honourable Member giving a little more information to this House on this question. Several Honourable Members have asked why the Report of the Tariff Board has not been published, and I repeat the same question. Mr. President, the Report of the Tariff Board is or at least is supposed to be a scientific investigation into the condition of the textile industry, and I do not know how the publication of such a scientific document should hamper the negotiations that are to take place very soon. But even if the Report of the Tariff Board is not published, I think it is due to this House that the Honourable Member should give some more information before the House is asked to pass such a measure. When the Anti-Dumping legislation was discussed at the Delhi Session, I had expressed my view that this protection to be given to our industries against

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dupmping by means of tariffs is a kind of war, and it is the last thing to which we should resort. At the Delhi Session, I, therefore, suggested that before we resorted to this method of war, we should try, if possible, the method of Conference. I am glad that the Government of India have, even though it may be on the suggestion of the Japanese Government, agreed to this Conference method.....

The Honourable Sir Joseph Bhore : May I say that I endeavoured to make it clear in my opening remarks that it was the Government of India who took the initiative in this matter and invited the Japanese Government through His Majesty's Government in London to enter into negotiations ?

Mr. N. M. Joshi : I am very glad to be corrected on this point. It would have been a matter of great regret to me if my Government had not taken the initiative in this matter. I am glad that there is to be a Conference : I was also glad to learn from the Honourable the Commerce Member that although the Conference will be one between the representatives of the two Governments, the Government of India propose to be in close touch with the representatives of various interests concerned in this matter.....

Mr. S. G. Jog (Berar Representative) : Have the Government made an announcement like that ?

Mr. N. M. Joshi : That is what I understood from the speech of the Honourable Member and I also understood that it was decided to associate in this work in an advisory capacity a representative of the agricultural industry. May I ask the Honourable Member whether similarly he proposes to associate in this matter a representative of the Indian textile labour during the negotiations in an advisory capacity ? I have seen in the newspapers a list of the Japanese delegation and their advisers. It is true I have not seen in that list any representative of Japanese labour ; but may I suggest to the Government of India that in this matter, as in the matter of taking the initiative for this Conference, they should set an example to the Japanese Government ? May I suggest to them that they should keep in mind the example of their masters, the British Government ? You know, Sir, when you were at Ottawa at that Conference, the British delegation included among others two representatives of the British Trade Union Congress. It is true, at that time the Government of India failed in their duty in not associating a representative of Indian labour at that Conference. May I suggest to the Government of India that they should correct that mistake, and in this Conference at least they should associate in an advisory capacity a representative of Indian textile labour ?

Last time when I spoke on the Cotton Textile Bill at the Delhi Session, I had suggested that whenever a question of competition between Japan and India was discussed the labour conditions in Japan were always brought in : my friend, Mr. Mody, several times stated that wages in Japan were much lower than the wages in India ; and in various other ways this question was brought up. This is one special reason why a representative of Indian labour should be associated in this work.

Then I had also suggested that the Government of India should give up their attitude of obstruction to the proposal made by the International Labour Conference for an Asiatic Labour Conference. This question of removing the unfair competition between Japan, India and other countries involves the question of labour conditions, and, therefore, if this difficulty is to be removed, it is necessary that labour conditions in those countries should be freely and frankly discussed. It is for that reason that the International Labour Conference passed a resolution that there should be an Asiatic Labour Conference ; and unfortunately, in spite of the efforts of the International Labour Conference at Geneva, the Governments concerned were opposed to this method of Conference. Somehow all these Governments, who profess to believe in constitutional methods, do not believe in the methods of Conference. These Conferences have to be forced upon them. They believe in the other methods—I am not going to name those other methods ; but if you tell these Governments that, these difficulties are likely to be solved by the method of Conference, they somehow are not very willing. May I suggest to the Government of India that they should give up this obstructive attitude of theirs, and take the initiative in calling an Asiatic Labour Conference to discuss conditions in the various countries in this vast continent, so that at least a part of the unfair competition may be removed ? The Government of India have introduced this Bill and previous other Bills of which this is a continuation, for the protection of the cotton textile industry ; and some of my friends have already referred to the fact that, when you are trying to protect the cotton textile industry, you must protect all the interests involved in this industry. It is not only the interests of the capitalists who have invested money and who manage the cotton textile factories in this country whose interests need protection. Various other interests require to be protected ; my friend, Mr. Raju, and my friend, Mr. Das, referred to the interests of the hand loom weavers in the country. Personally I do not think that the hand loom industry can be saved ultimately ; but, at the same time, I shall not agree to any proposal by which there will be a great disturbance in the life of the hand loom weavers in this country....

Mr. B. Das : It has already happened.

Mr. N. M. Joshi : Among the various other interests are the interests of those of the agriculturists : and then the people who run the mill stores industry ; they all must be protected. But, above all, the interests of the workers who are engaged in the industry must be protected. After all, the number of people who hold share in the cotton textile industry is much less than the number of people who are working in this industry. I, therefore, think that when Government are trying to protect the interests of the cotton textile industry, the first consideration must be given to the interests of the workers engaged in this industry. I know that whenever we talk of protecting the interests of the workers, I am always told that if you protect the interests of the capitalists, the interests of the workers are protected, because if the capitalists make profits, they will not at least close down the factories, and the workers will get some employment, and they may not think of reducing wages. But it is not correct to be told that when you protect the interests of the capitalists, the workers' interests will be protected. At least that

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is not my experience. It is not the experience of any one that the capitalists in this country have given better conditions to their workers of their own accord. Every time to secure better conditions, every time to prevent the conditions being worsened, the workers have to put up a fight. Therefore, by merely protecting the interests of the capitalists, the interests of the workers are not likely to be protected at all. Government will have to take measures to see that the interests of the workers are protected. Unless that is done, the Government will be only protecting the interests of a handful of capitalists engaged in these industries.

My friend, Mr. B. Das, suggested that the consideration of this measure may be postponed till something is done. I am not going to support that motion, but, at the same time, let me say very frankly that I have some sympathy for that view. Take, for instance, the question of hours of work in factories. The Honourable Member in charge of the Department of Industries and Labour, the other day, announced that he was going to introduce the Indian Factories (Amendment) Bill. I am hoping that that Amending Bill will include a provision for reducing the hours of work. If the Government have got real sympathy for labour and want to protect the interests of labour effectively, they would have inserted a provision for the reduction of hours of work in this Bill before protecting the textile industry, or they should have brought in the Factories Amending Bill first, got it passed, and then passed the continuation of this protective measure. I have heard it said that capitalists in this country are going to oppose the reduction of hours of work which the Indian Factories (Amendment) Bill may propose. Now, Sir, if this provision for reducing the hours of work had been included in this Bill, I am absolutely certain that there would have been no opposition to reduction of hours of work at all, but unfortunately the Government did not choose such a very effective method. They first want to pass the protective measure in the interests of the capitalists and then, if the Assembly has time, they want to introduce and pass the Factories (Amendment) Bill. In this connection, I would like the House to remember that the conditions of labour in the textile industry are being worsened day by day, not only in Bombay, but in almost every textile centre in this country : In spite of the protection, wages are being reduced, and conditions in other respects also are being worsened. In Bombay, for instance, the weavers are asked to manage more looms without being given sufficient compensation by way of sufficiently increased wages. This cannot be allowed if the interests of all the sections, which are concerned in the cotton textile industry, are to be protected. It is wrong for the Government to bring forward a measure protecting only the interests of one section. Government may say that you cannot protect [illegible] the interests of all the sections simultaneously. In this connection I should like to draw the attention of the Government of India to what President Roosevelt is doing in the United States of America. President Roosevelt, in order that the industries of the country should recover their prosperity, has passed an Industrial Recovery Act, and what does that Act contain ? Among other things which that Act proposes, it insists that there shall be a minimum wage for all industries ; it further insists that there shall be reasonable hours

of work in all industries. Now, why should not the Government of India act similarly ? We want our industries to be protected. I am the last person to suggest that they should not be protected, but President Roosevelt has shown the right method of protecting the industries.

The National Industrial Recovery Act of the United States of America provides for the supervision and regulation of industries by fixing minimum wages and maximum hours and other standards. This is what President Roosevelt is doing as regards the general industries in the country. Let us see what he is doing for the cotton industry in the United Kingdom. I am reading from the *Industrial and Labour Information* for 30th July, 1933 :

"*Effects of the Code for the workers.*—On and after the effective date, the minimum wage that shall be paid to employees in the cotton textile industry, except learners during a six weeks' apprenticeship, cleaners and outside employees, shall be at the rate of 12 dollars a week in the South and 13 dollars in the North. The maximum hours of work are fixed at 40 in the week. As compared with present conditions, this represents an average increase in wages of 30 per cent. and a reduction in hours of work of more than 25 per cent."

While the millowners in India are reducing wages, President Roosevelt is insisting that wages in the United States of America shall be raised by 25 per cent. This is what the Government of India should do if they really want to protect all the interests involved in the cotton textile industry. Several times people come forward and say things about the Japanese labour conditions, but I just found quite by accident this little book "Industrial and Labour Information", dated 14th August, 1933, and this is what it says :

"A conference of the Chiefs of the Health Insurance Sections of Prefectures throughout Japan met in Tokyo on 31st May, 1933, to discuss questions concerning the administration of health insurance. On this occasion, the Director of the Bureau of Social Affairs stressed the need for stabilising social life by removing the uncertainty of livelihood of the workers, and stated that the most effective means of attaining this end was, in his opinion, the development of social insurance, in particular by the enlargement of the functions of the present health insurance system and the extension of the scope of social insurance to cover various risks other than those specified by the existing legislation."

Now, in these times which are really very bad, the Japanese Government are progressing in the matter of health insurance. In India we have not yet got any kind of health insurance Act, much less are we making any progress in a matter of this kind. I would, therefore, like the Government of India to study what the United States of America are doing and copy their example. Let them follow the policy of improving the labour conditions in this country, and it is by so doing and by generally improving the standards of life of the people of this country that there can be a recovery of the industries in this country, and by no other method.

Before I sit down, I should like to ask the Government of India one question. That question I had asked at the Delhi Session, and it was this. A few years ago, at the invitation of the Government of India, Sir, Sir Arthur Salter came out to India and recommended to the Government of India the establishment of an Economic Council. In order that economic questions in this country should be properly discussed, Sir Arthur Salter recommended that there should be an Economic Council. This question of protection is a question which is best suited to be discussed by an Economic Council if it had existed. I should like the

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Government of India to tell me and to tell this House what has become of that proposal. The Government of India have spent some money over the travelling expenses of Sir Arthur Salter and, up to this time, nothing has been done in giving effect to his recommendations.

Mr. B. Das : You are asking the Finance Member to make a speech.

Mr. N. M. Joshi : I am not asking any one of the Members of the Government of India. I take the Government of India as a unitary Government and I do not mind who gives the reply, but I want a reply to this question. The Government of India spent money in bringing out to this country a distinguished economist. He had made recommendations and nothing has been done to give effect to his recommendations.

The Honourable Sir Joseph Bhore : May I correct my Honourable friend ? This Government spent not a pie of Indian money in bringing out the economist referred to by him.

Mr. N. M. Joshi : Well, Sir, that does not absolve the Government of India from their duty to give effect to the recommendations of this distinguished gentleman. I feel that, in these times of economic depression, the Government of India should have with them a body of people who can discuss these economic questions from the point of view of the country, from the point of view of the different interests involved, and a recommendation, a very suitable recommendation made by a distinguished gentleman of experience should have been given effect to much earlier. The Government of India may plead that there is no money, but, Mr. President, if you want that the industries in this country should recover, if you want our economic conditions to be improved, you have to spend some money to devise an organisation by which the recovery may be facilitated. Sir, I have done.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, although I do not oppose the motion which is now before the House, I must confess I am not very enthusiastic about it.

This Bill seeks to continue the protective duties on Indian textile industries which were imposed by virtue of the Cotton Textile Industry (Protection) Act of 1930. I am quite at one with those who advocate the imposition of discriminating protective duties for the benefit of our national industries ; but there are other factors which come into consideration in regard to this question. I should like, with your permission, very briefly to refer to some of the factors which have to be taken into account in this connection.

I join with my other Honourable friends in deploring that the Report of the Tariff Board has not been published, and we are in the dark as to the recommendations of that Board. I think, Sir, that Government would have been well advised to publish in advance the report of the Tariff Board dealing with this question. The excuse set forth by the Honourable Member in charge of this Bill that it will probably be inadvisable in view of the coming Indo-....

The Honourable Sir Joseph Bhore : Excuse me. I never gave that excuse at all.

Mr. Gaya Prasad Singh : I am glad to be assured on this point, but that makes the action of the Government still more inexplicable. I should

have thought that if Government's plea had been that, in view of the coming Indo-Japanese negotiations, it would not be advisable to publish the Report of the Tariff Board, one could have understood it, although one could not approve of that argument. But when my Honourable friend says that that has nothing to do with the non-publication of the Report, I say that their action is not quite proper in withholding the Report from this House before asking us to agree to a continuation of this protective tariff.

I should here refer to the condition of another industry in this country which is a very important industry—the hand loom industry of this country. The cotton textile industry has been looming large in this House whenever the question of protection of Indian industries has come up for discussion, but the question of giving proper facilities for the development of the hand loom industry has not been appreciated at its full value. The " khaddar " industry, for instance, is a very important cottage industry and it is necessary that representatives of the hand loom industry should also have a voice in the coming negotiations or before any decision is arrived at. My Honourable friend, Mr. Mody, whom I congratulate on his having put in his appearance just in the nick of time this morning, has been advocating, and not unnaturally, the claims of his industry to State protection. I am quite willing to grant him whatever legitimate protection his industry may need. But I should like to ask him what is his attitude with regard to the hand loom industry in this country. As I said before, the " khaddar " industry is an important hand loom industry, and what is his attitude or the attitude of the Bombay Millowners' Association with regard to giving legitimate protection to this " khaddar " industry ? I quote just one little sentence from the opinion of the Bombay Government with regard to the " khaddar " Bill of which I have the honour to be the author. The Government of Bombay say :

" The majority of the commercial associations who were consulted support the Bill, while the Bombay Chamber of Commerce and the Bombay Millowners' Association are not in favour of it."

Some Honourable Members : Oh !

An Honourable Member : The cat is out of the bag.

Another Honourable Member : The bag is out of the cat !

An Honourable Member : Is it true, Mr. Mody ?

Mr. Gaya Prasad Singh : It was with the object of protecting the " khaddar " industry from dishonest competitors that I brought forward my Bill, and I regret that the Bombay Millowners' Association, of which, I understand, my Honourable friend, Mr. Mody, is the President, should have thought it proper to oppose a beneficent measure of that kind. By opposing—of course, I am not dilating upon that point, it might come later on,—but by opposing that measure the Bombay Millowners' Association have come out in their true colours, and have exhibited themselves not as the true patriots which they always claimed to be.

Another point which I might legitimately ask in this connection is, why is it that the Indian cotton mill industry is not in a position to compete successfully with foreign goods which are imported either from Japan or from Manchester or from any other country. Why is it that the cotton mill industry of this country constantly stands in need of protection, and that their representatives always come out with a begging bowl before

[Mr. Gaya Prasad Singh.]

this House at periodical intervals for alms ? In my speech in Delhi when this question was before the House, I expressed the hope that it was not true that our cotton mill industry was not sufficiently efficient to compete on equal terms with foreign manufacturers. Instead of coming to this House for protection in season and out of season, the representatives of our mill industry ought to send a deputation to Japan, Manchester or other countries and try to learn to improve their methods of production and imbibe the art of bringing out their products in a cheap and efficient manner.

An Honourable Member : The President had been to Manchester.

Mr. Gaya Prasad Singh : My Honourable friend behind me reminds me that the President of the Bombay Millowners' Association had been to Manchester. I fear that this arrangement between Japan, Manchester and the Millowners' Association might not result in anything which is detrimental either to the hand loom industry of this country, or to the consumers interest being kept in view. I have just referred to the interest of the consumers which is an important point not to be lost sight of. I need hardly say that the products of this country ought to be given preference over every other imported goods, even at a sacrifice ; but, in matters, where India is not capable of producing a particular kind of goods, Indian consumers must be permitted to buy in the cheapest market irrespective of the fact whether the product comes from the British Empire or from any country outside it. That is a point which ought not to be overlooked. I recognise that the point I am advocating is somewhat at variance with the Ottawa Agreement betrayal. I would not call it betrayal, but my fear is that during the coming Conference the interest of India may not be sacrificed between the interests of Japan and Manchester and the millowners of this country. The other point of view which we must not lose sight of is the agriculturists' point of view, and the cotton growers point of view. When we passed the Bill in the last Delhi Session, we little thought that Japan would take any retaliatory action against our country. Forebodings of such retaliatory action were, no doubt, numerous, but some of us did not take them very seriously. The result is that on the passage of the Bill in Delhi, Japan has proclaimed a boycott of Indian cotton, and whatever my Honourable friend, the Commerce Member, might say, and, I quite admit, that he has got more authoritative sources of information than I can possibly command, my information is that it is not as ineffective as it is attempted to be shown to us. Then, Sir, with regard to the part which the cotton textile industry has played with regard to hand loom, and the steps that may be taken in that connection in giving protection to the cotton textile industry, the Government of Madras sent a communication to the Tariff Board last year, and in that communication the Madras Government refer to the " preferential position " of the Indian mills, and they go on to say :

" The centre of mill competition lies outside the presidency, but it is not open to the Madras Government as it would be to an independent State to counter that competition by tariff on mill products. Yet unless some restriction is placed on the power of the mills to raise yarn prices against the hand loom weavers within the wide margins allowed by the existing tariff or unless some agreement can be entered into with regard to the respective spheres of the hand looms and the mills it is exceedingly doubtful whether any internal reform of the hand loom industry can succeed even in arresting its gradual decay."

I would commend this paragraph to the consideration of the Government. My Honourable friend, Mr. Joshi, has already referred to the interest of the workmen, and I need not repeat what he has said on the point. In conclusion, I may be permitted to express the hope that in the coming Conference, all the interests will have an ample say in the matter, and the views of the Millowners' Association alone will not carry the day. With these few words, I resume my seat.

Mr. D. K. Lahiri Chaudhury : Mr. President, there has been cotton textile spinning all this morning and our spinning is not finished yet. It has been repeatedly asked by various speakers on this side of the House why the Tariff Board's Report has not been published. I leave that aspect of the question for the present. What I understood from the speech of the Honourable the Leader of the House is this. His Excellency, in the course of his inaugural address, declared quite candidly and clearly that Government were not going to take part. Still my friend admits that the officials of Japan will confer with the officials of the Government of India. At the same time, it was said that Government would accept any proposal which will be beneficial to Indian interests.

The Honourable Sir Joseph Bhore : I never said that. My Honourable friend, if he would only listen to what I say, would, I am sure, take up less of the time of the House.

Mr. D. K. Lahiri Chaudhury : Did not the Honourable the Leader of the House say that the officials of the Government of India were meeting the officials of the Government of Japan and that, at the same time, did he not say afterwards that Government were not going to take part in it ?

The Honourable Sir Joseph Bhore : If my Honourable friend will confine himself to a single question at a single time, I shall be able to give a categorical reply which will not be misunderstood.

Mr. D. K. Lahiri Chaudhury : My first question is, are Government taking part in any discussions with the officials of Japan ?

The Honourable Sir Joseph Bhore : Yes.

Mr. D. K. Lahiri Chaudhury : Then how is it that His Excellency in his speech said that the Government of India were not taking part in it ?

The Honourable Sir Joseph Bhore : I will not take up the time of the House by explaining to my Honourable friend the meaning of that speech, but I would advise him to read, mark and study it when he gets outside this House. He will then appreciate what is contained in it.

Mr. D. K. Lahiri Chaudhury : Reading between the lines of that speech...

Mr. President (The Honourable Sir Shanmukham Chetty) : It is understood that there has been a considerable misunderstanding in the House as to the exact position. In order that the House may intelligently vote when the time comes for voting, it is the duty of the Chair to explain the position. There is an official Conference between the Government of India and the Government of Japan with a view to negotiating a fresh Trade Agreement if possible. At the same time, there is an unofficial Conference going to take place between the industrialists of Japan, India and Manchester. The Government of India will not take part in this unofficial Conference between the industrialists : but since the Conference of the industrialists is a Conference of important interests, naturally the

[Mr. President.]

Government of India will attach considerable importance if this unofficial Conference succeeds in arriving at a unanimous conclusion. That is exactly the position. The Chair hopes the House understands how the matter stands. (Applause.)

Mr. D. K. Lahiri Chaudhury : Thank you, Sir, for explaining the matter and clearing the position. I shall now be guided by your statement in the remarks that I am about to make. Unfortunately, we understood the position in quite a different way. However, the facts are there. Now, my Honourable friend, Mr. Raju, in his illuminating speech, said this morning that what was done in the Ottawa Pact should not be repeated in the present case. In the case of the Ottawa Pact, action was taken without consulting the experts of this country. You, Sir, can easily realise the significance of this statement, because when you made your remarks particularly on Ottawa, you said that you were absolutely in the dark until the time when you reached the shores of Canada. That point has been very aptly dealt with by my friend, Mr. Raju. In negotiating the commercial, industrial and economic interest of India with Japan, let not our executive come to a final decision without consulting our countrymen however experts our officials may be. The interests of the hand loom industry which consists of about ten million people should not be hampered in any way. I was glad to be assured by the Leader of the House that the agricultural interests will not be ignored, but why not extend a similar protection to the hand loom weavers. It has been apparent from the speech of Mr. Gaya Prasad Singh that the Bombay millowners took a very serious objection to the introduction of any measure which would protect the hand loom industry. It has been definitely stated that they are in opposition to this policy. Now, in this connection let me give a few facts to my friends, the Bombay millowners. How long are the Government going to feed these mills by a policy of protection and by raising high tariff against the importation of cotton and other goods. We have got to seriously consider the fact that the administration of these mills is top heavy like that of the Government of India. The officers are very highly paid and, therefore, naturally the cost of production comes up higher. Then, with regard to machinery. Is it not proper that some experts should be sent to different countries to find out the ways and means of devising cheaper production so that the articles may be able to face the world market ? These points should be seriously considered.

Then, there is another serious thing. I should like to hear from the Leader of the House what he has got to say to the remark of Mr. Gaya Prasad Singh that the Government did not publish the Report on the ground that the Japanese were coming to negotiate with India. What could be other grounds ? The members of the Tariff Board are getting very big salaries. How is it that the Tariff Board did not take sufficient interest in this matter, but published the report before the introduction of this Bill in this House ? I cannot believe that the Report is not yet completed. Sir, I may tell this House with confidence that it is the policy of the Government not to publish the Report. Of course, if the Report was not published because the delegates of Japan were coming to this country, we could have understood it, but the Leader of the House objected to that reason. He said, no, that was not the reason for not publishing the Report. To me the reason seems to be obvious,

namely, to deprive the House of the opportunity to read the Report. I say with all sincerity that Government should give a satisfactory explanation for the non-publication of the Report. I am afraid the House is not at all satisfied by the observations that have so far been made by the Leader of the House in that behalf. It is a very serious charge against the Leader of the House and I hope that he will try to make the situation clear in his reply as to why the Report was not published before the introduction of this Bill.

Then, Sir, my advice to the Bombay millowners is this. In the first place, they must reduce their top heavy administration. Secondly, India is known to be an agricultural country. When rice grows here, why should not the mills consume the starch made in this country instead of getting from abroad. Then, with regard to machinery, I would like to say, why should they not adopt the policy of using Indian products as far as practicable. Take, for instance, "belt"—why should they not use the Indian belt ? If they do so, they will reduce the cost of production. Sir, they are getting the protection without giving any relief to the consumers, whose interests are very much neglected. The only people whose interests are properly safeguarded are the capitalists. It was rightly pointed out by Mr. Joshi that the interests of labour have been absolutely neglected by the Bombay mills especially when they are making so much money. (*An Honourable Member* : "Ask them to take to Zamindari.") Yes, I shall be glad if they were to do so. You will not find top heavy administration there.

Mr. Amar Nath Dutt : Am I to understand that Sir Cowasji Jehangir does not look to the interests of the country as much as Mr. Joshi does ? Is that the insinuation ?

Mr. D. K. Lahiri Chaudhury : Then, Sir, in conclusion I would like to say that it is up to the Leader of the House, because of his dignified position, that he should make a candid statement as to the non-publication of the Report of the Tariff Board before the introduction of this Bill in this House. The second charge against him is, why Lancashire has been brought in in the settlement of the question between India and Japan ? That is a thing which this side of the House cannot understand.

However strong the arguments and however cogent the points described by the Honourable the Leader of the House may be, he cannot convince us how the interest of commerce, industry and agriculture can be decided by Japan or Lancashire. It is the representatives of India who can fully understand the interests of India and all commercial interests.

MOTION FOR ADJOURNMENT.

AERIAL BOMBARDMENT ON KOTKAI IN THE TRANS-FRONTIER.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan Rural) : Sir, I beg to move for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, to wit, the unsatisfactory reply given by the Government to the Short Notice Question put on the last working day with regard to the aerial bombing at Kotkai.

4 P.M.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

[Maulvi Muhammad Shafee Daoodi.]

My object in moving this motion for adjournment is to demonstrate that the Government of India were not justified in taking military action against Kotkai much less in the bombardment of Kotkai. There are a few facts which deserve mention at the very beginning. The whole operation began by one simple incident. It was this. The Government of India received information that certain ill-disposed persons had arrived in Bajaur who were likely to prove disturbers of peace, not only within our frontier, but also a source of grave embarrassment to our neighbours across the border. This is all that has been said. The arrival of ill-disposed persons in the territory of Bajaur has created all this trouble. I am no doubt not in a position, as my Honourable friends on the other side are, to state authoritatively who these men were, what their antecedents were, what offence they had committed, and for what reason they were described to be ill-disposed persons. An authoritative statement of that nature has been made in these simple words and I understand that they mean simple things. It was the arrival only of these ill-disposed persons that seems to have enraged the Government of India. We are not told as to what they had done before they arrived here or what they were going to do after they had entered that territory. Had there been in this Assembly an elected Member representing the frontier, he would have been able to give us the other side of the picture so that we could judge for ourselves whether the arrival of the ill-disposed persons in the territory of Bajaur was sufficient to enrage the Government of India to such a high pitch. It is obviously incomprehensible to a mortal like myself that this incident would acquire such a great importance in the mind of the Government of India at a time when we were passing through very delicate times both in India as well as outside. I feel that the temper of the Government of India has been ruffled and it is very difficult for any part of India to feel safe. If the administration of the country is carried on in this manner, we feel we will have to suffer very serious consequences. We have got to glean facts from the official statements that have been made from time to time. We find in one communiqué issued by the Government of India that they believed, sometime about the 31st July, that the pretenders had moved to a village, a few miles from Kotkai and they were no longer in Kotkai. That was the statement made on the 31st July. But the operation of bombing which had been decided upon by the Government of India took place on Kotkai on the 1st of August and again on the 3rd and 4th August. To me it appears that a Government with such powerful resources at their back should not have resorted to such serious operation as they had undertaken. They have seen the consequences of it in the country. The country is ablaze, the country finds that the Government are using their powers in such a way that an extreme sort of protest is necessary against what they are doing. Had there been any aggression on the part of the people of Bajaur, there might have been some justification for Government to take such extreme measures, but as the House knows we have been clearly told that these people had not transgressed any part of India or done anything which might be called aggression. They had, of course, harboured those men who came to them for refuge, but they made it plain to the Government of India when enquiries were made from them that they could not surrender those people, because they were their guests. This candid statement on the part of the Bajaur people was quite enough for any one to understand their position. It was quite enough for the Government of India to realise that the Khan of Bajaur had certain good excuse for not surrendering these people to the Government of India. In spite of the fact that they were insisting on their code of honour and hospitality which they had been observing from time immemorial, the Government of India thought fit to take military action against them. I feel there was no justification whatsoever for taking such extreme action against them. Now I come to my second point, the bombardment of Kotkai. On that question I pondered within myself and I asked myself whether these Bajauris were considered by the Government of India to be British subjects or foreigners. I would like to know definitely from the Honourable Member in charge whether they consider these Bajauris to be British subjects or aliens. May I have a reply, so that I may proceed further ?

Mr. G. R. F. Tottenham (Army Secretary) : Bajaur is a part of India, that is the only answer I can give.

Maulvi Muhammad Shafee Daoodi : Then the Government are not clear in their own mind as to whether these people are British subjects or not. However, they say they are part of India, but their status has got to be settled yet. If they are part of India, then I should think they are entitled to all the rights which we Indians enjoy. I wonder whether the same fate would attend an Indian in his own town on such trifling matters. I do feel it is trifling. To me it does not appeal as a very serious thing and I begin to think that if this state of things continues, we will have no safety anywhere in any part of India. The Government will have to revise their policy as to the action to be taken on such occasions. Specially, when the British Government themselves had espoused the cause of anti-bombing at the Disarmament Conference, the Government of India ought to have thought many a time before taking any action of that kind. I know that the proposal had not been passed by the Disarmament Conference, but the Government had to show their intentions before the world's representatives who were gathered at the Disarmament Conference. It was not an urgent matter in which the British Empire was being raided that extreme measures of that kind should have been adopted. I find that the British delegation was most forward in putting forward their own proposals as regards the total abolition of bombing. It is suggested that bombing should be allowed for police purposes. I have tried to find out from the reports whether.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member has got two minutes more.

Maulvi Muhammad Shafee Daoodi : ..... it was so, but I do not find it mentioned in that way. Rather, in March, when the thing was taken up, it was said that the permanent Disarmament Commission was going to draw up a scheme for the complete abolition of naval and military aircraft conditioned upon the effective supervision of civil aviation in order to prevent its misuse for military purposes. Even conceding the argument advanced by the Army Secretary that for police purposes it was necessary on the borders, I submit that the action taken was not a police action. Police parties would only keep watch. If the air machines had gone out for reconnoitring, they would have come back to say that there was no *lashkar* accumulating and that there was no invasion to be made of India and things like that. The police party would have done nothing more than that. Police purposes would not mean bombardment of a whole village though there might be 20 houses and 130 persons. That does not

[Maulvi Muhammad Shafee Daoodi.]

mean levelling down to the ground the houses of so many people and putting these people in terrible consternation. I submit, Sir, that this is another outrage which has been committed against the population of India. One was when General Dyer.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member's time is up.

Maulvi Muhammad Shafee Daoodi : ..... shot so many people at Jallianwalla Bagh. This is the second one.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member must formally move that the House do now adjourn.

Maulvi Muhammad Shafee Daoodi : I formally move that the House do now adjourn.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is that the House do now adjourn.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Sir, I want to put on record my emphatic protest against the aerial bombardment of Kotkai, a village in the trans-frontier. What are the causes for such drastic action, I need not explain at length. What I have gathered from the *Statesman* and the Army Secretary is that as the demand of the Indian Government for the surrender of the Pretender and his associates was not complied with, the village was bombarded. Government are well aware, as they write in a communiqué, that " the attitude of the tribe, in not handing over these refugees, is based on the Pathan custom which enjoins them to safeguard a guest who has sought their protection ". This is exactly what the Indian Government themselves have done in the past in the case of Afghan refugees and will do again if an opportunity arises. Instead of appreciating the noble sentiments of the frontier Pathans, the Government was cruel to punish them. As a matter of fact, these are only pretences for a forward policy and lust for acquiring new territories. It is under cover of this policy that the British Indian troops are assisting the sappers and miners in the completion of the new military roads.

Mr. G. R. F. Tottenham : Sir, on a point of order. The question which I answered the other day and the unsatisfactory nature of my reply to which is the subject of this motion was concerned with air bombing. I should like to know whether the Honourable Member is in order in referring to matters of policy which are not concerned with air bombing.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member is perfectly in order. What he is saying is that the Kotkai bombing is only an incident in the forward policy of Government.

Shaikh Sadiq Hasan : The lessons of the last Afghan wars must not be forgotten. The Government had to spend crores of rupees and sacrifice thousands of men, and Afghanistan had to undergo horrors of war only to propitiate the whim of Government.

Sir, coming to the main question, Kotkai was bombed twice by a large number of aeroplanes and 90 bombs were thrown. The Army Secretary in his statement said that, so far as was ascertained, only 20 houses were

destroyed and one man wounded. This information has not been supplied to him by R. A. F. officers, but by men who came from Kotkai and most probably were spies of Government on whose words reliance cannot be placed. Unfortunately the trans-frontier people have got no press and cannot do any propaganda, so we do not know their version. What I have heard from people is that there have been enormous losses of life and property. I have gathered from the speech of the Army Secretary that the Government approve of the aerial bombing of villages and towns against which we Indians emphatically protest. We do not believe there should be an aerial bombardment of towns and cities at all, but, humanitarians as we are, we join with other nations who have got the same creed in most emphatically protesting against aerial bombardments. During the Great War, London was bombed by German aeroplanes and a hue and cry arose, there was wailing and consternation and a wave of anger against German barbarities. We were told that the Germans were a brutal nation who did not spare cities and passenger boats, and the main cause of Americans joining the Great War was the torpedoing of the passenger boats. Now, air bombing of cities and towns is as inhumanitarian an Act as torpedoing passenger boats. The Army Secretary, in reply to a supplementary question of mine, said that great progress had been made in the accuracy of aerial bombing and that it was a great deal more accurate than the artillery. 90 powerful bombs were dropped and only 20 houses were destroyed or damaged in Kotkai. These houses in this small village of Kotkai are made of mud, and it does not speak much for the accuracy of aerial bombing. The danger is and will always be that bombs will stray and cause immense damage. In ancient times, conquerors used to burn and raze cities to the ground and sow them with salt in order to make them unfit for human habitation ; but much worse can be done by aerial bombardment. At the Disarmament Conference, the British Government put forward a proposal that aerial bombing should be abolished subject to aerial policing of the outlying posts of the empire ; and it was supported by their henchmen, the Indian delegation. How can the British Government be successful in their mission when they would like to reserve for themselves the power of bombing in outlying posts in their own case, but not for others ? The result is bound to be that this Disarmament Conference would end in failure and blame will be thrown on the Indian Government. What we want to emphasise is that the Indian Government do not represent the Indian nation and that the Indian opinion is emphatically against aerial bombing, as there is always great danger to life and property ; and, at a time of war, when blood is heated in order to retaliate, caution will always be thrown to the winds and the civil population, including women and children, will be murdered in cold blood and cities destroyed ; the destruction will be complete and the annihilation will be spread even miles away and villages will become unfit for human habitation or cultivation. I consider aerial bombing of villages and towns to be an uncivilised method of warfare. England is showing a keen desire for disarmament. Should we understand that it is only hypocrisy and that England will not practice what she is preaching ? An argument may be advanced that it is a cheaper method of keeping order, but it is inherently an unjust method of punishment.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, having full regard for the sentiments of Honourable Members who have

[Major Nawab Ahmad Nawaz Khan.]

just spoken and their sympathy for the people of the Frontier Province, I wish to clear some of their doubts and suspicions and to tell them a few facts.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : As a spokesman of the Government ?

Major Nawab Ahmad Nawaz Khan : I must tell them that our Frontier Government never likes or wants to send a force against the tribes until their crimes have gathered so much in volume that the Government are reluctantly compelled to send an expeditionary force against them for the sake of the safety of the people in the settled districts or of the border people or tribes who are very friendly with us and whom, according to treaties or agreements, the Government are bound to protect against the aggression of other tribes. Sir, I know far better than any other man here who is not a resident of that part of the country, that the Government have always to take such action against the tribes when it is only by way of retaliation that they send their forces. Every Honourable Member in this House will agree with me when I say that if an aggression is made on the civil population of the British territory by the semi-independent tribes, the Government can take no other course. Are they to sit silently and wait till all our people in this settled districts or the friendly tribes are destroyed ? If Honourable Members will see the old records of the old Legislature, when Dera Ismail Khan was raided and looted by Mahsuds and there were 100 raids in one or two months in Southern Waziristan and the poor Hindus went to the Chief Commissioner and petitioned him—it was Sir John Maffey at the time—who wrote to the Deputy Commissioner and enquired of him as to why His Majesty's troops were stationed in five cantonments of the five districts if they could not protect the British subjects. Every rich Hindu was looted by those tribesmen then, and, if you see the old records, there was a hue and cry, and telegrams were sent to the Chief Commissioner. The Government have two means of punishing these tribes or to stop them : either to send a force by land or by air. I leave it to the choice of Honourable Members as to what should be done. I say, it is much less mischievous, much less harmful and less expensive to send aeroplanes than to send a force by land. By land there are far more casualties on both sides. The people of the frontier say that if forces are sent by land, there is far more loss and expense. If the tax-payers are going to be asked for more money, the Assembly here says that the military expenditure should be cut and these expeditions should not be made against these people. Aerial bombardment is less inhuman, less harmful for us, the people of the North-West Frontier Province. Take the figures of the loss by land and by aerial bombardment, and it will convince you quite clearly that the latter is attended with less loss of life and is less expensive. What more satisfaction you want ? The chief advantage of aerial bombardment is this, that there can be no possibility or chance of the collection of *lashkars* on the other side. If we take a force by land, the hills between us and the frontier tribes are so numerous and the ravines are so deep that if a big crowd of people or *lashkar* is gathered on the other side, we cannot see or know it. Even if we know it, we have not the means to disperse them. but if we adopt aerial bombing, the Frontier people, who are now used to these things for the last eight or ten years, know what effect it will produce on the people, and so they will not collect any *lashkars* in any big post or place, because they can collect them at night ; but if they collect them during day time, they know well that there will be bombardment, and so they never try to collect such a big *lashkar* at all. In other words, instead of having a long, expensive expedition causing loss of life to troops and also to the tribes, we feel that aerial bombing is the best. This is the easiest, the best and the most economical way of warning criminals or giving a proper lesson to them. Of course, there is one class of people who will be affected if bombing operations are substituted for land forces, I mean the contractor class in Peshawar, Kohat, Bannu and Dera-Ismail-Khan. When there was no aerial bombardment, and the Government sent forces by land, many contractors were largely benefited, because they had to supply *atta* (wheat flour), *dal*, grams, *chawal* (rice), *ghee* (butter) and so many other things to Government. That class of people is losing now, because Government have adopted the aerial bombing, with the result that the services of these contractors are not required for supply of these provisions, etc. I can tell my Honourable friends that there are not one, two, three, four or five, but there are more than a dozen people, whose father's name is not known, in Kohat, in Bannu, in Dera-Ismail-Khan and in several other places, but now they are all millionaires. How did they become so ? By taking up contracts during the Great War. One man in my own district, who is a great friend of mine, is running an Electric Power House now and is worth several lakhs.

Mr. D. K. Lahiri Chaudhury : On a point of order, Sir. Is the Honourable Member relevant in stating all these things in connection with aerial bombing ?

Major Nawab Ahmad Nawaz Khan : Yes. Please wait for a minute patiently. There was something said by Mr. Sadiq Hasan, and I am going to tell him what class of people specially are objecting to aerial bombing.

An Honourable Member : But he is not a contractor.

Major Nawab Ahmad Nawaz Khan : Never mind ; he might not be one, but I want to tell my friends that, on account of these contracts during the Great War, a lot of people have become millionaires, and it is this class of people, who would have secured further contracts if the forces had been sent by land, and, therefore, they object to aerial operations and cause this agitation and propaganda. Let us consider what was the casualty on both sides when we sent the forces by land, and what is the casualty when we use aeroplanes, let us also see what was the expenditure then and what is the expense now ?

Mr. D. K. Lahiri Chaudhury : Does that Electric Power House exist now ?

Major Nawab Ahmad Nawaz Khan : I do not know what my friend is asking me.

Several Honourable Members : Please go on, go on ; it is very interesting.

Major Nawab Ahmad Nawaz Khan : If you want to know the history of the present complaint, I would ask Honourable Members to go through carefully what His Excellency the Viceroy said the other day in

[Major Nawab Ahmad Nawaz Khan.]

his address to both Houses of the Legislature, and it is quite enough to show that, in resorting to bombing operation, our international obligations, our obligations to Afghanistan, our obligations to the tribes on the frontier have not been violated in any manner whatsoever. The friendly tribes of Halimzai were going to be attacked by Upper Mahmunds, and Halzais asked for our help and protection to save them from the aggressions of the Upper Mahmunds. If we had refused our help merely to please the fancies of a few elected Members here, the result would have been that our friends would have become our enemies, and the number of our enemies would have increased to such an extent that even those who are our friends would have turned against us and they would have joined the opposite camp. Sir, on the Frontier, strength is always worshipped, fear is weakness. We do not like any weak Governor, we do not like any weak Government. ("Hear, hear" from the Nationalist Benches.) If you are strong, you are respected and everybody will help you, but if you are weak, nobody will help you. It is a common saying on the Frontier that a Government cannot last long from whom the friends can have no hope and the enemies have no fear at all.

An Honourable Member. : Are not the Government sufficiently strong there ?

Major Nawab Ahmad Nawaz Khan : Sir, I have full sympathy with the people there. They are all Muslims, and I am a Mussalman myself, but I assure all my friends here, who have espoused this cause, that, of the two methods, Government could not have selected a better method than resorting to aerial bombing ; Government cannot have a third alternative to punish criminals on that side if they want to retaliate whenever the need arises. Between land forces and aerial bombing, the latter is undoubtedly more effective, and less expensive, and what is more, the loss of life is very much less. (Applause from the Official Benches.)

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Sir, I am extremely grateful to you for affording me an opportunity to speak on this question. My esteemed friend, Maulvi Shafee Daoodi, has disturbed the equanimity of this House, perhaps not meaning it. I really do not know what my friend was driving at and what are the issues before the House for its decision. It was rather difficult for me sitting on this extreme end to gather the purposes of my esteemed friend's motion, but from what little we heard at this end, we gathered that he wanted to censure the Government of India for adopting a very extreme measure for driving out a so-called pretender who was not friendly to the Government of Afghanistan. In that connection, Mr. Deputy President, you will probably remember that the Government of India are a party to the Convention of June the 1st, 1922, signed at Paris, I mean the Air Convention, and I am quite certain that they have not gone back from the terms of that Convention, and I think my friend, the Maulvi Saheb's grievance is this. He says : "You pose as a civilized Government here, you are signatory to the Air Convention of Paris and so why should you take these extreme measures ?" Besides that, another burden of my friend, the Maulvi Saheb's charge was this, whether it was not possible for the Government of India to drive away the pretender by other means, by means of diplomatic methods, instead of resorting to aerial bombing ? I should have thought, Sir, that the Government of India, gifted as they are with sufficient

imagination and foresight, and vested with very wide powers in this part of the world, would certainly have adopted other means if they thought they would succeed in their object in driving away that pretender from that bit of land which lies between Afghanistan and India, and thereby restore peace and amity in that part of the country. Now, Sir, my other friends, who followed him, rather digressed from the main purport. It is not a Muslim question at all, as my friend Major Nawab Saheb said. Of course, it would certainly have been far better if it was possible for the Government of India not to take to destroying the hamlets of those poor villagers who lead a very uncomfortable life in that wonderful land. The canons of civilisation do not warrant such a destruction of economic wealth in that fashion. If economy was the question, they should have first tried the easier method of negotiations through diplomatic channel.

The Army Secretary said that that part of the country is a part of India. Very good, indeed. But how is it that it was necessary for the Government of India to invade this part with air bombs ? I know as a public man that we have had much bigger troubles, 500 times bigger, in other parts of India and in Burma, yet recourse to this method of air bombing was not taken to. There is certainly a great force in what the Nawab of Dera says, that we ought to have a quiet on the frontier. Yes, I quite agree with him, most certainly, but my idea is that a first class Government like ours should have been able to devise some other better methods of meeting the situation and not to have recourse to this bombing. My Honourable friend, Shaikh Sadiq Hasan, said that perhaps this was the result of the forward policy on the frontier. I do not understand what is a forward policy or what other policy the Government have on that side. As a lay citizen of this country, who wishes the ordered progress of this land, I should have thought that a Government, which take so much credit for foresight and precision, would not have taken recourse to this method, because I repeat this, it has perhaps been badly handled and it is very badly interpreted in other parts of India, and I think it would be very fair both for Government as well as the people living away from the frontier to know what was the real state of affairs. If it was such that it was not possible for the Government to have recourse to anything else and this was the only method to drive out that pretender, they are very welcome to say so. But if they try to do proper things and meet the arguments of my friend, Maulvi Shafee Daoodi, in diplomatic language, I am very much afraid that it will not pay. They must explain the situation to the satisfaction of the House and I trust that will raise them in the estimation of the Indian public. With these few words, I commend the motion for the serious considerations of this House.

Mr. G. R. F. Tottenham : Sir, when I received notice of these questions about aerial bombing, I could not help comparing myself to the Khan of Kotkai. We both of us knew that we were going to be bombed. But I felt, in the first place, that he had done something to deserve it and that I had not, and in the second place, that he at any rate had full notice of what was coming to him and had ample time to make his arrangements accordingly, whereas I had no warning of the bombardment of supplementary questions which were likely to be my fate. On further reflection, I comforted myself with the thought, as no doubt the Khan did also, that whatever the moral effect might be, the physical damage was not likely to be great, and, in the second place, but in this case unlike the Khan of

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Kotkai, I felt that the Government at any rate had a clear conscience and had no reason to fear the attack. With that encouragement, I did my best to answer the air bombardment that was directed against me last Friday, and I can only regret that the answers that I then gave are considered so unsatisfactory as to make this debate necessary.

At the same time, I have always felt in this matter that the method of answering questions and supplementary questions was not really a satisfactory way, from the Government point of view, of explaining their case. It was for that reason that I made certain initial efforts to get the matter discussed in another way which I honestly thought would be more suitable for all concerned, and I now welcome this opportunity to explain the Government case rather more lucidly I hope, but at any rate more consecutively, than would be possible under the methods of catechism.

When I received the notice of this adjournment motion, and with due gratitude for the 48 hours' warning that was given to me, I set myself to think out a considered statement on the subject, on the assumption, which I think was quite justifiable, that there would be two main lines of attack, firstly, against the bombing of Kotkai in particular, and secondly, against the practice of air bombing in general. I confess that I have again been taken slightly by surprise by the line that this debate has taken, for it seems to me that what is really agitating the minds of Honourable Members opposite is not so much that the Government took a particular form of action in this case, that is to say, air action, but that they took any action at all. The suggestion has been made that our action against these agitators in Bajaur was merely a pretext for some much larger scheme which was aimed at destroying the independence of the tribes, and it seems to me that it is this imagined policy on the part of the Government that is the chief cause of complaint. Sir, I do not know what the grounds for such a suggestion are, nor do I know that I, as Army Secretary, am the right person to deal with it. No question has been asked on this subject, and it did seem to me, and that was why I raised the point of order, that it was rather difficult to justify a motion for the adjournment of the House to discuss the unsatisfactory nature of an answer which had not been given to a question which had not been asked. I cannot proceed now to discuss frontier policy. All I can say is that these tribal areas are part of India, and that it is the responsibility of the Government of India to maintain peace and order in those areas. I hope, however, that what I may have to say later on the subject of this air bombing may go some way to satisfy Honourable Members opposite that their fears in this respect are unwarranted and groundless.

Now, Sir, I think, in the first place, I must deal with the question of the bombing of Kotkai in particular.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : May I interrupt the Honourable Member just for one minute ? I see from the speech made by His Excellency the Viceroy that he did go into details here as to why it was necessary to take action at all. Therefore, if the Honourable the Army Secretary would give us some reasons why it was necessary to take action at all, I think it would be very useful.

Mr. G. R. F. Tottenham : I am just coming to that. I think, as I was saying, the facts about the bombing of Kotkai are now sufficiently

well known to all Members of this House to make any misunderstanding on the matter quite unjustifiable. I will merely briefly recapitulate them. The Government of India knew that certain dangerous agitators had come to Bajaur territory with the express object of stirring up trouble, which, if it had been allowed to develop, would have had the most serious consequences not only to peace and order on the Frontier, but also to our neighbours across the border. As the Honourable the Political Secretary explained the other day, I regret that I cannot, without trenching on foreign relations, give more details about these persons or their doings.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But I would ask the House to take it from me—that is all that I can do—that the trouble was by no means imaginary and might have become most serious. It was suggested the other day, and it has been suggested again today, that these people had taken no overt action and that therefore it was unnecessary for the Government to take action against them. If that suggestion means that we ought to have waited until the trouble had actually arisen before any action was taken, I can only say that that is not a policy which commends itself to the Government of India, or, I think, to any one who knows the conditions on the Frontier and the rapidity with which trouble, once it starts, is likely to spread in that area. Prevention is always better than cure and on the frontier it is hundred times better. I would, then, ask the House to believe that some action on the part of the Government was necessary. The question was what were the alternatives open to us ? Either on the one hand to give clear notice of our intentions, to give every opportunity for a peaceful settlement and then, if our warnings were disregarded, to take swift and effective action by air ; or, in the alternative, to launch a land force which would have taken several weeks to reach its objective, which would have cost a large amount of money and which in the end would have produced the same result. That part of the country is particularly malarious at this time of year. There is no road for the last 30 miles or so and the cost of such a land expedition would have amounted to seven or eight lakhs of rupees a month. Government preferred to take the first alternative. Ample time was first of all allowed for peaceful compliance with our wishes. We offered a reward. We made it clear that if the men were handed over to us, no harm would be done to them. These warnings were disregarded. Then 48 clear hours' warning was given of the bombardment ; and finally the bombardment took place by certain machines of the Royal Air Force and was finished in a few hours. The cost was Rs. 15,000 against a possible Rs. 15 lakhs or more. The casualties were one man slightly injured against a possible list of hundreds ; and may I say in reply to what Mr. Sadiq Hasan said just now, that our information on this subject was derived from all possible sources, both from the Air Force and the Army and from such information as the political authorities could collect. The damage done at Kotkai was no greater than could have been done, and would have been done, when and if the guns had been brought within range ; and Sir, finally the object was achieved. The agitators have disappeared. Their knavish tricks have been frustrated, at any rate, for the time being ; the power of the Government has been demonstrated in no uncertain fashion ; and the peace of the frontier has been preserved. No further action is contemplated at present either by air or by land or by

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building a road in Bajaur territory. This statement, I hope may go some way to satisfy my friends opposite that their fears about our policy are ungrounded. The policy of the Government of India on the frontier is nothing less than to maintain peace and good relations and to spread civilisation where possible ; and if there ever has been an occasion on which the value and the use of the air arm in securing the first of these objects has been fully demonstrated and proved up to the hilt, I do contend that this particular incident that we are now discussing was such an occasion.

I must now turn to the question of air bombing in general. The invention of flying, like the invention of gun powder and other inventions, has added undoubtedly a new and very powerful arm to the batteries of all nations. That weapon, Sir, has been used under certain conditions continuously and repeatedly on the North-West Frontier for the last nine or ten years ; and hitherto its use has evoked no adverse comment or criticism of any kind. In fact, only a couple of years ago, as result largely of pressure from Indian opinion, a Bill was introduced in this House for the constitution of a purely Indian Air Force and that measure was passed with acclamation. If air bombing was really an inhuman and barbarous practice, it is difficult to understand how that fact managed to escape notice for so many years. Of course, there is, Sir, a growing opinion throughout the world that however justifiable the air arm may be, if its use is directed against an enemy in the field, it is an arm that should not be used against the civil population. It was for this reason, as I explained the other day, that proposals have been put before the Disarmament Conference for the abolition or limitation of the use of the air arm ; and, Sir, I think that any feeling that may exist in India on the subject at present may be attributed to two causes. Firstly, there is the mistaken impression that the air arm is, or may be, used against defenceless people, women and children ; and, secondly, there is a vague sort of notion that His Majesty's Government and the Government of India by their reservation about air bombing for police purposes in outlying areas are hindering the cause of this disarmament. I attempted to explain the other day what the position of His Majesty's Government and of the Government of India was at the Disarmament Conference and to show how much that Conference owed to the efforts of Great Britain. I made it clear, Sir, that Great Britain and India were prepared to go to the length of agreeing to the abolition of all military and naval aviation if certain conditions could be secured ; and one of those conditions was not the retention of air bombing. But, Sir, I can only repeat that it would be unjustifiable to expect any country, in advance of any general decision that may be reached on the subject, voluntarily to forego the use of a weapon which, in certain circumstances and subject to the reservations, restrictions and limitations that are invariably imposed, has proved itself a remarkably effective, economical and humane way of keeping the peace in certain parts of the world, where the keeping of the peace is no easy job. And that, Sir, refers not only to the North-West Frontier, but also to various other parts of the British Empire.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : May I interrupt my Honourable friend. May I know if

bombs were not thrown in Gujranwala in the Punjab during the martial law days ?

Mr. G. R. F. Tottenham : I have no information on that point. My claim is that the employment of the air arm in certain circumstances is effective, economical and humane and I should like, if I may, to develop this claim rather more fully than I have been able to do before.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has just two minutes more.

Mr. G. R. F. Tottenham : In the first place, I should like to make it clear that bombing never takes place without the express orders of the Government of India and then only after all possible alternatives have been considered. In the second place, there is no such thing as indiscriminate bombing. When air bombing has been decided upon, the next step is to select the exact target which is to be bombed and in selecting those targets care is taken to avoid doing damage wherever possible to religious buildings or buildings of such size and importance as to render their destruction inadvisable. Every aeroplane that goes out to bomb carries with it a photograph of the exact target to be hit. These photographs are extremely clear—I have an example here which I shall be glad to show to Honourable Members if they wish to see it afterwards. Then, Sir, after the target has been selected, the invariable practice is to issue a clear 48 hours warning so as to allow the women and children ample time to remove themselves to a place of safety ; and such places of safety are provided very often by the caves which these people make their normal habitation in the cold weather ; or else they are in the habit of going to other villages.

Finally, Sir, on the day and at the time appointed the Air Force carries out the bombardment. Here, again, a photo-
5 P.M. graph is taken of every single bomb that is dropped to show what its effect was and how its aim carried. I said the other day that the Air Force claim to be more accurate than the artillery. That statement perhaps needs some modification because artillery, if the ranges are known, can be accurate and probably more accurate than an aeroplane. But if the ranges are not known, and if an aeroplane can afford to fly sufficiently low, its accuracy is as great as that of artillery. The point is that the practice of bombing is becoming day by day a more accurate science and the fact that a pilot has to bring back with him a photograph to show exactly where his bomb went does prevent the practice of indiscriminate bomb dropping. Those are the circumstances in which aerial bombardment is carried out. It is a remarkable fact also, though I do not wish to lay too much stress on it, that the strength of our fighting forces in India and the average annual cost of our operations on the Frontier has fallen enormously since the introduction of the air arm : also the casualties both on our own side and among the tribesmen are nowhere near as high as they were in the old days before the war. It may interest the House to know that in all the air operations that have taken place in the last 9 years the total casualties to our own forces have amounted to 11 and before the war they were hundreds. I do not mean to say that the Royal Air Force can now take over the defence of the Frontier unaided. The army must remain the framework of our defence organisation ; but I do maintain—and I hope the House will agree with me—that a careful and judicious use of the air arm in combination with

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ground forces, or in certain special circumstances by itself, provides not only a justifiable but also a very effective way of carrying out a very arduous responsibility in a way of which we have no reason whatever to be ashamed.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, after listening very carefully to the statement of the Honourable the Army Secretary, I regret I feel absolutely unconvinced of the Government case. I feel that the Government had a bad case and I also feel that that case was badly handled too. In spite of very plucky advocacy from an unexpected quarter, namely, my friend, Nawab Ahmad Nawaz Khan, the Government case has not improved. I believe he has to a very material extent damaged the case for Government. So far as his *speech* is concerned, I could have conveniently left it alone had it not been for the gratuitous dig he had at the elected Members. On behalf of my elected colleagues, I would like to convey to him once for all that not one of the elected Members envies the position of my Honourable friend across the floor of the House. My Honourable friend reminds me of the case of a wretched husband who shouted to the maid : " Jane, is my wife going out ? " " Yes, Sir," " Do you know if I am also going out with her ? " " I will find that out, Sir." I do not see my Honourable friend, Mr. Mukherjee, the Government whip, who plays the role of Jane for the Nominated Members. My friend has always to look to Mr. Mukherjee to communicate to him the official view. With this, I would leave his speech alone and will proceed at once to place before the House my reading of the statement of the Honourable the Army Secretary. With reference to this bombing, it appears that the Government have put up a very half-hearted case. At one time they appear to justify their action, not because they say that the bombing was justified, but because the result was so insignificant that the bombing in this particular instance might be looked upon as excusable. I trust that is not the case. But if the Government are prepared to stand by this bombing and assert that this bombing was a determined and a considered act on their part, then let us see what were the circumstances and how the Government have succeeded in justifying their action. Now, Sir, this bombing was spread over a period of four days altogether. It began on the 1st August. On the 2nd there was no bombing—I do not know whether it was a Sabbath or not. On the 3rd, the bombing was resumed and it continued till the end of the 4th. So that, out of the four days, there were bombings on three days. During these three days, 90 bombs were actually thrown and we are told that so far as the property is concerned, there were only 20 houses damaged and, so far as the human lives were concerned, there was only one man slightly injured. What a commentary upon the efficiency of this method of warfare ! I think, unless the method of aerial bombing materially improves, the present operations should be a lesson to the Government that this sort of bombing should not be lightly resorted to. But perhaps the Government's case is that no untoward results followed because the village had already been deserted and I take it that the Government are anxious to avail themselves of this argument. It is a choice between inefficiency and irresponsibility. Is it the Government case then that they started bombing at a time when they were perfectly satisfied that the village had already been evacuated ?

Now, in the statement which is reproduced in the *Statesman*, I find that the Honourable the Army Secretary says that at the time of the bombing the village had been deserted. This means that before bombing commenced, the village was all empty and evacuated. If that be true, why proceed to bomb at all ? Where is the point in bombing ? To terrify whom were you bombing ? To kill whom did you resort to that practice ? Was it merely for the sake of demonstration or show ?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : For damaging property.

Mr. B. R. Puri : Yes, it might be so.

Major Nawab Ahmad Nawaz Khan : To stop the congregation of *laskars* that will be of great advantage.

Mr. B. R. Puri : I am afraid, in the statement made by Army Secretary, there is no mention of any *laskars* standing behind who were going to be terrified by these operations.

Major Nawab Ahmad Nawaz Khan : There are always *laskars.*

Mr. B. R. Puri : Evidently on this particular occasion the Army Secretary did not consult my Honourable friend, otherwise he would have put forward a more improved statement.

Major Nawab Ahmad Nawaz Khan : It was in the newspapers.

Mr. B. R. Puri : What is the particular paper you are referring to ? I am referring to the statement of the Army Secretary. As I was submitting, it would be an absolutely infructuous and a wasteful demonstration if the Government case be that there was not a soul in the village when this bombing was commenced. Let us carefully and critically pursue statements further. If, on the first day, the village had been deserted, why, after an interval of 24 hours or 48 hours, the village was visited again, and, if, again, on that morning, it was found that there was not a soul, why resume bombing without any object or reason ? As a matter of fact, under these circumstances and conditions, it would be for the Government to justify why, after the first bomb was thrown, the operation was repeated up to 90 times when, at the very outset, they had come to know that they could hurt no one. But, on the other hand, if the village was deserted as a result of bombing, then the figures given by Government must be hopelessly incorrect. The damage could not have amounted to only one man slightly injured. If, on the other hand, the village had been already evacuated, it was the most senseless operation which was resorted to by them.

Mr. G. R. F. Tottenham : But it had the desired effect.

Mr. B. R. Puri : Now, Sir, most mischievous proposition has been put forward, it is unsound, it is inequitable and I was sorry to hear it from the lips of the Army Secretary. My Honourable friend went the length of saying that if they had not resorted to this particular operation, the results and the consequences would have been disastrous. My first answer to this argument is that whenever there is any serious political blunder committed of this dimension, one can always conveniently resort to such an argument. (Hear, hear.) If I had not done this, something worse and something serious was bound to follow. Who are the judges of those consequences but themselves ? This argument is a convenient one, it is always available, it is cheap to put in and nobody can question your judgment with regard to this. What are the facts and figures to

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justify your plea that if you had not resorted to this, heavens were going to fall ? When we carefully go through the statement of my Honourable friend, the Army Secretary, supplemented and coupled with the speech of His Excellency the Viceroy, we find that not a single overt act had been committed by these people. What was the enormity of their offence, we are not told. What those three undesirable vagabonds or agitators had done, we are not told, but I take it that they could not be worse than robbers or dacoits.

Mr. G. R. F. Tottenham : As I have already explained, I am precluded from disclosing what their activities were, because we are not allowed by the rules of the House to discuss matters relating to foreign relations.

Mr. B. R. Puri : If he is not in a position to take this House into his confidence, all the worse for the Government. We must know the enormity of their sins, we must know the nature of their offence before we are in a position to decide—we have been invited to give our judgment on this point—before we give our decision, we say, place all the data and all the facts before us and then we will be able to say whether we justify your act or not. I assume that you cannot attribute them a worse role than that of a possible robber or a dacoit. If that be their only sin, then I submit that any party, who gives asylum to such a person, is guilty of the offence of " harbouring ". In all civilised countries and under all civilised laws, wherever a person is found guilty of harbouring an offender and, in that category of offenders, you have got a long list of offenders right away from an actual murderer down to a man who has committed the ordinary kind of offence.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has two minutes more.

Mr. B. R. Puri : Very well, Sir. If for harbouring murderers, the sole punishment provided under all civilised codes is not more than seven years rigorous imprisonment, on what justification the Government can make out a case for saying that they were justified in bombing that person who might possibly have given shelter to him and also bombing his neighbours and all his womenfolk and children ? In fact, if the whole village has not been devastated, it is not due to any lack of desire or determination on the part of Government. If the villagers, in anticipation of such like inhuman operation being perpetrated upon them, had already migrated from that place, the Government cannot take credit by saying that their operations have not resulted in the wholesale destruction of human lives. Then, again, Sir, if those people were merely political offenders, after all they are not your subjects if they are political offenders, then. I submit, that, according to all canons of international law, political offenders are inaccessible. Why do you expect those people to surrender those men who are their guests for the time being ? Assuming that they are murderers and all that, how can you call upon them to surrender these men ? By what known laws, national or international, civilised or uncivilised, can you cite a single law by which you can call upon any one of the civilised nations to surrender a political offender to you ? Would you be prepared to surrender a political offender who has taken refuge with you, say from Norway or Germany ? Why do you expect these people to do what you yourself, under your own laws, are

not prepared to do ? (Hear, hear.) Therefore, my submission is that your case is bad and you have made it worse by pleading all sorts of untenable pleas. It would have been more honourable for you to have come forward and said that, in the heat of the moment, in the belief that we were doing something good, we happen to have resorted to an act which, in the light of subsequent events, we discovered that we were perhaps not strictly justified to do. Sir, on these grounds, I maintain that the Government case is very weak and it is not improved by the speech of the Army Secretary. I, therefore, heartily support this motion. (Applause.)

Mr. F. E. James (Madras : European) : In the first place, I wish it to be clearly understood that my intervention in this debate is on my own individual responsibility and that, any views, I may express, do not necessarily represent the views of the members of my Group, though I hope I will continue my friendly relations with them ! In the first place, I should like to say that the Army Secretary, in spite of the very lawyer-like speech of my Honourable friend, Mr. Puri, which one might expect from a lawyer who had accepted a brief in Court, and, had not had the time to look it up, things being what they are, has made out a very powerful case for the particular operation which took place.

At the present moment, in the absence of any International Agreement or Convention, bombing from the air is a recognised form, a form which is recognised by every Government in the world, of operation in war or policing in peace. And there are many reasons for that, particularly in peace time. The air still possesses a prestige particularly on unruly tribes which is not possessed by ground forces. The air is, as a rule, in operations of this kind, economical ; as has been pointed out, it is more humane. It is certainly more convenient from the military point of view, and the argument is advanced by people who have a right to express an opinion on this point that this means of policing is far more efficacious than the use of ground troops. Yet, when all that has been said, there still remains the fact that there is a very great division of opinion both in military circles as well as in civilian circles as to whether, although this method may attain its immediate object, it is equally successful in its ultimate results. Nothing is more impressive than the movement among the younger generation in the United Kingdom which finds expression amongst the younger Members of the House of Commons and the House of Lords in favour of the total abolition of this form of operation either in peace or in war. Reference has been made, Sir, to the wider aspect of the question by the Honourable gentleman who moved the motion. He referred to the attitude of India in following the attitude of the United Kingdom in regard to this matter of bombing for police purposes, and I think one or two Members of the House are under some misapprehension as to the precise position. It will be remembered that there is at the present moment before the Disarmament Conference a draft Disarmament Convention which was drawn up by the British delegation. Article 34 of this Convention,—I may say that the Convention covers all forms of warfare, whether naval or military or in the air,—Article 34 of this Convention deals with the prohibition of police bombing and, in the original draft, there is a reservation which would retain this form of operation " for police

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purposes in outlying districts,"—that is the actual phrase used in the reservation.

Maulvi Muhammad Shafee Daoodi : May I know where the Honourable Member finds this ?

Mr. F. E. James : I had a copy of the actual draft Disarmament Convention with me in my own office and I extracted these words from it, and I also have that in an article here in a publication which refers to those words which I shall be glad to hand over to my friend afterwards. My point in this connection is this, that this reservation is part of a big draft Disarmament Convention which covers practically the whole field of Disarmament. So far, almost every country, which has discussed this Draft Convention, has made substantial reservations and the one country which in a sense has made the smallest reservation in regard to police bombing only in outlying districts and which is prepared to accept more than any other country in the world is Great Britain ; and I wish to make that perfectly clear. It is not to be expected that a Convention of this kind will be accepted by all the countries without considerable discussion ; it is not to be expected that there will not be various reservations made by various countries. My point in putting the thing in its proper perspective is that the reservation made by Great Britain affects one Article only and only refers to one particular type of warfare used for police purposes in outlying districts.

Now, Sir, there was one part of Mr. Tottenham's speech with which I cannot find myself in entire agreement. He asked whether it was reasonable to expect that any country such as Great Britain with her responsibilities would voluntarily forgo,—I think that was the phrase that he used,—a reservation of this description. And that is where I join issue with him. As one who has been, ever since the war, interested in this disarmament question, I think it is reasonable, for the sake of world-wide agreement on the disarmament question, for the representatives of this country and for the representatives of His Majesty's Government to forgo even this. And, in support of that contention, I have on my side a most valuable opinion which has been expressed in Great Britain.

Mr. G. R. F. Tottenham : Sir, may I explain one point ? I did not say that I thought it would be unreasonable for Great Britain or India to forgo this reservation. What I said was that it would be unreasonable to give up the use of air bombing pending a discussion and decision on this reservation.

Mr. F. E. James : I am very glad to have this correction and I think probably Mr. Tottenham and I are in complete agreement on this point. Now, he has explained that particular aspect of the matter. But I was about to say that I have on my side, in suggesting that not even this reservation should hold us back from agreeing to a complete scheme of disarmament, one outstanding name in British politics, the name of Sir Austen Chamberlain, who has deliberately and carefully decided, with all his vast experience behind him, that Great Britain would be utterly unjustified in insisting on this reservation to the point of wrecking the Disarmament Agreement. I further say that Sir Austen Chamberlain has behind him a great body of public opinion, and, from what one knows of the situation in Great Britain at the present time, I am absolutely convinced that the British Government will not allow even this to stand in its way if there is a reasonable chance of securing a world-wide disarmament plan. My friends on the other side of the House are not the only nationalists here ; I am also a nationalist. I have never been so proud of my own country as I have in recent years with regard to this question of disarmament. If there is one country in the world which has been consistent and progressive and sincere in regard to disarmament, it is Great Britain. My friends on the other side of the House may complain that at the moment India has no foreign policy, for India has no control of her foreign policy. The time will come when she will control her foreign policy ; when she can control her army, when she can control and pay for her navy, then she will control her foreign policy. But until that time comes, I suggest that, at any rate in this matter, the Indian delegation, which I believe included a distinguished member of the Muhammadan community, in fact a distinguished leader of the Muhammadan community,—His Highness the Aga Khan,—was in good company in following the British delegation in regard to its general policy. I do hope that if public opinion at home and public opinion in this country—and I am glad to find it is beginning to be expressed on the floor of this House in regard to these wider matters—insist that Britain and India shall go forward to the extent even of giving up this one reservation, the delegations concerned, when the time comes next month for crucial discussions, will yield to the force of that public opinion and will be prepared to abandon this particular reservation. Then those who come after the Convention has been, as I hope it will be, signed in the early part of next year will not be forced, as is Mr. Tottenham, into the position of having to defend air bombing of villages on the frontier.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I whole-heartedly join hands with my Honourable friend, Shaikh Sadiq Hasan, in censuring the Government for air bombing on the frontier. When I censure the Government, I do not want to censure my Honourable friend, the Army Secretary, and I dare say without any hesitation that his replies were very plain and not a bit unsatisfactory as far as he himself was concerned. But, certainly with all the power in my command, I censure the Government for this inhuman and barbarous act of air bombing.

The main sources of information which have been given by my Honourable friend on behalf of the Government are three. All three sources from which Government have come to know what were the losses on the frontier are very funny and unreliable. These are, the air source, the army source and the political source. I cannot say anything about the Political Department, because it is a *harem* of *purdah* and so it is difficult to say anything about that source As regards the air source, I can say this : The air bombers were hundreds of feet above the village : they dropped bombs and the houses collapsed : how was it possible for them to know how many people were in those houses and how many human beings have lost their lives ? As regards the army, I will say this : My Honourable friend has admitted that there was no road, not a

[Mr. M. Maswood Ahmad.]

single soldier entered the village, and the army did not march. There was no raid or anything of that kind and the army did not enter the village : how then was it possible for the army to know what was the loss in a particular village ? (Interruption.) I do not want to be interrupted, because my time is very limited. I, therefore, say that the air source is unreliable, because they were not in a position to know : the army source is unreliable, because they did not enter the village at all. The Political Department's information is a second hand information. Then, what is left ? They have got nothing to show what was the actual loss in a particular village.

I shall leave that question for a moment. I ask my Honourable friend, if, instead of 24 hours, 72 hours' notice were given to bomb London, will he accept this notice as sufficient ? How is it possible for children and women to leave their houses and take all the utensils, all the valuable articles, all the goods and all other things from their houses ? Further, Mr. President, after all, this was the rainy season : If it be agreed that the victims were in caves to save their lives and my Honourable friend's air forces went there and dropped 90 bombs and destroyed only a few houses in the villages, may I ask, Sir, what was the fate of those children and women who were living in caves and are still remaining there in this rainy season ? From where they are getting their food in the caves ? After all, they are human beings. They have innocent women and children with them. As I said, this is the rainy season and, after this, the winter will come. I say, it is much better to kill a man once instead of cutting his feet first and then his hands, and so on. The Government are doing like that on the frontier. They have destroyed the houses, they have destroyed the foodstuffs, they have destroyed the clothes, they have destroyed everything that were in those houses and then they are starving them. Those Muslims have no clothes to wear and no food to eat. That is the condition there.

My Honourable friend says that he treats that area as part of India. I say, if that is a part of India, then we are entitled to put questions and know every detail about it. But, my Honourable friend, whenever questions are put, says that he is not in a position to give details of this nature. I say, if it is a part of India, then we are entitled to know all these things. But, if it is not a part of India, then, why are we asked to spend lots of money on this ? As has been pointed out, this is a symbol of the forward policy.

Further, in this connection, I want to warn the Government that we Indians are not prepared to spend a single pie for the benefit of other countries. If these bombardments have been done for the benefit of other countries like Afghanistan or any other country, we are not prepared to spend a single pie for them. In these days of depression, we ourselves are in great trouble.

It has been said in this House that Mr. Henderson and others have expressed their view that they do not like this air bombing to be continued in future. I ask, why should not the Government of India come forward and say that whatever may be the convention, they will not follow it, and that they are ready to abandon air bombing completely ? Why not they come forward and show the world that they have abandoned air bombing ?

I will say one thing more : our religious duty is that if we find anything bad, there are three alternatives for us : one is to check it by force : second, to refuse our co-operation ; the third, to dissociate ourselves from it. In this case, I cannot check this air bombing by force. We cannot do anything else ; but we can protest ; and we protest strongly that we do not approve of this : rather we hate this idea of air bombing.

Some Honourable Members : The question may now be put.

Mr. S. C. Mitra : Sir, I shall make only a very brief speech, because I know many other speakers are very anxious to take part in this important motion.

Our grievances against the Government are two-fold. Firstly, we on this side do not approve of the policy of the Government in bombing innocent people ; secondly, we are not satisfied even now with the reply that we have received from the Government as regards the questions put in this connection. As I understand it, the Government's justification is only this : that they have succeeded wonderfully in their great venture. What was their object ? Their main object was to get back these few absconders. I ask the Honourable the Army Secretary to say if they have got back those absconders. If not, how can they claim that they have succeeded wonderfully by this air bombing in attaining their object ? As regards the two main points, we would like to make it perfectly clear that we Indians do not approve of any barbarous action of this kind of bombing in these civilised times. As regards the incompleteness of the answers, we maintain that we do not still know how many were the persons whom this Government wanted to be made over. We do not know anything about the charges against these people. If they are Indians, certainly proceedings could be brought against them in a Court of law (Laughter) and the ordinary procedure might be followed. Laughter will not make up for argument. When there is lack of argument, I know people take recourse to laughter. Why are you spending, I ask the Army Department, crores of money on the frontier watch and ward ? You have the frontier militia; you have the frontier constabulary. Will the Army Secretary tell me how many crores of Indian money are spent for preserving order in the frontier ? What is the reply ?.....

Mr. G. R. F. Tottenham : Not one pie is spent in Bajaur.

Mr. S. C. Mitra : Will the Honourable Member tell us if it is beyond the Durand line or it is within the British sphere of action ?

Mr. G. R. F. Tottenham : It is within the Durand line ; it is within the borders of India.

Mr. S. C. Mitra : Is it then correct to say that not a pie was spent on the borders of India on the frontier militia, frontier constabulary and all the watch and ward on that side of the country to preserve order in the frontier ? Anyhow, the Honourable the Army Secretary has not replied to my 1st question, whether he has succeeded in getting back the undesirable people that he wanted.....

Mr. G. R. F Tottenham : I have already replied that these people have disappeared and the danger has, therefore, disappeared with them.

Mr. S. C. Mitra : Now, is he in a position to guarantee to this House that they will not return within a week or ten days ?

Then, my friend may say that the people deserted these places. I think his main argument was that they merely wanted to destroy property and not human lives. Anyhow, in a deserted place we could get at least one dead or wounded man, and that shows that perhaps the air-officials are not in a position to tell us definitely whether there have been any more casualties or not. However, Sir, we on this side maintain, with all the emphasis we can command, that if you want our support, you should disclose to us all facts; you must satisfy the House with all the facts and figures to prove that Government were justified in the step they took in resorting to bombing. The facts that have been disclosed to us so far will not justify, in our opinion, the use of bombs under the particular circumstances. On these grounds, I support the motion of my friend.

Several Honourable Members : The question may now be put.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras : Muhammadan) : Sir, before offering any observations of mine on this momentous question, I wish to recite a Persian couplet which runs as follows :

" Bahar rang-e Ke Khahi Jama me poshe
Mun andaze Khadat ra me Shinasam."

When translated, it means this, " you may put on dresses of different kinds to avoid identification, but, from your very stature, I can see who you are and what you are about ".

Sir, our contention is that this bombing has been resorted to not so much to stop the harbouring of the absconders, but merely to adopt the forward policy. We have been told that some undesirables sought shelter in the tribal area, and those that gave them shelter would not come forward to make them over to the Government, when called upon to do so ; and, therefore, this inhuman action was resorted to, and, then, it was pointed out that in taking to bombing, every precaution that was humanly possible was adopted. Sir, so far as we, elected Members, are concerned, it must be said that this method was barbarous. Sir, this is not our view only, but it is also the view of the English press and of all right-thinking Englishmen, because they have all said that these methods are barbarous, outrageous and inhuman,—all these attributes have been given to the action which the Government of India have adopted recently on the Frontier towards the innocent people. It is all very easy to say that the Government of India had no other alternative but to adopt this method of bombing in order to maintain peace and order. We would ask some of the supporters of this action whether our English friends would have agreed to the adoption of the same methods if European lives were involved ? Would my friend, Mr. James, then come forward and support such an action on the part of the Government as a representative of the European Group ?

Sir, I was very much pained to hear that one of the elected Members,—and that too a Member of the Muslim community,—should have said that this should not be regarded as a Muslim question. Sir, in matters like this I do not attach much importance as to whether this is a Muslim or a non-Muslim question, but is this not an Indian question, a question in which humanity is concerned, and should it not be supported by one and all of us ? So far as the Nominated Member was concerned, though he poses himself as one who is in the know of the situation, inasmuch as he comes from the North-West Frontier Province, Sir, he, as a Nominated Member, can say anything and everything, he has free licence to express his views against his own people, but the great pity is that one of the elected Members should have tried to follow him and justified the action of the Government to a certain extent.

Major Nawab Ahmad Nawaz Khan : Does the Honourable Member say that Nominated Members have no right to express their opinions ?

Mr. D. K. Lahiri Chaudhury : No, Sir.

Maulvi Sayyid Murtuza Saheb Bahadur : Whatever opinions they give expression to will have the same weight as the opinions expressed by Government Members. We know, Sir, what amount of interest my friend, the Nawab Sahib, evinces in these matters. He wants to surpass even the Army Secretary. (Applause from the Nationalist Benches.) When the English press and all right-thinking Englishmen have condemned this action on the part of the Government, why are the Government of India trying to justify their action in which they cannot at all succeed ? Sir, we are perfectly justified in condemning, in censuring the action of the Government for this kind of indiscriminate, highhanded and inhuman action, for this kind of barbarity perpetrated on innocent men, women and children, for this kind of atrocity that has been committed in that part of the country. Of course, those who were to be punished for their crime, if any, could have been punished by other means, and we would not have grudged it, but the method of punishing them by bombing cannot but be highly objected to.

As regards the weakness of the case, my lawyer friend, Mr. Puri, has clearly pointed out that the advocacy of the Army Secretary supplemented by that of the Nominated Member cannot hold water for a minute. Those who have an iota of sympathy for humanity, even though they are Nominated Members, cannot but condemn the action of the Government. So, though they may say in so many words that their object was not to take to forward policy, still we can find out from their actions what their real object is. Sir, throughout the whole of India this action of the Government has been censured and condemned and in almost all important centres meetings are being held condemning the Government for this barbarous, outrageous and inhuman action. With these words, I resume my seat.

Several Honourable Members : The question may now be put.

Mr. D. K. Lahiri Chaudhury : Though the cry is that the question be now put, I feel that on such an important occasion like this the elected Members of this House should have their say. This is not a matter which can be ignored or trifled with. The matter is very serious, though the speech of the Army Secretary tells us a different tale. First of all, he said that it was absolutely necessary on the part of the Government to take such action. In the next breath, he said that the damages were very little. However little the damages may have been, only for driving out a few people, an entire village has been bombarded ! He says that only 17 houses were damaged, but who is going to pay for these damages ? It is the Indian Exchequer who is going to pay for

[Mr. D. K. Lahiri Chaudhury.]

the hobby of the military. I say hobby, because the Government have not been able to make out any substantial case for this aerial bombardment. I may tell my Honourable friend, Mr. James, that this method of bombardment has been condemned by the Disarmament Conference. He cannot deny that ; nor can the Army Secretary. By all people this action has been condemned to be a barbarous one. I may warn the Government that if these actions are perpetrated very often and without discrimination, it will yield no good result to the administration. For driving out only a few culprits, a whole village has been bombarded. Who is to pay the compensation ? The Indian Exchequer, and, unless the Government can justify their action, the Army Secretary cannot expect any vote for their side.

Several Honourable Members : Let the question be now put.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) : Mr. President, there are some links missing in the able statement of the Army Secretary who was clever enough to put such a poor case in such a masterly fashion. Sir, it was said that the " pretenders " took refuge in a certain village. It was also said that it was not our concern—we have got the statement of the highest in the country—we were not directly concerned with the movement or agitation in that part of the country as it was not directed against India. It is also conceded that it was a noble act on their part to give shelter to a refugee and to refuse to hand him over to his enemies. But what about the mighty Britisher ? You have got to consider the mighty British Government on this side ! Those people must be aware that we have got aeroplanes and bombs to throw at them ! " We asked them to hand over those men to us." But why should they be handed over to us ? Were these pretenders pretending to get anything out of the British Government ? What were they pretending to ? You did not tell us what they were pretending to or aspiring to. Government do not dare or do not like to come out with the truth of that. There is something behind all this. The Indian Government were not directly concerned, and still they have spent from our Exchequer the hard earned money that is squeezed out of our hands—we are asked to pay for something which they are not prepared to disclose to us. Now, Sir, what have the Government done ? They have bombed this village. They say that they gave previous notice to the people. I think it was Mr. James who said that bombing is fair in warfare. Whom are we at war with ? They themselves had admitted that these people were not at war with us. Then, where was the necessity for them to bomb those people ? How did they offend you ? So far, they have refused to tell us the real reason for this bombing. They have done it for somebody else. Do protect the peace of neighbour, International Obligation, humanity,—feeling for the neighbour—good words to conjure with, but it requires a little more salt for us to swallow all that. We cannot easily swallow all these things. Is it International Obligation on the part of the British Government to bomb innocent people ? Those agitators or pretenders who were responsible for all this, as soon as they got the notice, would have certainly vacated that place, and would have taken refuge in safer place, but only the innocent villagers, women

and children would have remained. Therefore, you have bombed innocent villagers if you have bombed anybody. You yourselves say that it was a noble act on the part of the village to have given refuge to those men, and still you punish them for this act of nobility ! For their nobility they are punished.....

(It being Six of the Clock.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House now stands adjourned till eleven o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th September, 1933.

LEGISLATIVE ASSEMBLY.

Tuesday, 5th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

603. ***Mr. A. Das :** (*a*) Are Government aware that on the 19th February, 1932, the United Provinces Government in reply to question No. 21 (*c*) by Rao Krishnapal Singh stated that the East Indian Railway Rules did so apply and " they are bound to observe them under clause 4 of their agreement " ?

(*b*) If the reply to part (*a*) above be in the affirmative, will Government be pleased to state why the East Indian Railway Leave Rules do not also apply to those teachers of Indian Schools who were in service prior to March 31st, 1930 ?

(*c*) Is it a fact that in 1931 the Headmaster of the East Indian Railway Indian High School, Asansole, was granted 6 months' leave on full pay, and 7 months' leave on half pay in continuation of the previous leave under the old East Indian Railway Leave Rules ?

(*d*) Is it a fact that there are several other instances of leave having been granted under the old Rules to teachers in the East Indian Railway Oakgrove and other schools ?

(*e*) Is it a fact that in certain cases grant of leave to teachers in other East Indian Railway Indian schools has been made contingent on ' funds being available ' ? If so, will Government be pleased to state if there is any other branch or department of the East Indian Railway or Government in which leave salary depends upon funds being available ?

(*f*) Is it a fact that, when the State took over the control of the East Indian Railway from the East Indian Railway Company, all old employees were given an option to choose between the old East Indian Railway Company Rules and the State Railway Rules ? If so, were the teachers of the East Indian Railway Schools given a similar choice ? If not, why not ?

(*g*) Is it a fact that when the new East Indian Railway Leave Rules were brought into force, another choice was given to all East Indian Railway employees ? If so, was a similar choice given to teachers of the East Indian Railway Schools as well ? If not, why not ?

(*h*) Are Government prepared to consider the advisability of removing all the anomalies and racial distinctions between the Headmasters and teachers of the East Indian Railway Indian Schools and the East Indian

Railway Anglo-Indian School at Oakgrove in the matter of leave, passes, status and position and treat them equally in all respects in the matter of privileges ?

Mr. P. R. Rau : (*a*) No.

(*b*) to (*h*). I am obtaining certain information to enable me to give a complete reply to this question and shall lay a reply on the table in due course.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

604. ***Mr. A. Das** : (*a*) Are Government aware that in the replies to question No. 296 (*b*), (*c*) & (*d*) by Mr. M. Maswood Ahmad, dated the 8th February, 1933, and to question No. 319 (*b*), (*c*) & (*d*) by Pandit Satyendra Nath Sen on the 9th February, 1933, affirming the correctness of the statements of Sir George Rainy on the 25th February, 1928, that the " schools of two of the biggest company-managed Railways have come under the *direct control of the State* " and on the 21st February, 1929, that the " schools are under *our control* ", and on the 12th September, 1929, " that the schools are the property of the East Indian Railway and the East Indian Railway belongs to the Government, and I do not think that there can be any doubt that they *are Government schools* in that sense ", and in the reply on behalf of Government to question No. 31 by Rao Krishnapal Singh in the United Provinces Legislative Council on the 19th February, 1933, Government have recognised that East Indian Railway Schools, including the East Indian Railway Oakgrove School for Anglo-Indians, are under the direct control of ' Central Government ', and are as such ' Government schools ' ?

(*b*) If the reply to part (*a*) above be in the affirmative, will Government be pleased to state :

(*i*) whether these schools are actually treated as such in the day to day administration as well ? If not, why ? If so, are they permitted to use service stamps on their correspondence ? If not, why not ;

(*ii*) whether they are classified as such in Government returns ? If not, why not ;

(*iii*) whether the local committees attached to these schools are advisory committees like those attached to Provincial Government schools of the same standard ? If not, why not ;

(*iv*) whether the local managing committees attached to the East Indian Railway High Schools for Indians exercise full ' proprietory powers ' like the committees of privately owned schools ? If so, why have these bodies been vested with such extraordinary powers ;

(*v*) whether it is a fact that the committees attached to the East Indian Railway schools have full powers to punish, dismiss or discharge all teachers including the Headmaster ? If so, is a similar practice permissible in any other department or branch of Railway or Government service ? Are Government prepared to consider taking action to insure greater security of service to teachers in the East Indian Railway Schools ;

(*vi*) whether they are aware that the committees attached to the East Indian Railway schools and possessing such extraordinary powers, contain a number of low-paid lower subordinates who are far inferior in education, status or salary to Headmasters and teachers whose destinies they actually control and govern ? What action do Government propose to take to bring these committees into line with the committees attached to Provincial Government schools ?

Mr. P. R. Rau : (*a*) This question is practically identical with part (*a*) of question No. 274 to which I have already replied.

(*b*) It does not follow that the internal Administration of these schools should follow in every particular the internal administration of Provincial Schools. Government have no information on the various points of detail raised by the Honourable Member which are for the Local Administration to decide. A copy of these questions is being sent to the Agent.

COLLECTION OF INFORMATION *re* POLITICAL OUTLOOK OF MILITARY TENDERERS.

605. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the military authorities have asked for confidential information from the local authorities regarding the political outlook of some of the tenderers for buying agencies of grains and management of grain depots ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to lay a copy of these communications on the table of this House ?

Mr. G. R. F. Tottenham : (*a*) It is the normal practice to make full enquiries about the status and reliability of all prospective contractors and not only about their political outlook.

(*b*) Government are not prepared to lay on the table copies of the confidential communications to which the Honourable Member refers.

Mr. Gaya Prasad Singh : May I know if views on political outlook were called for from Messrs. Owen Roberts and Co. also ?

Mr. G. R. F. Tottenham : I am not certain if that was the case.

Mr. Gaya Prasad Singh : May I take it that the political outlook of a contractor is a determining factor in giving the contracts ?

Mr. G. R. F. Tottenham : I can assure the Honourable Member that the military authorities are quite indifferent to the political views of their contractors so long as they are satisfied that they are not engaged in definitely subversive activities.

Mr. Gaya Prasad Singh : May I know then why the political views are called for ?

Mr. G. R. F. Tottenham : So as to make sure, as I said, that they are not engaged in subversive activities.

DILAPIDATED CONDITION OF THE BUILDING OCCUPIED BY THE INDIAN STORES DEPARTMENT.

606. ***Mr. Bhuput Sing** : (*a*) Are Government aware that the building occupied by the Indian Stores Department in Simla is in a very dilapi-

dated condition and some time back was altogether condemned for occupation ?

(*b*) How much cubic feet space is by rule allotted to a clerk in a room and is that rule observed in accommodating the clerical establishment of the Indian Stores Department in Simla ?

(*c*) Is it a fact that even verandahs are used for accommodating the establishment of the Indian Stores Department ?

(*d*) Is it a fact that last year the clerical establishment was informed that they would not move between Simla and Delhi and that they would be located permanently at New Delhi ?

(*e*) Are Government aware that consequent on those orders some of the clerks had taken down their complete household effects to New Delhi ?

(*f*) Is it a fact that later on they moved up to Simla and had to bring up all the luggage ?

(*g*) Do Government now propose to locate the Indian Stores Department at New Delhi permanently from next year ? If not, what are the difficulties ?

Mr. A. G. Clow : (*a*) This is true of one of the two buildings occupied by the Indian Stores Department.

(*b*) The space usually allotted is 40 square feet and this rule is observed for the Indian Stores Department in Simla as far as possible within the limits of the accommodation available.

(*c*) Glazed verandahs are so used and they are better lighted than some of the rooms.

(*d*) The staff was informed in October, 1931, that the Indian Stores Department would remain in Delhi in the following hot weather. This instruction was cancelled in February, 1932.

(*e*) and (*f*). Government have received no representations on the subject.

(*g*) Government have not yet reached a decision in the matter.

Mr. B. Das : Is it not a fact that the Stores Retrenchment Committee recommended that there should be no Simla exodus for the clerks of the Stores Department ?

Mr. A. G. Clow : I am quite prepared to accept it from the Honourable Member. I have no recollection of this.

M. B. Das : Have the Government accepted that recommendation of the Stores Retrenchment Committee ?

Mr. A. G. Clow : I would refer the Honourable Member to the answer to part (*g*) of the question.

LOCATION OF SOME ATTACHED OFFICES IN NEW DELHI.

607. ***Mr. Bhuput Sing** : (*a*) Which of the Government of India and attached offices are located at Simla in the rented buildings and how much amount does each of the offices spend annually on this account ?

(*b*) Have Government considered in the interest of economy whether some of the attached offices, at least, should be located permanently at New Delhi, in order to avoid renting of the buildings in Simla ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) A statement giving the information desired by the Honourable Member is placed on the table.

(*b*) The Government considered this question in connection with a proposal of the Retrenchment Committee and have reached no decision beyond that stated on page 23 of the Summary of the Results of Retrenchment Operations in Civil Expenditure, copies of which are in the Library.

Statement.

Name of office located at Simla in rented building.	Amount of rent paid annually.
	Rs.
Imperial Council of Agricultural Research Department	4,380 (rent for the first year was Rs. 4,720).
Reforms Office	2,600
Record room of the Army Department	800
No. 6, Drawing Office of the Frontier Circle, Survey of India.	4,000 for 1933 (In previous years Rs. 3,500 was paid as rent).

BENGAL STATE PRISONERS DETAINED IN JAILS OF THE MADRAS PRESIDENCY.

608. ***Mr. Bhuput Sing** : Will Government be pleased to state whether the following Bengal State Prisoners are at present detained in the jails of the Madras Presidency and when were they transferred from Bengal ?

Sjts. Pratu Chandra Ganguly, Trailokya Nath Chakravarty, Ramesh Chandra Acharyya, Rabindra Mohan Sen-Gupta, Surendra Mohan Ghosh, Jihanlal Chatterjee, Benoyendra Nath Roy Chaudhary, and Pratul Chandra Bhattacharya.

The Honourable Sir Harry Haig : The answer to the first part is in the affirmative. The State Prisoners were transferred to Madras about the end of November, 1931.

DIET ALLOWANCE OF CERTAIN BENGAL STATE PRISONERS DETAINED IN JAILS IN THE MADRAS PRESIDENCY.

609. ***Mr. Bhuput Sing** : (*a*) Is it a fact that the above mentioned State Prisoners used to get Rs. 2 per diem per head as diet allowance at the Buxa Detention Camp before being transferred to the Madras Presidency ?

(*b*) Is it a fact that the Bengal State Prisoners detained in the jails of the Madras Presidency used to get Rs. 2 per head per diem as diet allowance in 1926-27 ?

(*c*) Is it a fact that the Superintendents, District Collectors and non-official visitors of the central jails at Cannanore and Trichinopoly did recommend Rs. 2 per diem per head to be paid to the Bengal State Prisoners at present detained in the jails of the Madras Presidency ?

(*d*) Is it a fact that in spite of the recommendation of the District Collectors and official and non-official visitors of certain jails in the Madras Presidency the Government have sanctioned Rs. 1-4-0 only per diem for the State Prisoners at present detained in Madras jails ? If so, why have the recommendations of those officials and non-officials been ignored ?

(*e*) Will Government be pleased to state the principles which guide the Government in fixing the allowances of State Prisoners detained in the jails of provinces other than Bengal ?

(*f*) Do Government propose to accept the recommendations of the District Collector, Superintendents of Jails and other non-official visitors of the Madras jails and sanction Rs. 2 per head per diem as recommended by the Superintendents of Jails, District Collectors and non-official visitors ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) The scale of allowances in Bengal varied from Rs. 1-6-0 to Rs. 2 a day, but was subsequently reduced to Re. 1 to 1-10-0.

(*b*) The scale then ranged from Rs. 1-6-0 to Rs. 2.

(*c*), (*d*) and (*e*). I would refer the Honourable Member to the reply given by me to Mr. Mitra's question No. 257 on the 8th February, 1933.

(*f*) Does not arise.

PROVISION OF ELECTRIC FANS FOR STATE PRISONERS AND DETENUS IN THE TRICHINOPOLY JAIL.

610. ***Mr. Bhuput Sing** : (*a*) Is it a fact that the Honourable the Home Member did assure the Members of this House that, when necessary, fans would be provided to the State Prisoners and detenus ? Is it a fact that Trichinopoly is a very hot place ?

(*b*) Is it a fact that the Bengal State Prisoners, detained in the Trichinopoly central jail, requested Government to pay only for the cost of electric energy, which has been refused ?

(*c*) Is it also a fact that permission has been refused for the purchase of electric fans by the State Prisoners at their own cost, though there is electric installation in all the blocks of the Trichinopoly jail ?

The Honourable Sir Harry Haig : (*a*) The assurance given in this House to which the Honourable Member refers was with reference to the provision of *punkhas* for the Bengal detenus confined in the Deoli Detention Jail.

(*b*) and (*c*). The question referred to is under consideration.

SPORTS ALLOWANCE FOR BENGAL STATE PRISONERS IN JAILS OF THE MADRAS PRESIDENCY.

611. ***Mr. Bhuput Sing** : Will Government be pleased to state :

(*i*) whether any sports allowance has been sanctioned for the Bengal State Prisoners in jails of the Madras Presidency ;

(*ii*) if so, what is the amount sanctioned for it ;

(*iii*) what is the annual recurring grant for the purpose ?

The Honourable Sir Harry Haig : (*i*) Yes.

(*ii*) Rs. 50 per head.

(*iii*) No recurring expenditure has been fixed, but applications for such expenditure are considered on merits.

STATE PRISONERS AND DETENUS IN JAILS.

612. ***Mr. Bhuput Sing** : Will Government be pleased to state (*i*) the number of State Prisoners under Regulation III of 1818, and (*ii*) the number of detenus under the Bengal Criminal Law Amendment Act at present detained in various jails of each of the different provinces ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to my reply to part (*a*) of Mr S. C. Mitra's question No. 3 on the 22nd August, 1933.

STATE PRISONERS INTERNED IN VILLAGES AND DETENUS IN THE DEOLI DETENTION CAMP.

613. ***Mr. Bhuput Sing** : Will Government be pleased to state separately the number of State Prisoners (*i*) interned in the villages, and (*ii*) the number of detenus detained in the Deoli Detention jail (Ajmere-Merwara) ?

The Honourable Sir Harry Haig : (*i*) 196.

(*ii*) 192.

BENGALIS DETAINED WITHOUT TRIAL IN BURMA JAILS UNDER THE BURMA ORDINANCE.

614. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state the number of Bengalis detained without trial in Burma jails under the Burma Ordinance in connection with the recent revolutionary activities stating their names and the condition of their present health ?

(*b*) Will Government be pleased to state the number of persons (*i*) shot dead, (*ii*) convicted, and (*iii*) executed, in connection with the Burma rebellion, and how many of them were Indians in each of the three categories ?

The Honourable Sir Harry Haig : (*a*) Eight Bengalis have been detained under the Burma Criminal Law Amendment Act. I understand that all are in good health.

(*b*) (*i*). There is no record of the precise number.

(*ii*) The total is not yet known as all trials have not been completed. 1,138 convictions have been reviewed by the Local Government with a view to exercising clemency where possible.

(*iii*) 113.

No Indians are included in the above categories.

RECRUITMENT OF STAFF ON DAILY WAGES BASIS IN THE CENTRAL PUBLICATION BRANCH.

615. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state :

(*i*) how many cases of reported illness have occurred amongst the staff of the Central Publication Branch in the course of the last six months ;

(*ii*) what are the kinds of maladies ;

(*iii*) how many officers have gone on leave on medical grounds in the course of the last six months ?

(*b*) What is the total strength of the staff of the Central Publication Branch ?

(*c*) Is it a fact that a large number of men have been recruited at Delhi by the Central Publication Branch on daily wages basis ? If so, will Government be pleased to state :

(*i*) What is the total number of such temporary men ;

(*ii*) How long they have been serving ;

(*iii*) What are their respective qualifications ;

(*iv*) How many of them are doing desk work ;

(*v*) What are the rates of wages per diem paid to each of them ;

(*vi*) What is the total monthly expenditure incurred in maintaining this temporary establishment on daily rates and for how many months have they been under employment continuously from day to day ;

(*vii*) What is the total expenditure incurred up till now during the current financial year ;

(*viii*) What is the amount spent in payment of daily wages of temporary men employed during the months of December, 1932, and January to March, 1933, at daily rate basis ;

(*ix*) The head of the budget grant of the office from which their wages are being met during the current financial year ;

(*x*) What is the annual budget allotment under that head ;

(*xi*) Whether the expenditure on account of maintaining these men is likely to exceed the budget allotment ? If so, how is it proposed to meet the excess expenditure ;

(*xii*) What are the reasons for the maintenance of such daily wages men ;

(*xiii*) How many of such daily wages men were recommended to the then officiating Manager of the Central Publication Branch by the then officiating Deputy Controller of Printing and Stationery, Mr. C. V. d'Eca ;

(*xiv*) Whether the daily wages temporary men are being recommended by the present Manager for higher grade posts of the office to the exclusion of senior hands ?

Mr. A. G. Clow : (*a*) (*i*). 112.

(*ii*) Various ailments : I can show the Honourable Member a list if he so desires.

(*iii*) 24.

(*b*) 154.

(*c*) Yes.

(*i*) 91.

(*ii*) and (*vi*). Various terms commencing from November, 1932. The average monthly expenditure is Rs. 1,930.

(*iii*) Matriculates, under-graduates and men with previous secretariat experience.

(*iv*) 35 approximately.

(*v*) Varying between As. 8 and Re. 1.

(*vii*) Rs. 7,683.

(*viii*) For December, 1932 .. .. .. Rs. 1,799
For January, 1933 .. .. .. Rs. 2,095
For February, 1933 .. .. .. Rs. 2,180
For March, 1933 .. .. .. Rs. 2,511

(*ix*) E.6.-Contingencies—Office Expenses and Miscellaneous.

(*x*) Rs. 18,500 during the current financial year.

(*xi*) I have no reason for supposing that the budget allotment will be exceeded on this account.

(*xii*) To enable the arrears to be overtaken expeditiously.

(*xiii*) Government have no information.

(*xiv*) Men who have proved themselves qualified and capable have been recommended for promotion.

GRIEVANCES OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH.

616. ***Mr. Bhuput Sing :** (*a*) Is it a fact that the Controller of Printing and Stationery inspected the office of the Central Publication Branch at Delhi almost every day during the months of May and June last. If so, what was the report of such inspection ?

(*b*) Is it a fact that the Controller has advised the present Manager to devise means for the elimination of the Bengali element of the staff ? If so, what are the reasons for such remarks ?

(*c*) Are Government aware that the staff have been extremely panic-stricken ? If not, do they propose to enquire into the matter ?

(*d*) Are Government aware that the present Manager of the Central Publication Branch has got an antipathy for the Bengali staff employed there ? If so, why ?

(*e*) Is it a fact that the Manager of the Publication Branch has issued a circular to his staff regarding ventilation of grievances relating to allotment of quarters ? If so, is it a fact that the Manager has threatened therein the staff with disciplinary action in the event of ventilation of grievances direct to the Government of India ? Do Government propose to place a copy of that circular on the table of this House ? If not, why not ?

(*f*) Is it a fact that the Manager has remarked in the said circular that direct representation to Government regarding quarters is a "master-stroke of stupidity" ?

(*g*) Are Government aware of the circumstances that forced the staff to send direct representation to them ? If not, do they propose to enquire into the matter ? If not, why not ?

Mr. A. G. Clow : (*a*) Yes. The report disclosed the need of a much higher standard of efficiency in the Branch.

(*b*) and (*d*). The answer to the first parts is in the negative ; the second parts do not arise.

(*c*), (*e*) and (*g*). Certain telegrams purporting to come from the staff suggest that the senders were in a somewhat hysterical frame of mind. In view of this Government do not propose to take any action on this occasion, but the staff have been warned by the Manager that action will be taken against those who act in this manner in future. Government do not propose to lay a copy of the note containing this order on the table, as office notes are confidential.

(*f*) I am informed that this phrase was not used.

GUNNY BAGS AND PACKING CASES PURCHASED BY THE CENTRAL PUBLICATION BRANCH.

617. ***Mr. Bhuput Sing :** Will Government be pleased to lay on the table of this House a statement showing :

(*i*) the number of gunny bags and packing boxes purchased by the Central Publication Branch on the eve of the transfer of that office to Delhi ;

(*ii*) the number of the above now available in stock ;

(*iii*) the total cost of such articles purchased ?

Mr. A. G. Clow : (*i*) 4,000 gunny bags and 350 boxes.

(*ii*) 3,000 gunny bags are in stock in the Central Publication Branch, and the boxes are in use there.

(*iii*) Rs. 3,027.

COST OF PRODUCTION OF PUBLICATIONS SOLD AS WASTE PAPER ON THE TRANSFER OF THE CENTRAL PUBLICATION BRANCH TO DELHI.

618. ***Mr. Bhuput Sing :** Will Government be pleased to state the total approximate cost of production of the various Government of India publications that were sold as waste paper on the eve of the move of the Central Publication Branch from Calcutta ?

Mr. A. G. Clow : The information has been called for and will be placed on the table of the House in due course.

PUBLIC SERVICE COMMISSION EXAMINATION FOR THE SECRETARIAT.

619. ***Mr. Bhuput Sing :** (*a*) Will Government be pleased to state the number of candidates who passed the Public Service Commission test for the Second Division of the Secretariat since 1920 ? How many of these are not provided for permanently in that Division ?

(*b*) Is it a fact that a competitive examination for recruitment to the First and Second Divisions of the Secretariat was held in 1926 by the Public Service Commission and if so, have all those who were successful been permanently provided for in their respective grades ? If not, why were the subsequent examinations held ?

The Honourable Sir Harry Haig : (*a*) I would invite the Honourable Member's attention to the reply I am going to give to part (*a*) of his question No. 622.

(*b*) A competitive examination was held in 1926 for a specified number of vacancies in each of the three Divisions, which did not materialize in full. I understand that some of the candidates who qualified at this examination have not yet secured permanent employment in the Divisions for which they are qualified. As regards the last part of this question I would invite attention to the reply given by Sir James Crerar to parts (*d*) and (*e*) of Mr. B. N. Misra's question No. 783 on the 23rd September, 1931, and to my reply to parts (*c*) and (*d*) of Mr. S. C. Mitra's question No. 403 on the 21st February, 1933.

PROMOTION OF SECOND DIVISION CLERKS IN CERTAIN ATTACHED OFFICES.

620. ***Mr. Bhuput Sing :** (*a*) Is it a fact that the Home Department issued a circular No. F.-94|30-Ests., dated 18th February, 1931, to the various departments to the effect that " in order to meet difficulties of a temporary nature, which arise mainly from the fact that candidates who qualified at previous examinations have not yet been permanently absorbed in the Division for which they are qualified, it was decided that men who competed for the Second Division of the Secretariat but were working in the various Attached and Subordinate offices, could be promoted to 23-1|3 per cent. of the Upper Division vacancies occurring in their respective offices " ? If so, will Government be pleased to state the number of such promotions made in the following offices :

(*i*) Public Service Commission,

(*ii*) Indian Stores Department,

(*iii*) Director-General, Indian Medical Service ?

How many of these promoted men have since been confirmed and how many are working on an officiating or temporary basis ?

(*b*) Is it a fact that Government contemplate introducing a revised scale of pay and allowances for the Secretariat and its attached and subordinate offices located at Simla|Delhi ?

(*c*) Is it also a fact that the committee appointed for this purpose has recommended reduction in the number of Upper Division posts in most of the Attached and Subordinate Offices ?

(*d*) Are Government aware that the introduction of any such proposal without adequate safeguards for the interests of the 'promoted' Second Division men mentioned in part (*a*) above is likely to take off the vacancies which are at present held by them and leave only a remote chance of their re-promotion to the Upper Division ?

(*e*) Do Government propose to order that in the event of the revised scales of pay and allowances being introduced, it will not affect adversely in any way those men who are at present employed whether in a temporary or officiating capacity in the various Attached and Subordinate Offices

under the Home Department circular referred to in part (*a*) above ? Are Government prepared to direct that notwithstanding any reduction or abolition in the number of Upper Division posts in the Attached and Subordinate Offices, such 'defunct' posts should be treated as 'existing vacancies' for the purpose of securing ultimate permanent absorption of such 'promoted' Assistants ?

(*f*) Are Government aware that in 1926 a notice was published in the various newspapers, etc., announcing the holding of the competitive examination for recruitment to First and Second Divisions and no condition was stipulated that the scales of pay published therein would be subject to retrenchment or revision ?

(*g*) Is it a fact that the Home Department circular referred to above provided for preference to those candidates who competed in the 1926 examination ?

(*h*) Will Government be pleased to state in how many cases such preference was actually given in the following offices in promoting the Second Division passed men to the Upper Division :

(*i*) Public Service Commission,

(*ii*) Indian Stores Department,

(*iii*) Director-General, Indian Medical Service,

(*iv*) Master-General of the Ordnance, Army Headquarters ?

(*i*) Will Government be pleased to state if it was the intention of the Home Department circular referred to that preference should also be given to those men who passed in the Second Division of the Secretariat but were eligible for promotion to the Upper Division of the attached and subordinate offices under that circular ?

The Honourable Sir Harry Haig : (*a*) and (*h*). As regards the first portion of part (*a*), I may mention that 33 1|3 per cent. of the First Division vacancies in Attached Offices are reserved for the promotion of all classes of Routine Division clerks in Attached Offices, whether qualified for the Second Division of the Secretariat proper or not—*vide* paragraph 3 (IV) of the Office Memorandum referred to, a copy of which is available in the Library. The information asked for in the latter portion of part (*a*) and in part (*h*) is contained in a statement I lay on the table.

(*b*) Yes, in common with other services under the control of the Governor General in Council.

(*c*) Yes. This was the recommendation of a Departmental Conference, and not a Committee.

(*d*) and (*e*). The question of safeguarding the interests of men in Attached Offices now in service as a result of the introduction of the new scales of pay and the reduction in the number of Upper Division posts in Attached Offices is under examination.

(*f*) No such stipulation was made because there was then no question of revising the scales of pay.

(*g*) Yes, *vide* paragraph 3 (II) (*b*) of the Memorandum referred to in my reply to part (*a*) of the question.

(*i*) No.

Statement.

Statement showing (1) the number of promoted Second Division clerks who have been confirmed in the First Division, (2) the number who are working in an officiating or temporary basis in that Division and (3) the number of cases in which preference was given to 1926 candidates in certain Attached Offices.

(*i*) Public Service Commission	(1) Four (officiating) promotions have been made since 18th February 1931.
	(2) None has been confirmed. One man is at present officiating in the First Division.
	(3) In no case was preference given to a 1926 candidate, but of the men who officiated in the First Division 2 passed the Second Division Examination in 1926.
(*ii*) Indian Stores Department	(1) Three men were promoted in temporary substantive vacancies and 5 men against officiating vacancies in the First Division since 18th February 1931.
	(2) None has so far been confirmed. Five men are at present officiating or temporary in the First Division.
	(3) In no case was preference given to a 1926 candidate. Of the candidates promoted one was a 1926 man who was selected according to his position in the gradation list of the office.
(*iii*) Director-General, Indian Medical Service	(1) Five officiating promotions have been made since 18th February 1931.
	(2) One man has been confirmed and one is at present officiating in the First Division.
	(3) In no case was preference given to 1926 candidates.
(*iv*) Master General of the Ordnance Branch ..	There being no Second Division clerks in the Branch who competed in the 1926 examination, the question of granting preference does not arise.

EMPLOYMENT OF MEN WHO PASSED THE SECOND DIVISION SECRETARIAT EXAMINATION IN CERTAIN ATTACHED OFFICES.

621. ***Mr. Bhuput Sing :** Will Government be pleased to state how many of the men who passed the Second Division Secretariat examination in 1926 are at present employed in the following offices :

(*i*) Public Service Commission,

(*ii*) Indian Stores Department,

(*iii*) Director-General, Indian Medical Service,

(*iv*) Master-General of the Ordnance, Army Headquarters ?

The Honourable Sir Harry Haig : There are three such men in the office of the Public Service Commission, four in the Indian Stores Department (Headquarters Office), one in the office of the Director-General, Indian Medical Service, and three in the Master-General of Ordnance Branch, Army Headquarters.

PUBLIC SERVICE COMMISSION EXAMINATION FOR THE SECOND DIVISION OF THE SECRETARIAT.

622. ***Mr. Bhuput Sing :** (*a*) Will Government be pleased to lay on the table a statement giving the following information year by year from 1920 to date :

(*i*) number of men qualified or passed for the Second Division of the Secretariat ;

(*ii*) number of men who were provided for permanently in the Second Division of the Secretariat in the year of their passing and the number of unprovided men left over at the end of each year ;

(*iii*) total number of men passed for the Second Division of the Secretariat but not provided for permanently in that Division up to date ;

(*iv*) the amount of examination fee collected each year ?

(*b*) If the answer to part (*a*) above shows that there are still candidates unprovided for in their respective grades, do Government propose to consider the question of granting an extension to the initial period of three years for which the Home Department circular referred to was designed to operate ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) (*i*) and (*iv*). Information regarding the number of candidates who passed the prescribed test for employment in the Second Division of the Secretariat in the years 1920 to 1925 is not readily available and I do not propose to collect it. I lay on the table a statement showing the number of candidates who qualified for the Second Division Secretariat, at examinations held by the Public Service Commission since 1926, and the amount of fees realized from the Ministerial Service examinations since 1920.

(*a*) (*ii*) and (*iii*). The information is not readily available and I regret that I cannot undertake to collect it.

(*b*) Government are considering the matter.

Statement showing the number of candidates who qualified for the Second Division Secretariat, at examinations held by the Public Service Commission since 1926.

Year in which the examination was held.	No. of candidates qualified.
1926	58
1929	31
1931	The examination was competitive. On its results, 6 candidates secured appointments in the Secretariat and 6 in Attached Offices.
1933	The examination was competitive. The results have not yet been declared.

Statement showing the amount of fees realised from the Ministerial Service examinations held since 1920.

Year in which examination was held.	Amount of fees realised.
	Rs.
1920	3,428 (Approximately).
1922	16,392/2
1924	6,670
1925	9,250
1926	15,100
1929	*Nil.*
1931	17,880
1933	26,580

SAFETY OF THE INMATES OF THE 'D' AND 'C' TYPE QUARTERS IN NEW DELHI.

623. ***Mr. Bhuput Sing :** (*a*) Is it a fact that in the 'D' and 'C' class quarters in New Delhi, there is a pathway adjoining the front corridor and that there is a similar road provided at the back of such quarters ?

(*b*) Is it also a fact that there is at present no restriction to the use of the front pathway for vehicular traffic ? If so, are Government prepared to direct that the pathway in the front of such quarters should not be used for vehicular traffic ? Do Government realize that such practice involves serious risk of personal injury, especially to children who may come out of the quarters ?

(*c*) Are Government aware that in most of the lawns adjacent to the 'D' and 'C' type quarters referred to, hazardous games like cricket and foot-ball are at present played ? If so, are Government prepared to take steps to put a stop to such hazardous games ? Do Government realize that such games expose the tenants of the adjoining quarters to risks of serious personal injury, especially to children ? Do Government propose to direct that no games except those that require only a limited area, *e.g.*, volley-ball or badminton, will be permitted in such lawns ? If not, are Government prepared to ascertain the views of the tenants of the 'D' and 'C' class quarters in this matter and take steps to protect the tenants from accidents or risks of physical injury to which they are at present exposed ?

Mr. A. G. Clow : (*a*) Yes, there is a pathway adjoining the front corridor, and there is a service road at the back of the quarters, the metalled portion of which does not adjoin the quarters, while in most cases there is a drain between them.

(*b*) There is no restriction on the use of the front pathway, but in practice it is used only by the tenants or their visitors.

(*c*) No cases in which organised games of hockey, cricket, or football have been played on the lawns adjacent to the quarters have been brought to notice. Badminton and Volley-Ball are the only two games generally played by the tenants on the lawns. The other parts of the question do not arise.

COMMUNAL COMPOSITION OF THE JUDGES OF HIGH COURTS AND CHIEF COURTS.

624. ***Mr. M. Maswood Ahmad**: Will Government be pleased to state:

(*i*) the number of High Court Judges, permanent and temporary (separately) in each of the High Courts and Chief Courts; and

(*ii*) the communal composition of the judges of the High Courts and Chief Courts?

The Honourable Sir Harry Haig: (*i*) and (*ii*). I lay on the table a statement giving the information.

Statement showing the present strength of High Courts and the Chief Court, Oudh, and the communal composition of the Judges.

Strength.	Muslims.	Hindus.	Indian Christians.	Europeans.	Others.
		HIGH COURTS.			
Madras.					
14 permanent Judges ..	..	6	..	8	..
Bombay.					
10 permanent and 1 Additional Judges.	1	3	..	6	1 Parsi.
Calcutta.					
15 permanent and 3 Additional Judges.	1	8	..	9	..
Allahabad.					
9 permanent and 3 Additional Judges.	3	3	..	6	..
Lahore.					
9 permanent and 3 Additional Judges.	2	3	1	6	..
Patna.					
9 permanent and 1 Additional Judges.	2	2	1	5	..
Rangoon.					
11 permanent Judges ..	..	2	..	7	2 Burmans.
		CHIEF COURT.			
Oudh.					
5 permanent Judges... ..	2	1	..	1	1 Parsi.
Total ..	11	28	2	48	4.

INCREASE IN THE NUMBER OF MUSLIM JUDGES IN THE CALCUTTA HIGH COURT.

625. ***Mr. M. Maswood Ahmad**: (*a*) Is it a fact that the Calcutta High Court in a way, is under the control of the Central Government?

(*b*) Is it a fact that men of one province may be appointed as judges of the High Court in another province?

(*c*) How many judges have been appointed in the Calcutta High Court during the last ten years and how many of them were Muslims?

(*d*) Will Government be pleased to state the action they have taken or they propose to take for increasing the number of Muslim judges in the Calcutta High Court?

The Honourable Sir Harry Haig: (*a*) The Calcutta High Court is under the administrative control of the Government of India.

(*b*) There is nothing to prevent such appointments.

(*c*) During the period 1921-1930, 17 permanent Judges were appointed of whom one was a Muslim. During 1931 and 1932, three permanent Judges were appointed of whom one was a Muslim.

(*d*) I would refer my Honourable friend to the answer given by my predecessor to part (*c*) of Mr. Uppi Saheb Bahadur's question No. 1077, in this House on the 23rd March, 1931.

Mr. Gaya Prasad Singh: Do Government admit the principle of appointing Judges of the High Court on communal lines?

The Honourable Sir Harry Haig: No, Sir. That principle has not been accepted.

Mr. M. Maswood Ahmad: May I ask, Sir, what was the recommendation of the Government to the Joint Parliamentary Committee about the position of the Calcutta High Court? Will it be on the same footing as other High Courts in other provinces or will it continue to have some differential treatment?

The Honourable Sir Harry Haig: I answered that question yesterday. I said that the matter was under the consideration of His Majesty's Government and that I was not in a position to disclose the recommendations of the Government of India.

Mr. M. Maswood Ahmad: Do they propose that in future the Calcutta High Court shall be on the same footing as the other High Courts?

The Honourable Sir Harry Haig: I am afraid my answer must be the same.

FIRMS MANUFACTURING PLAYING CARDS IN INDIA.

626. ***Mr. S. C. Mitra**: (*a*) Are Government aware that playing cards are being manufactured in India? If not, do they propose to enquire and state how many manufacturing concerns of playing cards have been started in India?

(*b*) Will Government be pleased to state the total cost of the playing cards imported into India during each of the last three financial years?

(*c*) Is it a fact that the import duty on playing cards is 50 per cent. *ad valorem* and the duty on the imported card-boards, from which such playing cards are made in India, is about 30 per cent. *ad valorem* ?

(*d*) Are Government aware that the difference of 20 per cent. duty between the raw material and the finished product is not giving the desired impetus to the playing card manufacturing in India ?

(*e*) Are Government aware that the Japanese playing cards are being dumped into India, affecting this infant industry of the manufacture of playing cards in India ? If not, do they propose to enquire into the matter and take proper measures to counteract the dumping into India of playing cards from other countries ?

(*f*) Do Government propose to raise the duty on imported cards to 75 per cent. *ad valorem* ? If not, why not ?

(*g*) Do Government propose to enquire as to the amount of capital invested in this industry throughout the whole of India ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) The information required by the Honourable Member is contained in Volume I of the Annual Statement of the Sea-borne Trade of British India, copies of which are in the Library.

(*c*) The import duty on playing cards is—

	Per cent. *ad valorem*.
Standard rate	50
Preferential rate for the United Kingdom ..	40

and that on card-board is—

Standard rate	30
Preferential rate for the United Kingdom ..	20

(*d*) It is not the case, as the Honourable Member appears to suggest that the duty on playing cards has been fixed at its present level with a view to giving protection to the local industry.

(*e*) and (*f*). Government have received representations from certain playing cards manufacturers in India asking for protection under the Safeguarding of Industries Act, 1933, and these representations are now receiving consideration.

(*g*) Government have made enquiries as to the amount of capital invested in the industry.

Mr. Gaya Prasad Singh : May I ask, Sir, by what time the result of the inquiry will be known ?

The Honourable Sir Joseph Bhore : I do not exactly know to what my Honourable friend refers. If he is referring to the action to be taken, I think I made the position fairly clear during the last two or three days. I pointed out that an investigation was being undertaken into the case of all those industries that have applied for protection under the Safeguarding of Industries Act, but that we could not take immediate action pending the negotiations with Japan.

Mr. Jagan Nath Aggarwal : Are Government aware that this is a newly started industry and, therefore, it requires better treatment than the older industries ?

The Honourable Sir Joseph Bhore : I do not know what my Honourable friend means by saying that this industry requires better treatment, but I am sure that my Honourable friend realises that if it is the case that an industry requires definite protection, it should make an application, and if Government consider that there are *primâ facie* grounds for going into that application, they will refer it to the Tariff Board.

Mr. Jagan Nath Aggarwal : Would it not be too late if the matter is referred to the Tariff Board after the negotiations with Japan have been completed ? Steps should be taken before the negotiations.

The Honourable Sir Joseph Bhore : Not at all. The negotiations will have no effect as far as I can see upon our policy of discriminating protection.

Mr. M. Maswood Ahmad : Is it not possible to send these applications to the Tariff Board at once so that the matter may be considered by the Government of India just after the discussion with the Japanese delegation ?

The Honourable Sir Joseph Bhore : The applications at the present moment are for action under the Safeguarding of Industries Act and, with reference to these particular applications, a very careful examination is being made in regard to each industry, so that we may be provided with data to enable us to conduct negotiations with Japan in respect of these industries.

Sir Cowasji Jehangir : Did the Honourable Member say just now that in this particular case reference will be made to the Tariff Board ?

The Honourable Sir Joseph Bhore : No. I did not. I said in this particular case an application had been made under the Safeguarding of Industries Act and that the Government were carrying out a very careful examination of the case to enable them to be in possession of data to help them in the negotiations with Japan.

Mr. Gaya Prasad Singh : While the grass grows, the steed starves.

NOMINATION OF THE INDIAN ARMY SOLDIERS TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

627. ***Mr. S. C. Mitra** : With reference to the communiqué issued by the Government of India, Army Department, dated the 12th July, 1933, regarding the nomination of the Indian Army soldiers to the Indian Military Academy, Dehra Dun, will Government please state the following :

(*i*) how many of the nominated soldiers include the 'Y' cadets and what are their names ;

(*ii*) how many of these 'Y' cadets are those who were enlisted by the Army Headquarters on the recommendation of the Army Interview Board in 1931, and what are their names and academic qualifications ;

(*iii*) how many of the nominated 'Y' cadets are those who were recruited by the Army Headquarters after the recommendations of the Army Interview Board in 1931 ;

(*iv*) how much service each of the soldiers and the 'Y' cadets, respectively had put in the Army before his nomination, and what are his educational and other qualifications ;

(*v*) how and by whom was each of the soldiers (other than 'Y' cadets) recruited ?

Mr. G. R. F. Tottenham : On the assumption that by 'Y' cadets the Honourable Member means those gentlemen who were offered special terms of enlistment in 1930 and 1931, the answers to the various parts of the question are as follows :

(*i*) Four, Jemadar Kashinath Shriram Moghe, Jemadar Bakhtiar Mohammad Khan Rana, Jemadar Abdul Aziz and Lance Dafadar Gurkipal Singh.

(*ii*) One, Lance Dafadar Gurkipal Singh. The remaining three were enlisted under special terms in 1930. The qualification required of all Indian Army Cadets is the possession of the Indian Army Special Certificate of Education.

(*iii*) None.

(*iv*) I lay a statement on the table giving the information desired by the Honourable Member. The qualification in each case is the possession of the Indian Army Special Certificate of Education.

(*v*) In the ordinary way, that is, by the Recruiting Officer or the Unit Commander.

Statement showing the service of certain soldiers and the 'Y' Cadets.

Name.	Service.	
	Years.	Months.
Jemadar Kashinath Shriram Moghe	2	9
Jemadar Bakhtiar Mohd. Khan Rana	2	10
Jemadar Abdul Aziz	2	4
L./Dafadar Gurkipal Singh	1	10
Others.		
L./Dafadar Abid Ali Akbar Khan	2	5
L./Dafadar Parduman Singh	3	2
L./Naik Sawal Khan	1	11
	(*plus* 5½ years non-enrolled).	
Jemadar Fateh Khan	4	2
L./Naik Rahim Ullah	1	8
Naik Ghulam Dastgir Khan	1	9
L./Naik Mohd. Muzaffar Khan	3	3
L./Naik Balbir Singh	2	1
Naik Gurbans Singh	7	0
L./Naik Parbhu Singh	4	0
Havildar Shambhoo Sahai Sharma	*1	8
Jemadar Damodar Narhar Thakur	*7	7

*I. T. F. Service.

NOMINATION OF THE INDIAN ARMY SOLDIERS TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

628. ***Mr. S. C. Mitra :** (*a*) Will Government be pleased to state whether at the time of sending up recommendations by the Officers Commanding of respective regiments any 'Y' cadet was working in any regiment from which the soldiers were sent up for nomination to the Indian Military Academy, Dehra Dun ?

(*b*) Is it a fact that a 'Y' cadet was working in a regiment and his name was not recommended ? If so, will Government please state the reason for doing so and for recommending a soldier in preference to a 'Y' cadet ?

(*c*) Are Government aware that almost every one of the 'Y' cadets has put in sufficient service to make him eligible for nomination, and he is not recommended for nomination because he is not going to be over age, while that recruited long afterwards by the Officer Commanding directly is recommended for nomination as he would become over age ?

(*d*) Are Government aware that there is a general discontentment among the parents of 'Y' cadets and the cadets themselves that the Officers Commanding of the regiments recommend those who have been recruited by them directly on the same terms as the 'Y' cadets and keep back those 'Y' cadets who were enlisted by the Army Headquarters in 1931 and after ?

(*e*) Do Government propose to reserve at least 80 per cent. of the nominations for those 'Y' cadets who were recruited by the Army Headquarters until all of them are absorbed ? If not, why not ?

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) The answer to the first part of the question is in the affirmative. Presumably the Commanding Officer was satisfied that the ordinary soldier had a better claim than the so-called 'Y' cadet.

(*c*) Certainly not, Sir. Indian Army Cadets are selected entirely on their merits and it is only where the merits of two candidates are equal that the older of the two would be given preference.

(*d*) I must protest against the insinuation in this question that Commanding Officers are biassed against the so-called 'Y' cadets. They have been sending careful, sympathetic and quite unprejudiced reports about these young men. I have no reason to believe that the young men themselves are or have any reason to be discontented, but if they are, it is always open to them to leave the Army.

(*e*) No. The attention of the Honourable Member is invited to the answer which I gave on the 30th August, 1933, to part (*g*) of starred question No. 179.

Captain Sher Muhammad Khan Gakhar : What is the definition of 'Y' cadet.

Mr. G. R. F. Tottenham : As I attempted to explain the other day, 'Y' cadet is the term used in this country and applied to certain young men who went in for the open competitive examination for the Army, but failed to secure sufficiently high marks to get a place and

were then given the opportunity of getting into the Army by entering some regiment or other as sepoys and, thereafter, running their chance of securing cadetships at the Indian Military Academy as Indian Army cadets.

CONSTRUCTION OF QUARTERS IN NEW DELHI.

629. *Mr. S. C. Mitra : (*a*) Is it a fact that the Government of India have sanctioned the construction of about 600 quarters in New Delhi for the clerical establishment of the Secretariat and its Attached Offices ?

(*b*) How many quarters of each type are to be built and at what sites ?

(*c*) Is it a fact that tenders have already been received by the Chief Engineer, Delhi, for the works to be started in New Delhi ?

(*d*) Is it a fact that these tenders were called for without giving the specifications of the works ?

(*e*) Are Government aware that the tenants by their past experience feel that the 'D', 'C' and other types of the orthodox quarters of clerks are most unsuitable for occupation in summer ?

(*f*) Is it a fact that the tenants have on many occasions approached Government through their Associations for many alterations and changes in these quarters ?

(*g*) Do Government propose to ascertain through the Imperial Secretariat Association and other Service Associations what improvements or changes are required in 'D', 'C' and other types of orthodox quarters and then build the new quarters ? If not, why not ?

(*h*) Will Government be pleased to state whether any new quarters are being constructed at a site which has been used and reserved as dumping ground or in its close proximity ?

Mr. A. G. Clow : (*a*), (*b*), and (*c*) to (*h*). The Honourable Member is referred to the reply given to Mr. Bhuput Sing's question No. 133 on the 29th of last month.

(*c*) Yes.

(*d*) No. Full information with regard to the specifications of the works proposed was available in the Central Public Works Department for the tenderers and the position in this respect was explained in the notices calling for tenders.

Sir Cowasji Jehangir : May I ask, how many of these quarters will be vacated every hot weather ?

Mr. A. G. Clow : It depends upon the number of men staying in Delhi ?

Sir Cowasji Jehangir : Has that not been settled yet ?

Mr. A. G. Clow : No, not with respect to certain offices.

Sir Cowasji Jehangir : A certain number of these offices are vacated during the hot season.

Mr. A. G. Clow : It is probable that certain quarters will be left vacant in Delhi, but I cannot say definitely which particular quarters.

Sir Cowasji Jehangir : Have not Government taken into consideration the waste of money in building these quarters if they are going to be occupied only for four or five months ?

Mr. A. G. Clow : That is a question which might be addressed to the Honourable the Finance Member.

Sir Cowasji Jehangir : But the Honourable Member in charge of Industries and Labour initiates the proposal, is it not so ?

Mr. A. Das : Is it under the consideration of Government that there should be no exodus to Simla next year in view of the new quarters being built in Delhi ?

The Honourable Sir Harry Haig : I am not aware of any proposal in the terms stated by the Honourable Member.

Mr. Lalchand Navalrai : Does the Honourable Member know that newspapers have been publishing that there would be no exodus ?

The Honourable Sir Harry Haig : Papers are not always correct.

Mr. A. Das : Does the Honourable Member know that it has been published in the papers that the proposal is under consideration of His Excellency the Viceroy ?

The Honourable Sir Harry Haig : I am not very familiar with the case, but, as far as I know, the primary point to be decided in accordance with the recommendations of the Retrenchment Committee is whether certain Attached Offices, as a first step, should be left permanently in Delhi. That point, I understand, is under consideration.

Mr. Gaya Prasad Singh : Do I take it that this question of exodus will not be decided till the Federal Legislature is established ?

The Honourable Sir Harry Haig : I cannot make any statement on the subject.

RACIAL DISCRIMINATION IN THE CARRIAGE OF DOGS BY RAILWAY TRAINS BETWEEN SUMMER HILL AND SIMLA.

630. *Mr. S. C. Mitra : (*a*) Is it a fact that on the 8th August, some Indian ladies were travelling from Summer Hill to Simla, with a dog and that they were asked to purchase a dog ticket by the Summer Hill station Staff and were asked by the Simla staff to present the dog ticket on their arrival at Simla ?

(*b*) Are Government aware that a European lady had two dogs in a first class compartment travelling by the same train and no dog ticket was asked for from her at Simla station ?

(*c*) Will Government be pleased to state the number of dogs belonging to Europeans that have been charged for between Summer Hill and Simla, and *vice versa* during the period 15th April to 15th August, 1933, and the number of dogs belonging to Indians that have been charged for during the same period ?

(*d*) Are Government aware that all these racial discriminations are going on only during the régime of the present Assistant Operating Officer, North Western Railway, Simla ? If not, do they propose to enquire into the matter ? If not, why not ?

Mr. P. R. Rau : (*a*), (*b*) and (*c*). The North Western Railway Administration reports that the number of dog tickets sold from Simla to Summer Hill and *vice versa* during the period 15th April to 15th August,

1933, is 13, and that the records show that one dog ticket was sold at Summer Hill on the 8th August, 1933, for Simla. From the names of the persons to whom tickets were issued, it appears likely that the number of tickets issued to Europeans was 10 and to Indians 3, but obviously it is difficult to judge nationality by names.

(*d*) The Administration reports that they are satisfied that no racial discrimination as is alleged is being shown.

NON-SALE OF MONTHLY TICKETS AT STATION BOOKING OFFICES ON THE KALKA SIMLA RAILWAY.

631. ***Mr. S. C. Mitra :** (*a*) Is it a fact that monthly tickets are always sold at the booking offices at railway stations over all railways ? If so, will Government be pleased to state the reasons why monthly tickets are not sold by the booking clerks of the Simla and Summer Hill stations ?

(*b*) Are Government aware that the present Assistant Operating Officer, North Western Railway, Simla, insists that the monthly tickets between Simla and other stations must be obtained from his office in spite of the requests from the public and the monthly ticket holders that arrangements should be made for the sale of such tickets at the station booking offices of Simla and all other stations ?

(*c*) Are Government aware that the present system is causing inconvenience to the daily passengers in so far that they are to present themselves personally on the expiring date of such monthly tickets at the Assistant Operating Officer's office, which is far away from the Simla station, or that they are to get such tickets through peons ?

(*d*) Are Government aware that even small school children are expected to go to Assistant Operating Officer's office for the purchase of monthly tickets ? If not, do they propose to enquire into the matter ?

(*e*) Will Government be pleased to state the reasons why the present Assistant Operating Officer, North Western Railway, Simla, should insist on the sale of monthly tickets through his office and not through the booking offices of Simla and other stations on the Kalka Simla Railway ?

Mr. P. R. Rau : Government have no information, but are sending a copy of the question to the Agent, North Western Railway, in order that he might take whatever steps are possible to remedy the inconvenience complained of.

PASSES FOR FREE CONVEYANCE OF ARMY HEADQUARTERS CLERKS BETWEEN SUMMER HILL AND SIMLA.

632. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the Army Department, Government of India, issued passes to the clerks and other staff, working in the Army Headquarters buildings, for regulating their entry into those buildings by an office order ?

(*b*) Is it a fact that the inferior staff of the Army Headquarters and Army Department are also provided with such passes in accordance with the said office order ?

(*c*) Is it a fact that the personal servants of the staff working in the Army Headquarters are also provided with such passes according to the said office order ?

(*d*) If the answers to parts (*a*), (*b*) and (*c*) be in the affirmative, will Government be pleased to state whether under the said office order all the above mentioned passes entitle the holders to free conveyance between Summer Hill and Simla by the three III class bogies reserved in the clerks Special train running daily between the places ? If not, are Government aware that all European clerks possessing such passes utilise them for travelling between Summer Hill and Simla ? If not, do Government propose to enquire into the matter ? If not, why not ?

(*e*) Is it a fact that the said office order contained a clause which lays down that such of these buildings passes will be valid for travelling in the clerks Special, running between Summer Hill and Simla, which would be endorsed on the back by the branches of the Army Headquarters and the departments in the following form : " The holder of this pass is entitled to travel in the Army Headquarters clerks Special trains between Summer Hill and Simla " ? If so, will Government be pleased to state the number of such passes endorsed by the departments and branches of the Army Headquarters up to 1st June last year and 1st June of current year ?

(*f*) Is it a fact that Army Department also issued certain instructions to the Quartermaster General's Branch regarding the issue of free railway passes for the conveyance of military and civilian clerks residing in Government quarters ?

(*g*) Is it a fact that a copy of such instructions was forwarded to the Assistant Operating Officer, North Western Railway, Simla ? If so, will Government be pleased to state whether the present Assistant Operating Officer ever asked his staff to check the passes according to those instructions to see whether unauthorised persons as defined in the said instructions are travelling by the clerks Special train ?

(*h*) Is it a fact that the said Army Department instructions lay down that the officer-in-charge of Summer Hill Camp must send a voucher in the first week of each month to the Assistant Operating Officer, North Western Railway, Simla, in a certain specified form certifying amongst other things that no one except such Army Headquarters clerks as are entitled to free conveyance travelled by the portion of the train the cost of which is borne by military estimates ?

(*i*) Will Government be pleased to state the number of such monthly vouchers received by the present Assistant Operating Officer, North Western Railway, Simla, during the last 12 months from 1st July, 1932 ?

Mr. G. R. F. Tottenham : (*a*), (*b*) and (*c*). Yes.

(*d*) The reply to the first portion is in the negative.

Government are not aware that any clerks except those whose passes entitle them to do so are allowed to travel free by the Special train. They do not consider that any useful purpose would be served by instituting an enquiry into the matter.

(*e*) The reply to the first portion is in the affirmative.

As regards the latter portion, a statement is laid on the table.

(*f*) Yes.

(*g*) The reply to the first portion is in the affirmative.

Daily checks are made, and surprise checks have been organised at both Simla and Summer Hill stations.

(*h*) Yes.

(*i*) Twelve.

Statement.

Office.	Number of passes endorsed up to	
	1st June 1932.	1st June 1933.
G. S. Branch	Information not available	30
A. G.'s Branch	13	14
Q. M. G.'s Branch	12	11
M. G. O. Branch	3	4
E.-in-C.'s Branch	4	2
M. S. Branch	4	5
Medical Directorate	1	2
A. M. S. (P) to H. E. the C.-in-C.	2	1
Judge Advocate General	..	..
Director of Contracts	..	1
A. D. O. S. (P)	2	1
R. A. F. Headquarters	3	2
Total	44	73

NOTE.—In addition to the above, 12 passes for children of Military technical clerks were issued last year and this year.

TRAVELLING OF UNAUTHORISED PERSONS BY THE SPECIAL TRAIN, RUNNING BETWEEN SUMMER HILL AND SIMLA.

633. ***Mr. S. C. Mitra :** (*a*) Is it a fact that only clerks belonging to the following offices, namely, offices of the Military Secretary, Chief of the General Staff, Adjutant General, including Medical Directorate and Judge Advocate General, Quartermaster General, Master General Supply, Royal Air Force, Engineer-in-Chief, and Assistant Military Secretary (Personal), are entitled to travel by the clerks Special train between Summer Hill and Simla under the Army Department instructions issued to Quartermaster General's Office for regulating the issue of free railway passes between Summer Hill and Simla ?

(*b*) Is it a fact that the said Army Department instructions clearly lay down that such clerks of the Army Headquarters belonging to the offices named in the said instructions who are living only in Government quarters in Summer Hill are entitled to get their passes endorsed by their respective offices in the form shown in the Army Department security office order ?

(*c*) Will Government be pleased to state how many of such passes belonging to the clerks of Army Headquarters and departments living in private houses in Summer Hill have been endorsed by the offices mentioned in the said Army Department instructions during the present year up to 1st July, 1933 ? Will they also be pleased to state the reasons why passes of persons not entitled to them were endorsed ?

(*d*) Are Government aware that a large number of European clerks living in Government quarters but belonging to Military Accountant General and other offices not mentioned in the said Army Department instructions and large number of European clerks living in private houses in Summer Hill are travelling daily, free of cost, in those Army Department bogies attached to that train ?

(*e*) Is it a fact that the Army Department instructions mentioned above lay down clearly that such unauthorised persons should not be allowed to travel in those bogies paid from military estimates ? If so, do Government propose to enquire and to state the number of such unauthorised persons who travelled daily by the clerks Special between Summer Hill and Simla without payment during the current year ?

(*f*) Are Government aware that a large number of European clerks, unauthorised, are travelling daily in those bogies paid from military estimates with the help of the Army Headquarters building passes without any endorsement on the back of such passes ?

(*g*) Will Government be pleased to state how the officer in charge of Summer Hill Camp is certifying the monthly vouchers in the manner prescribed in the said Army Department instructions which he is supposed to send to the Assistant Operating Officer, North Western Railway, Simla ?

(*h*) Will Government be pleased to state what arrangements the Railway Department, especially the Assistant Operating Officer, North Western Railway, Simla, has so far made for checking such frauds during all these years ? If no steps have been taken by the Assistant Operating Officer, is it a fact that such frauds were going on with his knowledge during his régime ? If not, will Government be pleased to state the reasons how such frauds are being allowed to be perpetrated only by the European clerks ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). Yes.

(*c*) Five passes were issued to non-entitled persons this year owing to a misunderstanding of the orders. These have since been cancelled.

(*d*) No.

(*e*) The reply to the first portion is in the affirmative. Government are not aware that any unauthorised persons other than the five mentioned above have been travelling in the bogies referred to without tickets or passes.

(*f*) The answer is in the negative.

(*g*) The certificate is furnished by the Officer-in-charge, Summer Hill Camp, in the manner prescribed by the Government orders.

(*h*) A ticket collector has been deputed to travel by this Special train daily. Orders are also issued periodically for surprise checks to be made by the checking staff. The Railway administration are satisfied that no fraud has been perpetrated. The rest of the question therefore does not arise.

REFUSAL TO ALLOW ARMY HEADQUARTERS INDIAN CLERKS LIVING IN PRIVATE HOUSES TO TRAVEL BY THE SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND SIMLA.

634. ***Mr. S. C. Mitra :** Is it a fact that Indian clerks living in private houses but working in Army Headquarters offices mentioned in the Army Department instructions to the Quartermaster General and Indian clerks living in Government quarters but working in the office of the Military Accountant General, Army Department, and other Army Headquarters' offices not mentioned in the Army Department instructions to the Quartermaster General, are not allowed to travel free by the Sergeant-in-charge of Summer Hill Camp in those bogies paid from military estimates attached to the clerks Special train ?

Mr. G. R. F. Tottenham : Yes.

TRAVELLING OF CHILDREN OF EUROPEAN CLERKS BY THE SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND SIMLA.

635. ***Mr. S. C. Mitra :** (*a*) Will Government be pleased to state the number of Army Headquarters clerks living in Summer Hill quarters who are entitled to get free Railway passes for their own children going to schools in Simla ?

(*b*) Will Government be pleased to state whether all European school-going children of European clerks living in Summer Hill are entitled to travel free between Summer Hill and Simla in those compartments paid from military estimates attached to the clerks Special train ?

(*c*) Are Government aware that the school-going children of all European clerks living in Summer Hill either in Government or in private houses do travel free between Summer Hill and Simla in the compartments paid from military estimates ? If not, do they propose to enquire into the matter ? If not, why not ?

(*d*) Will Government be pleased to state the number of monthly tickets and monthly railway passes other than the Army Headquarters passes that have been issued to persons including children travelling daily between Jutogh, Summer Hill and Simla ?

Mr. P. R. Rau : (*a*) Thirteen, of whom, however, only six send their children to schools in Simla.

(*b*) No, only the school-going children of Military Technical clerks serving in Army Headquarters are entitled to travel free by the Special between Summer Hill and Simla.

(*c*) The North Western Railway Administration reports that they are satisfied that only those children who are entitled to travel free are allowed to do so.

(*d*) Government are informed that during the period 1st April to 29th August, 1933, the following monthly season tickets have been issued :

(1) Between Simla and Summer Hill	213
(2) Between Simla and Jutogh	6
(3) Suburban tickets for railway employees between Simla and Summer Hill	8

RATIO OF BENGAL AND PUNJAB MUSLIMS TO THE MUSLIM POPULATION OF INDIA.

636. ***Mr. S. C. Mitra :** (*a*) Will Government be pleased to state the ratio that the total Bengal Muslims bear to the total Muslim population of the whole of India ?

(*b*) Will Government be pleased to state the ratio that the Punjab Muslims bear to the total Muslim population of the whole of India ?

(*c*) Has the attention of Government been drawn to the article headed "Grievances of Bengal Muslims" published in the *Star of India*, dated July 26, 1933 ?

The Honourable Sir Harry Haig : (*a*) and (*b*). According to the last census, the ratios are about 35 per cent. and 17 per cent., respectively.

(*c*) Yes.

MUSLIMS OF BENGAL, PUNJAB AND OTHER PROVINCES IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

637. ***Mr. S. C. Mitra :** (*a*) Will Government be pleased to state separately the number of Bengal Muslims, the Punjab Muslims and Muslims of other provinces occupying now the posts of superior officers in each of the Government of India Departments and Attached Offices showing the names of departments and offices since the creation of the Public Service Commission, and their number before the creation of that office ?

(*b*) Will Government be pleased to lay on the table of this House a statement showing separately the number of Bengal Muslims, Punjab Muslims and Muslims of all other provinces taken together, occupying the posts of Superintendent in each of the different departments of the Government of India and Attached Offices, and the names of departments and offices since the creation of the Public Service Commission, and their number prior to the creation of that office ?

(*c*) Will Government be pleased to state separately the number of Bengal Muslims, Punjab Muslims and Muslims of all other provinces taken together occupying the posts of Assistants in the upper time-scale and Assistants of the First Division in each of the different departments of the Government of India, showing the names of departments, since the creation of the Public Service Commission and their number prior to the creation of that office ?

(*d*) Will Government be pleased to place on the table of this House a statement showing separately the number of the Bengal Muslims, the Punjab Muslims and Muslims of all other provinces taken together, occupying the posts of Second and Third Division clerks in each of the Government of India Departments, showing the names of the depart-

ments, since the creation of the Public Service Commission and their number prior to the creation of that office ?

(*e*) Will Government be pleased to lay on the table of this House a statement showing separately the number of Bengal Muslims, Punjab Muslims and Muslims of all other provinces taken together occupying the posts of First Division Assistants and Second and Third Division clerks in each of the different attached offices of the Government of India, showing the name of each of such offices, since the creation of the Public Service Commission and prior to the creation of that office ?

(*f*) Will Government be pleased to state the percentage of increase of Bengal Muslims in each of the categories of the posts mentioned above since the creation of the Public Service Commission ?

(*g*) Do Government propose to instruct the Public Service Commission to recruit a larger number of Bengal Muslim graduates in all posts reserved for Muslim representation according to the ratio the total Bengal Muslim population bears to the total Muslim population of the whole of India ? If not, why not ?

The Honourable Sir Harry Haig : As explained in reply to parts (*c*) and (*d*) of the Honourable Member's question No. 409, on the 16th September, 1931, Government have not undertaken to secure representation for provinces, either generally or in terms of particular communities. Muslim candidates from Bengal have equal opportunities with those from other provinces of securing employment in the posts in question and no special action is therefore necessary in regard to them. This being the case, I do not think any useful purpose would be served by the collection of the statistics asked for, which are not readily available.

PRESENT STATE OF HEALTH OF BENOYENDRA NATH ROY CHAUDHURY, A STATE PRISONER IN THE RAJAHMUNDRY JAIL.

638. ***Mr. S. C. Mitra :** (*a*) Will Government be pleased to state the present state of health of Benoyendra Nath Roy Chaudhury, who is a State Prisoner under Regulation III of 1818 and is detained in Rajahmundry jail ?

(*b*) Are Government aware that, in spite of several letters from his relations, no reply has been obtained from Rajahmundry jail since November last about the health of the State Prisoner, or any correspondence from him ?

(*c*) Is it a fact that when he was examined at Madras by the Civil Surgeon, he was told that he was suffering from complete nervous breakdown and might die at any moment ?

(*d*) What steps have been taken by Government since then for his treatment ?

The Honourable Sir Harry Haig : (*a*), (*c*) and (*d*). I would refer the Honourable Member to part (*a*) of my reply to his question No. 259 which was asked on the 31st August last. He will observe that in the opinion of the Medical Board the State prisoner is suffering from neurasthenia.

(*b*) No. On the contrary I understand that a letter of the 11th July, 1933, regarding the health of the State Prisoner was received by his wife from the Superintendent of the Rajahmundry Central Jail.

PETITION FOR THE TRANSFER OF MR. MAHENDRA NATH ROY FROM THE DEOLI DETENTION CAMP TO CALCUTTA.

639. ***Mr. S. C. Mitra :** (*a*) Is it a fact that one, Mr. Mahendra Nath Roy, was arrested under the Bengal Ordinance on March 11th, 1931 ? Is it a fact that he is now detained in the Deoli Camp ?

(*b*) Is it a fact that the detenu had a bone near the eye dislocated and had developed a swelled face as a result of an accident during a hockey match ?

(*c*) Is it a fact that he was X-rayed by medical authorities of the Ajmer Hospital and they advised an operation ?

(*d*) Is it a fact that this news was conveyed to the father of the detenu ?

(*e*) Is it a fact that the father of the detenu petitioned the Government of India for the removal of the detenu to the Calcutta Medical College Hospital for the operation ?

(*f*) Will Government be pleased to state whether the petition was granted by them ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) Mr. Mahendra Nath was arrested in Bengal under the Bengal Criminal Law Amendment Act and is now detained at Deoli.

(*b*) and (*c*). X-Ray examination at the Ajmer Hospital showed that the left molar bone was fractured. There was slight swelling on the face. An operation was not considered necessary.

(*d*) The detenu may have informed his father.

(*e*) The Government of India have received no such petition.

(*f*) Does not arise.

MALTREATMENT OF MR. KESHAVA CHANDRA GUPTA, A POLITICAL PRISONER.

640. ***Mr. S. C. Mitra :** (*a*) Is it a fact that one, Mr. Keshava Chandra Gupta, a political prisoner, was convicted in a political case ? Is it also a fact that after conviction he was imprisoned in the Ajmer central prison as a ' B ' class prisoner ?

(*b*) Is it a fact that the said Mr. Gupta has since been transferred to the Sabarmati central prison ? If so, is it a fact that on transfer he was placed in ' C ' class ? If so, will Government be pleased to state the reasons for transferring a prisoner from ' B ' class to ' C ', and under whose direction the said prisoner was transferred to ' C ' class ?

(*c*) Are Government aware that the said prisoner is being maltreated and tyrannized in the Sabarmati prison after conviction ? If not, do Government propose to enquire into the matter ? If not, why not ?

Mr. B. J. Glancy : (*a*) Keshav Chander Gupta was sentenced in July, 1932, to two years' rigorous imprisonment for refusal to furnish security in section 110 proceedings and placed in ' B ' class in Ajmer jail.

(*b*) Yes, he was transferred to Sabarmati prison but is now in Nasik prison and is still in ' B ' class.

(*c*) Does not arise.

ALLEGATION AGAINST THE ASSISTANT STATION MASTER, SIMLA.

641. *Mr. K. P. Thampan : Are Government aware that the Assistant Station Master, Simla, neither charged one Mr. Dunett of the office of the A. M. S. P. to His Excellency the Commander-in-Chief and his servant on the 30th June last at the Summer Hill Station, nor prosecuted them for not having tickets with them but allowed them to pass without tickets in the presence of several passengers at the Summer Hill Station platform ? If not, do they propose to enquire into the matter ? If not, why not ?

Mr. P. R. Rau : Enquiries have been made from the North Western Railway Administration who report that they have no knowledge of the incident alleged.

RACIAL DISCRIMINATION IN CHARGING FARES FROM PASSENGERS BY THE NORTH WESTERN RAILWAY STAFF.

642. *Mr. K. P. Thampan : (*a*) Are Government aware that two Indian passengers who got into a second class compartment at Summer Hill Station with intermediate class monthly tickets by the 1 Up Mail on the 23rd May, 1933, were charged the difference of fare and penalty ? If not, do they propose to enquire into the matter ?

(*b*) Are Government aware that a European was also found in the same second class compartment by the same ticket checker in the same train on the same date with an inter class ticket, and that that European was charged only the difference of fare and not the penalty ? If not, do they propose to enquire into the matter and state the reasons for this racial discrimination by the North Western Railway staff ?

Mr. P. R. Rau : I am informed that the penalty in addition to the fare was imposed in the first case because these passengers had failed to inform the Station Master or the Guard that owing to lack of accommodation they were travelling in a class higher than that for which they held tickets, and it was not imposed in the second case because the passenger had informed the Station Master.

There was no racial discrimination involved and the procedure in each case was according to the rules on the subject.

RACIAL DISCRIMINATION IN THE CARRIAGE OF DOGS BY RAILWAY TRAINS BETWEEN SUMMER HILL AND SIMLA.

643. *Mr. K. P. Thampan : (*a*) Are Government aware that in June last an Indian passenger was asked to pay for the carriage of his dog from Summer Hill to Simla by the clerks Special and he paid ?

(*b*) Are Government also aware that, when the attention of the railway staff concerned was drawn to a dozen other dogs conveyed by European clerks by the same train, no action was taken by the railway staff ? If not, do Government propose to enquire into the matter ? If not, why not ?

(*c*) Are Government aware that when the matter was reported to the Assistant Operating Officer, Simla, he shielded his own staff and encouraged the racial discrimination by his staff ?

Mr. P. R. Rau : (*a*) I understand that on the 16th June a passenger was charged for one dog from Simla to Summer Hill.

(*b*) The information obtained by the North Western Railway is that there was no such occurrence. Dogs are always paid for when carried by the Special.

(*c*) The Administration reports that full enquiries were instituted into this matter but no corroboration of the charge against the staff could be obtained.

APPOINTMENT OF AN INDIAN AS DIRECTOR GENERAL, INDIAN MEDICAL SERVICE, OR AS PUBLIC HEALTH COMMISSIONER IN INDIA.

644. *Mr. Jagan Nath Aggarwal : With reference to question No. 1173 asked by Mr. Gaya Prasad Singh on the 10th of April, 1933, and the reply thereto by Mr. G. S. Bajpai, will Government be pleased to state if any such orders with regard to the appointment of an Indian as the Director General, Indian Medical Service, or as the Public Health Commissioner in India were passed or contemplated by any authority other than the Government of India ? If no such order was passed or contemplated, do Government now propose to pass such orders or to adopt such a convention ?

Mr. G. S. Bajpai : The answer to the first part is in the negative. Government do not consider it necessary to issue such orders as claims of suitable senior Indian Officers of the Indian Medical Service are always given due consideration at the time of making appointments.

Mr. B. Das : Am I to understand that at present there are no Indian senior officers to be Inspector General ?

Mr. G. S. Bajpai : The question does not relate to the post of Inspector General, but relates to the post of Public Health Commissioner with the Government of India.

Mr. B. Das : Am I to understand that there are no Indian senior medical officers to be Public Health Commissioners ?

Mr. G. S. Bajpai : I would not go so far as to say that there is no Indian senior officer, but all that I would say is that, on a comparison of the qualifications, we came to the conclusion that no equally suitable Indian officer was available for the purpose.

Mr. B. Das : Is it only a question of qualifications or does the Honourable Member's Department adopt also racial discrimination in the matter ?

Mr. G. S. Bajpai : My Honourable friend has no justification for suggesting that mine or any other Department of Government adopt a policy of racial discrimination.

Mr. B. Das : Is it not the practice of the Honourable Member's Department to follow that policy, the only exception being that when the Honourable the Leader of the House was acting as the Secretary of the Department, two Indian gentlemen were appointed to high offices in the Indian Medical Service ?

Mr. G. S. Bajpai : As a matter of fact, if my Honourable friend had been in this country recently, he would have appreciated the fact that when the Deputy Director General of the Indian Medical Service proceeded on leave for the first time in the history of the Government of India, this Department appointed an Indian to act in his place.

Mr. Lalchand Navalrai : May I know if in making this selection, only qualifications, *i.e.*, degrees, are considered or experience about the health of the Indian people is also considered ?

Mr. G. S. Bajpai : As a matter of fact, every relevant consideration is taken into account before Government come to a decision.

APPOINTMENT OF AN INDIAN AS DIRECTOR GENERAL, INDIAN MEDICAL SERVICE, OR AS PUBLIC HEALTH COMMISSIONER IN INDIA.

645. ***Mr. Jagan Nath Aggarwal** : Will Government be pleased to state if any appointment of a Public Health Commissioner has been made by them in succession to the present holder of that appointment ? If so, were the claims of qualified Indians considered in that connection ?

Mr. G. S. Bajpai : Yes.

Mr. Jagan Nath Agarwal : What was the harm in giving the name of the person who has been appointed ?

Mr. G. S. Bajpai : My Honourable friend did not ask me to indicate the name of the officer, but I can do so now ; he is Lieutenant-Colonel Russell.

Mr. Lalchand Navalrai : Was there no Indian available for it ?

Mr. G. S. Bajpai : In dealing with the preceding question, I explained the position of Government. We considered the claims of all officers who were eligible for the post, and we came to the conclusion that Colonel Russell was the best qualified.

Mr. M. Maswood Ahmad : Will Government be pleased to state the names of the officers whose claims were considered along with Colonel Russell ?

Mr. G. S. Bajpai : I could not say off-hand the name of every individual, but at least half a dozen names were considered.

Mr. Gaya Prasad Singh : Is it the considered opinion of Government that, during the time this office has been in existence, there was not a suitable Indian available for holding this appointment ?

Mr. G. S. Bajpai : My Honourable friend will appreciate the fact that it is not possible for me off-hand to state whether, during the last many years for which the post has been in existence, Government considered the names of Indian officers. But what he would recognise is that it is only during the last few years that the number of Indian officers in the Indian Medical Service has reached sufficient proportions to enable Government to consider the claims for senior appointment of these officers. The post of Public Health Commissioner goes to a very senior officer of the Indian Medical Service and the number of Indian officers eligible for the post is very small indeed.

Mr. Gaya Prasad Singh : Do Government realise that this answer is not very complimentary to Government themselves with regard to the encouragement which they are giving to Indian officers ?

Mr. G. S. Bajpai : I do not really think that I have said anything which would lead anybody to conclude that Government's policy in this matter has been anything but what it should be.

Mr. Gaya Prasad Singh : Do Government realise that there is a general impression that Government's policy in this matter is dictated more by racial considerations than by considerations of real merit ?

Mr. G. S. Bajpai : If my Honourable friend chooses to be under an impression which is not borne out by facts, it is not for me to dispel that impression.

Mr. Lalchand Navalrai : May I know if there is any Indian who is senior to this officer and who has been superseded ?

Mr. G. S. Bajpai : No, Sir.

Mr. S. C. Mitra : Do Government also consider this question that with the retirement of these Europeans, India is deprived of their experience while, if an Indian is appointed, India can always derive profit from their experience, because they live in India after retirement ?

Mr. G. S. Bajpai : I should like to explain for the information of my Honourable friend as well as of the House that there is absolutely no question of the Government of India not appreciating the desirability of appointing Indians to these and other offices. But what I do wish Honourable Members to recognise is that, considering the limitations to which appointments in a service are subject, one cannot choose an Indian officer with, say, six years' service, merely because he is an Indian, for a post which is ordinarily given to an officer with over 20 years' service.

CENSORSHIP OF CINEMATOGRAPH FILMS.

646. ***Mr. Jagan Nath Aggarwal** : (*a*) Has the attention of Government been drawn to the various cinema films, passed by the Censor, to which objection has been taken by religious bodies, both Hindu and Muslim, on the ground that they offended their religious susceptibilities or that they portrayed religious personages in an objectionable manner ?

(*b*) Do Government propose to consider the desirability of taking action to prevent objectionable films passing the Censor and creating an alarm in the public mind ?

The Honourable Sir Harry Haig : (*a*) The Government of India recently received a representation on the subject from a Hindu Association and are enquiring into the matter.

(*b*) I would refer the Honourable Member to the reply, I gave on the 4th September, 1933, to Shaikh Sadiq Hasan's question No. 484.

FIRMS MANUFACTURING PLAYING CARDS IN INDIA.

647. ***Mr. Jagan Nath Aggarwal** : (*a*) Are Government aware that some private firms are manufacturing playing cards in British India and have turned out cards of very good quality ?

(*b*) Are Government aware that the duty on card-board imported for manufacture of these cards is no less than 33 per cent., whereas the duty on imported playing cards is only 50 per cent. ?

(*c*) Are Government aware that Japanese playing cards have been dumped into the Indian market during the last year or so and there is a serious danger of this nascent industry being crippled if not entirely killed ?

(*d*) Are Government prepared to consider the desirability of raising the duty on imported playing cards to at least 75 per cent., as has been done in the case of textiles ?

(*e*) Do Government propose to keep this matter in view when negotiations are opened with the representatives of the Japanese Government regarding a Trade Agreement ?

The Honourable Sir Joseph Bhore : (*a*), (*b*), (*c*) and (*d*). The Honourable Member is referred to my answer to a similar question No. 626 by Mr. S. C. Mitra.

(*e*) Yes.

Mr. Lalchand Navalrai : May I know what that answer was ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The answer was just read out a few minutes ago and the Honourable Member cannot ask it to be repeated.

JUDICIAL OFFICERS IN THE DELHI PROVINCE.

648. ***Mr. Jagan Nath Aggarwal** : (*a*) Are Government aware of the fact that the members of the Judiciary of the Delhi Province are generally taken on deputation from the cadre of the Punjab Civil Service ?

(*b*) Is it not a fact that the Punjab Government have got standing rules and instructions that the period of stay of such judicial officers in one station ordinarily should not exceed three years ?

(*c*) Are Government aware that there have been some glaring departures in the case of some judicial officers on the Executive side, *i.e.*, Extra Assistant Commissioner in the Province of Delhi ?

(*d*) Is it not a fact that the Tehsildar of Delhi has been posted in Delhi for practically the past eight years ?

(*e*) Is it also not a fact that some stipendiary magistrates in Delhi have been posted there for more than five years ? If so, what are the special reasons for that ?

(*f*) Has not the rule of three years almost invariably been followed in the case of the members of the judicial branch of the service, *i.e.*, Sub-Judges ?

(*g*) Do Government propose to scrutinize each such individual case and issue instructions accordingly ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) I understand the position is as stated by the Honourable Member.

(*c*) Instructions similar to those in the Punjab have not been issued by the Delhi Administration. The question of departure from the instructions does not therefore arise.

(*d*) Yes. The Tahsildar was appointed in January, 1926.

(*e*) No.

(*f*) I am informed that postings and transfers of Sub-Judges are made by the Lahore High Court.

(*g*) Although the rule of three years is not in force in Delhi, I would assure the Honourable Member that each case in which an officer is retained in Delhi for more than three years receives the full attention of the Delhi Administration, and I do not consider that there are sufficient reasons for interfering with the discretion of that Administration in this matter.

Mr. Jagan Nath Agarwal : Does not the Honourable Member think that he should look into the matter rather than leave it to the Delhi Administration ?

The Honourable Sir Harry Haig : No : the Government of India have a great many duties of their own to perform, and I do not think it reasonable to ask them to perform these in addition.

Mr. Jagan Nath Agarwal : Is it lack of time and nothing else that stands in their way ?

The Honourable Sir Harry Haig : No : I think it is a principle of administration.

Mr. Lalchand Navalrai : May I know why this Tahsildar has been kept for such a long time in Delhi ? Is it for political reasons or for some other reasons ?

The Honourable Sir Harry Haig : I imagine it is because it is felt that it is in the public interests to do so.

POSTING OF JUDICIAL AND POLICE GAZETTED OFFICERS TO THEIR HOME DISTRICTS.

649. ***Mr. Jagan Nath Aggarwal** : (*a*) Are Government aware that except under very extraordinary circumstances, no officer, especially Judicial and Police Officers of the gazetted rank, is allowed to be posted in his own home ? If not, do Government propose to consider the expediency of this rule and issue instructions accordingly ?

(*b*) Will Government be pleased to lay on the table a statement showing the cases, with reasons, where departure was made in the case of officers posted in the province of Delhi during the last twelve years ?

The Honourable Sir Harry Haig : (*a*) I have no information whether there is any such rule in force generally. Government do not propose to issue instructions in the matter.

(*b*) There is no such rule in force in the Delhi Province and the question of obtaining the information desired by the Honourable Member does not therefore arise.

Mr. Jagan Nath Aggarwal : Does not this reason come under the general principle of desirability in the public interest ?

The Honourable Sir Harry Haig : I do not think there is any general rule in force, but, in the special case of Delhi, I would ask the Honourable Member to reflect that if such a rule were made, it would be impossible for any inhabitant of the Delhi Province ever to serve under his own provincial administration.

APPOINTMENT OF PRESIDENTS AND MEMBERS OF THE TARIFF BOARD FROM PROVINCES OTHER THAN BOMBAY.

650. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state the number of official and non-official presidents and members of the Tariff Board since its formation and the percentage of Bombay men recruited to such posts ?

(*b*) Do Government propose to take steps for the recruitment of men of other provinces in the future Tariff Boards ?

(*c*) Are Government aware that there are as good businessmen and economists in other provinces as in Bombay ? If not, have Government ever enquired from Local Governments for such men for the posts of presidents and members of the Tariff Boards when formed ?

The Honourable Sir Joseph Bhore : (*a*) I lay on the table a statement showing the name, province and period of service of each person who has served as President or as member of the Tariff Board. Only one Bombay man has been President of the Board. He held the post in an officiating capacity only for 6½ months, his period of service being 5 per cent. of the total service of all Presidents. Two Bombay men have served as members of the Boards, their combined service expressed as a percentage of the total service of all members being 20 per cent.

(*b*) Does not arise.

(*c*) The reply to the first part is in the affirmative. The second part does not arise.

Statement showing names, provinces of origin and periods of service of Presidents and Members of the Tariff Board.

Names.	Province.	Period of Service.		
		Years.	Months.	Days.
Presidents.				
Sir George Rainy (Official)	Bihar and Orissa ..	2	9	10
Sir Padamji Ginwala (Non-Official) ..	Burma	3	5	6
Mr A. E. Matthias (Official)	Central Provinces ..	1	6	19
Dr. John Matthai (Official)	Madras	1	8	5
Mr. F. I. Rahimtoola (Non-Official) (Offg.)	Bombay	0	6	17
Sir Frank Noyce (Official)	Madras	0	7	21
Members.				
Sir Padamji Ginwala (Non-Official) ..	Burma ..	2	9	9
Mr. V. C. Kale (Non-Official)	Bombay	1	11	22
Dr. John Matthai (Official)	Madras	5	9	15
Sir Frank Noyce (Official)	Madras	0	1	21
Mr. A. E. Mathias (Official)	Central Provinces ..	3	3	15
Mr. F. I. Rahimtoola (Non-Official) ..	Bombay	2	0	15
Mr. C. T. Boag (Official)	Madras	2	1	13
Mr. H. R. Batheja (Official)	Bihar and Orissa ..	0	5	4
Rai Bahadur Pt. Hari Kishen Kaul (Non-Official).	Punjab	0	6	21
Mr. N. S. Subba Rao (Non-Official) ..	Mysore	0	6	21

* Up to 1st August, 1933.

Mr. H. P. Mody : Are Government aware that Bombay will have no objection if, by way of a change, other provinces are allowed to get jobs on the Tariff Board and Bombay is occasionally allowed to creep into the Executive Council of the Governor General ? (Laughter.)

Mr. Lalchand Navalrai : May I know whether this Tariff Board is likely to continue very long ?

The Honourable Sir Joseph Bhore : As I think my Honourable friend knows, the Tariff Board has been remitted to it for consideration the subject of the iron and steel industry ; and it will remain in existence certainly as long as it is necessary for the Board to conduct its inquiry into that particular matter. Beyond that I cannot say.

Mr. Lalchand Navalrai : Can the Honourable Member say what period that inquiry is likely to take ?

The Honourable Sir Joseph Bhore : I certainly cannot give my Honourable friend any information on the point : but they will certainly be in existence until they finish their report : it may be six or seven months, I do not know.

Mr. H. P. Mody : With reference to this answer, do I understand that there are no other applications besides the one which will be considered by the Tariff Board next month ?

The Honourable Sir Joseph Bhore : I must have notice of that question ; but, as far as my recollection serves me, there is no application at the present moment which it is intended to refer to the Tariff Board.

Mr. Amar Nath Dutt : In view of the fact that one of the biggest concerns for which the Tariff Board exists lies in Bihar and Orissa, was any gentleman of Bihar and Orissa ever nominated to the Tariff Board ?

The Honourable Sir Joseph Bhore : That, I am afraid, is not the principle upon which members are chosen for appointment to the Tariff Board.

Mr. B. Das : Do Government refer every application to the Tariff Board or do they sort out spurious applications from Indian industrialists and refer only those industries which really need protection in the opinion of Government ?

The Honourable Sir Joseph Bhore : My Honourable friend is quite right.

Mr. Amar Nath Dutt : Were the claims of those in the Retrenchment Committee of the Stores Department considered when making such appointments ?

The Honourable Sir Joseph Bhore : I can only say to the House that all suitable names were considered before appointments were made.

Mr. M. Maswood Ahmad : Will Government be pleased to state the reasons for this double scrutiny, once by the Government of India and then by the Tariff Board ?

The Honourable Sir Joseph Bhore : Obviously it is no use referring to the Board the case of an industry which *primâ facie* can be disposed of at once.

Mr. Gaya Prasad Singh : Will Government consider seriously the representations coming from the Bombay millowners before referring them to the Tariff Board in future ?

The Honourable Sir Joseph Bhore : I can assure my Honourable friend that they are most carefully scrutinised.

ANÆSTHETIST IN THE RIPON HOSPITAL, SIMLA.

651. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Is it a fact that the anæsthetist in the Ripon Hospital, who helps in the operations performed on the Government of India staff and their relations, is only a compounder ? If not, what are his medical qualifications and degrees for which he is entrusted with such an onerous duty on which depends the life and death of persons ?

(*b*) Will Government be pleased to state the charges prescribed by the Civil Surgeon in charge of the Ripon Hospital for the said anæsthetist for helping in the operations performed on the Government of India staff and their relations ?

(*c*) Are Government aware that the Civil Surgeon in charge of the Ripon Hospital, whenever he is sent for by the Indian officers, advises them to go to hospital and at times threatens to report them to their superiors as his valuable time is wasted for not getting any fees from them ? If not, do they propose to enquire into the matter ? If not, why not ?

Mr. G. S. Bajpai : (*a*) The answer to the first part is in the affirmative. The second part does not arise.

(*b*) No charges are levied from Government servants. A copy of the Ripon Hospital Rules showing the fees charged from non-entitled patients, including relatives of Government servants, was placed in the Library of the House with reference to the Honourable Member's question No. 146.

(*c*) Government have received no such complaint and do not, therefore, propose to make any enquiry.

RECRUITMENT OF MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

652. ***Mr. S. C. Mitra** : (*a*) Is it a fact that the recruitment of a portion of the ministerial establishment of the Government of India departments and attached offices is being done by the Public Service Commission ? If so, is it a fact that the recruitment for certain posts of ministerial establishment has been kept outside the scope of the Public Service Commission on the ground that men are required to fill posts requiring technical skill ?

(*b*) Will Government be pleased to state whether men recruited on technical grounds for technical posts are transferred to the regular ministerial establishment after being recruited by this back door method of nomination by the heads of departments and offices ?

(*c*) Are Government aware that the Anglo-Indians recruited by the Foreign and Political Department for the Cypher Bureau are invariably transferred to the regular ministerial establishment, thereby barring the prospects of those men who came by competitive examination ?

(*d*) Are Government aware that the Army Department recruited a relation of the Personal Assistant to the Army Secretary on grounds of technical qualifications a few years back ? If so, has he been transferred to the regular establishment for being considered for promotion to the post of upper time scale Assistants and post of Superintendents ?

(*e*) Are Government aware that another relation of the said Personal Assistant to the Army Secretary has been recruited by the Army Department on the ground of technical qualifications ? If so, will Government be pleased to state what are the technical qualifications of the said candidate ?

(*f*) Are Government aware that a relation of one of the Assistant Financial Advisers, Military Finance, was recruited a few years ago by the Military Finance without the intervention of the Public Service Commission on the ground of technical qualifications, and that attempts are being made to transfer him to the regular second division in order to avoid his stay permanently in the winter in Simla ?

(*g*) Is it a fact that the Public Service Commission recruits technical men for technical posts of all other branches of the Government of India administration, including Railways, Telegraphs, and Civil and Mechanical Engineers, Press Foreman, Indian Stores Department technical posts and various other technical jobs ? If so, will Government be pleased to state why the recruitment of a few technical men required in the Government of India Secretariat Departments cannot be entrusted to the Public Service Commission ?

(*h*) Do Government propose to hand over the entire recruitment of the ministerial establishment including technical posts to the Public Service Commission ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) The reply to the first portion is in the affirmative. As regards the second portion, the position is that though posts of a special or technical nature in offices which recruit through the Public Service Commission are not filled in the ordinary way, *i.e.*, by an examination, selection for such posts is made through the Public Service Commission who are required to satisfy themselves that the person to be appointed is qualified to hold the post.

(*b*) I am making enquiries and will lay a statement on the table.

(*c*) The position is not as stated by the Honourable Member.

(*d*) The post was not a technical one at the time and the circumstances in which the appointment was made were fully explained in answer to starred question No. 909 and unstarred question No. 464 on the 24th and 21st September, 1928, respectively. The reply to the second part is in the negative.

(*e*) Yes, except that the post was not a technical one. A man with special practical experience of the outdoor work connected with water supplies in Cantonments was required ; and the individual in question was recommended by the Cantonment authorities of the Eastern Command. The appointment was made with the express approval of the Public Service Commission.

(*f*) A son of an Assistant Financial Adviser was recruited to the III Division of the Military Finance Department some years ago and was con-

firmed in 1930 with the concurrence of the Public Service Commission. There is at present no question of his promotion to the II Division.

(*g*) The answer to the first clause is in the affirmative. As regards the second clause, I would refer the Honourable Member to the reply I have just given to part (*a*) of this question.

(*h*) Government do not see sufficient reasons for departing from the existing orders on the subject.

Mr. Gaya Prasad Singh : With reference to part (*c*) of the question, may I know if any Indian has been appointed to the Cypher Bureau of the Foreign and Political Department ?

The Honourable Sir Harry Haig : I am afraid I should require notice of that question.

Mr. Gaya Prasad Singh : Are Government aware that this matter repeatedly came up before the Standing Finance Committee, and that the undertaking given was that claims of Indians to appointment in the Cypher Bureau would be seriously considered and acted upon ?

The Honourable Sir Harry Haig : No : I am not aware of that : the Cypher Bureau is not under the Home Department.

Mr. Gaya Prasad Singh : I am asking the question of the Government : will the Honourable Member kindly ask his colleague on his left, the Finance Member, on this point ?

The Honourable Sir Harry Haig : I think the Honourable Member might address his question direct.

Mr. Gaya Prasad Singh : My question is addressed to the Government, and it is this : will Government kindly state if any Indian has been yet appointed on the Cypher Bureau of the Foreign and Political Department ?

Mr. B. J. Glancy : I am afraid I have not got any information on that point.

Mr. Gaya Prasad Singh : Will Government be pleased to state whether the appointment to the Cypher Bureau is made through the Public Service Commission ?

Mr. B. J. Glancy : No.

Mr. M. Maswood Ahmad : Will Government be pleased to state what are the special qualifications required for a post in the Cypher Bureau of the Foreign and Political Department ?

Mr. B. J. Glancy : There are no special qualifications required, as far as I know, except that the persons holding the appointment must be qualified to deal with the work and that they must be thoroughly reliable.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether any attempt was ever made to appoint an Indian to this post ?

Mr. B. J. Glancy : I am not aware whether any attempt was made.

Mr. Gaya Prasad Singh : Is the Honourable Member aware that when a proposal was made before the Standing Finance Committee for increasing the strength of the Cypher Bureau of the Foreign and Political Department, a recommendation was made by the members of the Standing Finance Committee that the claims of Indians should be seriously considered in that Department and that some of these appointments should be given to Indians ?

Mr. B. J. Glancy : No, Sir ; I am not aware of that.

Mr. Jagan Nath Aggarwal : Is this Cypher Bureau the same Bureau which took two hours to decipher a telegram in connection with the release of Mahatma Gandhi on the 23rd August ?

Mr. B. J. Glancy : I do not think that was the Cypher Bureau of the Political Department.

Mr. Gaya Prasad Singh : May I know, Sir, if the Honourable the Finance Member has anything to say on this subject ?

The Honourable Sir George Schuster : I think I may inform the House that my friend, who has asked this question, knows more about it probably than anybody else in this House. He has always expressed a very great interest in this case which has come up several times before the Standing Finance Committee. My friend is fully aware of the difficulties that exist in the matter of appointing Indians to the Cypher Bureau, because some of the cypher used for the Cypher Bureau are only issued by His Majesty's Government on the understanding that they will be used by British officials. That is a technical difficulty. My friend is also aware that the Foreign and Political Department have been doing their best to overcome this technical difficulty. My friend, the Political Secretary, who has not been in the Department very long, is perhaps not familiar with the past history of this case. All I can do is to promise the asker of this question that I will look into this matter as Chairman of the Standing Finance Committee and inquire from the Foreign and Political Department exactly how the matter stands.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether all these Anglo-Indians are British subjects ?

The Honourable Sir George Schuster : I am afraid I have been taken rather out of my sphere. I must have notice of that question.

Mr. N. M. Joshi : May I ask whether Indians are not British subjects ?

The Honourable Sir George Schuster : I think I have given all the information to the House in reply to questions which Honourable Members were entitled to ask at the present stage. I only intervened, because my Honourable colleague, the Political Secretary, is not actually familiar with this case which I am familiar with as Chairman of the Standing Finance Committee.

Mr. S. C. Mitra : From the reply given by the Honourable the Finance Member, I take it that he thinks that Indians are not " British subjects ". Is that not the necessary implication from his reply ?

The Honourable Sir George Schuster : I do not think it is a necessary implication, but I shall look up the exact rules and inform the Honourable Member what the exact rule is. I can only state that there is a technical difficulty which the Political Secretary and his Department have been doing their best to overcome.

Mr. Gaya Prasad Singh : Has not this matter been hanging fire for several years before the Standing Finance Committee ?

The Honourable Sir George Schuster : That only indicates that the technical difficulty is rather a serious one.

Mr. N. M. Joshi : May I ask what steps are being taken by Government to remove this technical difficulty ?

The Honourable Sir George Schuster : I suggest, Sir, that the question has been answered in sufficient detail now. I have promised to look into the matter, and I think that ought to satisfy Honourable Members.

Mr. Gaya Prasad Singh : Thank you.

ASSESSEES TO INCOME-TAX AND SUPER-TAX AND ASSISTANT COMMISSIONERS ENGAGED IN APPELLATE WORK IN CERTAIN PROVINCES.

653. ***Mr. Gaya Prasad Singh :** (*a*) Will Government be pleased to inform this House (*i*) of the number of assessees to income-tax and super-tax in the Punjab, United Provinces, and North-West Frontier Province, separately ; (*ii*) of the number of appeals lodged against orders of assessment and the time taken in disposing of the same comparing it with the time taken previously before the limit was reduced to 1,000 rupees ?

(*b*) Will Government be pleased to place a statement on the table of this House showing the number of Assistant Commissioners engaged in appellate work in 1931, 1932 and 1933, and the number of appeals lodged ?

(*c*) How many officers in the above provinces have been granted extensions after reaching the age of retirement ? Will Government be pleased to state the reasons for granting such extensions at a time when extensive retrenchments have taken place in various Departments of the Government ?

The Honourable Sir George Schuster : (*a*) and (*b*). A statement is laid on the table. As regards the time taken in disposing of appeals, it is not possible to give any precise information as in the disposal of appeals many factors come into play and the time required varies very considerably in consequence. Some appeals are disposed of on the first hearing whereas others take several hearings when parties want adjournments for one reason or another.

(*c*) Extensions have so far been granted only to two officers in the United Provinces and to one in the Punjab and North-West Frontier Province. They were granted strictly in accordance with Fundamental Rule 56 in the interests of public service. In the Income-tax Department, officers with long experience are of special use in preventing attempts at evasions of tax which are by no means uncommon.

Statement showing the number of Assessees, Appeals, etc. in the United Provinces, Punjab and North-West Frontier Province.

Province.	Year.	No. of Income-tax and Super-tax assessees.	No. of appeals lodged.	No. of Assistant Commissioners.
United Provinces.. ..	1930-31	25,533	1,570	3
			(1931-32) 1,518	3
	1932-33	60,534	3,165	3
Punjab	1930-31	32,255	2,301	3
			(1931-32) 2,927	3
	1932-33	85,258	4,544	3*
North-West Frontier Province.	1930-31	3,316	462	†
			(1931-32) 751	†
	1932-33	7,780	760	†

* To cope with increase in appellate work a temporary Assistant Commissioner was sanctioned for 9 months from 1st March 1933.

† No Assistant Commissioners specially for N.-W. F. P., the cadre of Assistant Commissioners being the same for Punjab, N.-W. F. P. and Delhi.

SERVICES OF EUROPEAN INDIAN CIVIL SERVICE OR OTHER OFFICERS LENT TO PLACES OUTSIDE BRITISH INDIA.

654. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if the services of European I. C. S., or other officers, have been lent to places outside British India ? If so, what are their names, and the names of places outside British India, where their services have been lent ; and since what time ?

Mr. B. J. Glancy : The required information is being collected and will be laid on the table or given to the House.

Mr. Gaya Prasad Singh : The required information relating to the officers working in Indian States as well as in countries outside India ?

Mr. B. J. Glancy : I understand the Honourable Member's question referred to all places outside British India ?

Mr. Gaya Prasad Singh : My question referred to Indian States as well as to places outside India, both.

LOANS ADVANCED TO THE BAHAWALPUR STATE OUT OF INDIAN REVENUES.

655. ***Mr. Gaya Prasad Singh :** (*a*) Will Government be pleased to state the dates, and the amounts, of loans advanced to Bahawalpur State out of Indian revenues, together with the rate of interest ?

(*b*) Will Government be pleased to state (*i*) what approximately is the annual interest on the entire loan ; (*ii*) what the yearly revenue of the

State is ; and (*iii*) the steps taken by Government to safeguard the Indian revenues by securing an early repayment of the loan and its interest ?

(*c*) Do Government propose to remit any portion of the loan ? If so why ?

The Honourable Sir George Schuster : (*a*) The initial instalment of Rs. 427 lakhs was sanctioned in September, 1926. Additional instalments have been granted in subsequent years to enable the State to meet the payments required from time to time on account of capital expenditure in connection with the Sutlej Valley Project. The total amount outstanding on the 31st of March, 1933, was approximately Rs. 11,63 lakhs. Until the end of the financial year 1930-31, the rate of interest was 6 per cent. The rate charged on the amount outstanding on the 31st of March, 1931, is 5½ per cent. ; while the rate charged on additional instalments granted after that date will be based on the borrowing rate of the Government of India at the time.

(*b*) (*i*) The estimated interest on the entire loan for 1933-34 is approximately Rs. 63½ lakhs.

(*ii*) The information which the Honourable Member desires is available in the publication entitled " Memoranda on the Indian States ".

(*iii*) An expert Committee was appointed in 1931 to report on the financial prospects of the Bahawalpur section of the Sutlej Valley Project. In accordance with their recommendations now capital works which seemed unlikely to prove remunerative were abandoned. An experienced Chief Engineer is now in charge of all Irrigation works in the State and a Special Accountant-General supervises the accounts of the Sutlej Valley Project. The budget of the Project is now entirely separate from the State budget.

(*c*) Government have not made any proposal on the lines suggested by the Honourable Member.

Mr. Gaya Prasad Singh : Who are the members of this Committee with regard to (*c*) ?

The Honourable Sir George Schuster : According to my recollection, Sir Bernard Darling, Professor Roberts and Mr. Dodson of the Punjab Government.

Mr. Gaya Prasad Singh : I could not hear the answer to the first part of my question on account of the noise of the engine, but I should like to know what is the total amount of the loan advanced to this State ?

The Honourable Sir George Schuster : I will repeat that part of the answer. The total amount, outstanding on the 31st of March, 1933, was approximately Rs. 11,63 lakhs.

Mr. M. Maswood Ahmad : Do Government propose to take steps to see that in future the railway engines do not make noise between 11 and 12 ?

Mr. H. P. Mody : Don't Government consider that information, which is readily available and which is in their possession, should be given on the floor of this House rather than that Members should be referred to publications which are not readily available ? For instance, my friend just now referred to a Manual about the States. If the

information had been given,—it was only a question of figures—if the information had been given, we would have been able to estimate whether the revenues of the State could stand the interest which it has to pay. I would venture to suggest to my friend that on all such occasions the actual information should be given instead of a Member being referred to a Manual which may not be readily available.

The Honourable Sir George Schuster : I quite sympathise with my Honourable friend's question, but I believe that the practice which we all follow in answering these questions is based on a deliberate purpose. The purpose is one of educative value to Honourable Members that, when books are available, Honourable Members should be encouraged to read them. The Members of the Government should not be asked to do work which Honourable Members can do for themselves.

Sir Cowasji Jehangir : May I know, Sir, whether the State is responsible for any deficit that may occur in the project itself from State revenues ?

The Honourable Sir George Schuster : Yes, Sir. Certainly, the State has taken the loan, and the State is responsible for meeting the interest on that loan. The responsibility is not confined to the revenue of the project itself.

Mr. Jagan Nath Aggarwal : Is it not a fact that the loan was financed during the minority of this Ruler ?

12 NOON.

The Honourable Sir George Schuster : Yes. The project was originally approved during the minority of the present Ruler.

Mr. Jagan Nath Aggarwal : And that the Council of Regency did not give their unqualified assent to it, and that the Punjab Government or the Government of India took the responsibility for the success of this scheme ?

The Honourable Sir George Schuster : That is a very complicated issue. That State have their own views on the subject which are not entirely accepted by the Government of India.

Sir Cowasji Jehangir : Have the State got to make up any deficit from their revenues in order to pay the interest ?

The Honourable Sir George Schuster : Up to the present, interest has been added to the capital of the project, because the period of construction is not yet completed.

Mr. Lalchand Navalrai : May I know from the Honourable Member if, after the report of this Committee, there is any fear on the part of the Government that the loan will not be repaid by the Bahawalpur State ?

The Honourable Sir George Schuster : I think it is well-known to Honourable Members, certainly it must be known to the Honourable Member who has asked this question, that the present condition as regards this project is not a satisfactory one. The project was undertaken at a time when all over the world many projects were being undertaken on the basis of expectations of high post-war prices. The project has suffered, as many projects have suffered all over the world, and elsewhere in India by the catastrophic fall in prices which has occurred. That has resulted in delay in the sales of land which has

increased the capital debt outstanding on account of the project. The question of how we are going to deal with this matter in the future is a difficult one which is now under the consideration of the Government of India and has been under their consideration ever since the expert Committee reported.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the question of responsibility of repaying this debt has been finally settled between the Government and the State ?

The Honourable Sir George Schuster : No, Sir. The question is still under consideration. It has not been finally settled yet.

Sir Cowasji Jehangir : May I take it from the Honourable Member that the Assembly will be consulted before a final arrangement is made with regard to this big sum, especially in view of the Federation coming into existence before long ?

The Honourable Sir George Schuster : I am afraid I cannot give my Honourable friend any such undertaking. I shall be very glad to give the Assembly every possible information on the subject, but this is a matter between the Government of India and an Indian State and I could not give an undertaking that the Assembly would be consulted about it.

Sir Cowasji Jehangir : The Honourable the Finance Member realises that the monies that the Government of India may lose or may have to write off as a bad debt belong to the people of India and that this Assembly is responsible to the taxpayers of this country for any monies that the Government of India may have to write off. In that case, on one side it is the Assembly and, on the other side, it may be an Indian State. The Assembly is very intimately connected with this matter.

The Honourable Sir George Schuster : I quite appreciate the point which has been put by my Honourable friend. I may say that I hope that it will be possible to arrange this matter in such a way that a large sum may not have to be written of. I fully recognise that this Assembly has an interest in the matter if it involves a loss of revenues of British India. I only hesitated to give my Honourable friend the undertaking which he asked, because I should like to have time to consider this matter. But I certainly appreciate the point of view which he has put forward.

Mr. B. Das : Is it not a fact that the Punjab Government was solely responsible for the design of this project, and, if any financial loss should occur, should it not morally go to the Punjab Government and not to the Government of India ?

The Honourable Sir George Schuster : The Punjab Government have a strictly limited liability so far as the design of the project is concerned. The Punjab Government undertook to carry out the engineering part of the work. If there is any loss on this project, it is not primarily due to any fault in the design of the works, but due to the failure of the expectations of land sales which itself is due to the catastrophic fall in prices to which I have already referred.

Mr. N. M. Joshi : May I ask what is the justification of using British Indian money for the sake of Indian States ?

The Honourable Sir George Schuster : It has always been the practice of the Government of India to advance money to Indian States after projects have been carefully scrutinised and it appears that the money will be secure.

Mr. S. C. Mitra : May I draw the Honourable Member's attention to part (*b*) (*i*) and (*ii*) of the question, where the questioner wanted to know if the income of the State was more than Rs. 63 lakhs, the amount of interest which had annually to be paid ? Will the Honourable Member answer that question without referring us to books and volumes ?

The Honourable Sir George Schuster : I have already explained why, following the usual practice, I referred the questioner to a particular publication in which he will find the information as to what is the revenue of the State. But that will not entirely answer the question, because that information only covers the revenue of the State independently of the project. The question of the revenue of the project is a speculative matter on which it is not possible at present to make certain estimates.

Mr. S. C. Mitra : The questioner wanted to know if the revenue of the State was greater than the annual interest of Rs. 63 lakhs that they were liable to pay for the loan of 11 crores for this project.

The Honourable Sir George Schuster : My Honourable friend will get the information which he requires if he refers to the publications to which I have referred.

Sir Cowasji Jehangir : May I know whether or not a portion of the project is in working order ?

The Honourable Sir George Schuster : Part of the project is working, but the full construction is not yet over.

Sir Cowasji Jehangir : Is it not the agreement that the annual interest should be charged to capital on that part of the project which is not completed, and, as for the other part of the project, which is completed and is in working order and which may be making a loss, that that loss should be made up for the time being from State revenues and the whole of the interest cannot be added to capital while one part is completed and the other part is not ?

The Honourable Sir George Schuster : I can only tell my Honourable friend that the rules of accounting procedure in regard to this project have been properly followed and that the procedure has been passed by the Auditor General in the usual way.

Mr. B. R. Puri : May I know, if a serious attempt to realise the debts was made as against the State, what would be the consequences of that to the State itself ? I am sure that information is not available in that book.

The Honourable Sir George Schuster : It is quite obvious that if an attempt were made now to force the State to repay a sum of over Rs. 11 crores which has been borrowed to finance a project which is not yet in full working order, the State would be put to extremely financial difficulties.

Mr. N. M. Joshi : May I ask a question ? Whatever may be the old practice, in view of the new constitution in which the paramountcy

powers will rest with the Crown and not with the Government of India, will the Government of India consider the desirability of putting a stop to the practice of lending money to the Indian States ?

The Honourable Sir George Schuster : I would suggest that my Honourable friend, who is going to London, might raise that point there.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF A SIKH AS A JUDGE IN THE LAHORE HIGH COURT.

9. **Sirdar Sohan Singh :** (*a*) Are Government aware that out of 12 Judges on the Bench of the Lahore High Court three are Hindu lawyers, three Muhammadan lawyers, one Indian Christian lawyer and one a Hindu officer of the Indian Civil Service, and that a Sikh has not been appointed to that Bench ever since the said High Court and its predecessor, the Chief Court came into existence in 1866 ?

(*b*) Are Government aware that there will be five vacancies on the Bench of the said High Court to be filled up in October next—two due to the retirement of Messrs. Broadway and Harrison, one Inspection Judge and two Additional Judges ?

(*c*) Are Government aware that there are now three Sikh District and Sessions Judges and a number of Sikh lawyers available for selection for being elevated to the Bench of the said High Court ?

(*d*) Are the Government of India aware that the feelings of the Sikhs are intense in the matter ?

The Honourable Sir Harry Haig : (*a*) With regard to the present composition of the Court, the Honourable Member's information is correct with this exception that there are only two Muslim Judges on the Court and not three. I am prepared to accept the Honourable Member's statement that no Sikh has so far been appointed to the Court.

(*b*) The answer is in the affirmative.

(*c*) The qualifications for High Court Judges are laid down in section 101 (3) of the Government of India Act. I am not aware of the number of Sikh District and Sessions Judges and lawyers who fulfil these qualifications.

(*d*) Government have received certain representations on the subject.

PERSONS GETTING EXTENSIONS AFTER REACHING THE AGE OF SUPERANNUATION IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

10. **Mr. M. Maswood Ahmad :** (*a*) Will Government please state the number of those persons who have reached the age of superannuation in the Deputy Commissioner's Office, Delhi, and who are still getting extensions ?

(*b*) How do Government justify these extensions in these days of financial stringency ?

The Honourable Sir Harry Haig : With your permission, Sir, I propose to reply to questions Nos. 10, 11, 13 and 14 together. The information asked for is being collected and will be laid on the table.

GRIEVANCES OF APPRENTICES WORKING IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

†11. **Mr. M. Maswood Ahmad :** (*a*) Is it a fact that both paid and unpaid apprentices who are working in the Deputy Commissioner's Office, Delhi, for the last ten or eleven years, have been deprived of being given permanent posts and preference is generally given to outsiders ? If so, why ?

(*b*) How many apprentices (paid and unpaid, separately) are working for the last ten years in the English and Vernacular Offices and for what period have they been working ?

(*c*) How many clerks and apprentices have been transferred during this period from English to Vernacular Office and *vice versa* ? What pay are they drawing now and what was the cause of their transfer ?

(*d*) Is it a fact that some apprentices and clerks submitted several representations in this connection to the Deputy Commissioner, Delhi ? If so, what action was taken in the matter ?

PERMANENT CLERKS WORKING IN THE SUB-REGISTRAR'S OFFICE, DELHI.

12. **Mr. M. Maswood Ahmad :** (*a*) Will Government please state the number of permanent clerks working in the Sub-Registrar's Office, Delhi ?

(*b*) Will Government also please state the number of paid and unpaid candidates, separately, in the same office ?

(*c*) Is it a fact that these candidates are allowed to enter the original registered documents in Book No. 1 and copy the same ? If so, who is responsible for this system and what steps do Government propose to take in the matter ?

The Honourable Sir Harry Haig : (*a*) Eight.

(*b*) One paid and two unpaid.

(*c*) The answer to the first part of the question is in the negative ; the second part does not arise.

COMMUNAL COMPOSITION OF THE CLERKS IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

†13. **Mr. M. Maswood Ahmad :** (*a*) Will Government please lay on the table a statement showing the communal composition of the clerks (both paid and unpaid, separately) in the Deputy Commissioner's Office, Delhi ?

(*b*) How many out of these belong to (*i*) Delhi and New Delhi, proper, and (*ii*) rural areas in the Province of Delhi ?

DETERMINATION OF SENIORITY IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

†14. **Mr. M. Maswood Ahmad :** (*a*) Will Government kindly say how seniority is determined in the Deputy Commissioner's Office, Delhi ?

(*b*) Is any regular register kept for this purpose ? If not, why not ?

†For answer to this question, *see* answer to question No. 10.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

15. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that retrenchments have been made in the Survey of India Department ?

(*b*) What are the grades of gazetted officers of the Department ? What was the sanctioned number of officers in each grade before retrenchment and what is the number remaining in each grade after the retrenchment ?

(*c*) How many among the retained officers in Class II service have put in 25 years' service and more ?

(*d*) How many of the retrenched officers of Class II service have put in between 5 and 15 years' service ? How many of these are Indians and how many Europeans or Anglo-Indians ?

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

(*b*).

Grades and Posts of Gazetted Officers.	Sanctioned number of officers.	
	Before retrenchment.	After retrenchment.
Class I Service—		
Directly recruited	52	30
Promoted from Class II	11	6
Class I General Service	2	2
Class II Service	80	56
Class II General Service	5	5

(*c*) 13 officers had completed 25 years' service or more at the time the retrenchment board met.

(*d*) 4 officers, all of whom are Indians.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

16. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that the retrenchments in the Survey of India Department have been ordered in accordance with the decisions or recommendations of a Retrenchment Board composed of officers of the Department ?

(*b*) Is it a fact that one of the members of the said Board belongs to Class II and another was promoted from Class II to Class I a few years ago ?

(*c*) What was the serial number of the Class II officer in that class at the time he sat as a member of the Board ?

(*d*) Was he the seniormost officer in the Class available at Calcutta ? If not, how was he considered competent to be associated in the decisions relating to his own case and the cases of officers senior to him ?

Mr. G. S. Bajpai : (*a*) The Board's recommendations were taken into consideration in selecting officers for retrenchment.

(*b*) Yes.

(*c*) 46.

(*d*) The answer to the first part is in the negative. There were other members on the selection board who were competent to be associated in decisions relating to the case of this officer and the cases of officers senior to him. He was not considered competent for this purpose.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

17. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it not a fact that the said member (Class II) of the Retrenchment Board for the Survey of India Department was suspended in 1919 and his pay reduced ?

(*b*) Is it not a fact that the Class II officers of the Central Circle of the Department protested by a telegram against his inclusion in the Board ?

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

(*b*) No record of such protest is traceable.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

18. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that the officiating Surveyor-General visited the Circle Headquarters some time before the date of the meeting of the Retrenchment Board and had consultations with the officers there, and returned with a preconceived or provisional list of officers to be retrenched ?

(*b*) Was any common test held among all the officers for the selection of the least efficient among them for retrenchment ? If not, why not ?

Mr. G. S. Bajpai : (*a*) The then officiating Surveyor General visited the various Circle Headquarters during his monsoon tour which was just prior to the convening of the Retrenchment Board. The reply to the latter part of the question is in the negative.

(*b*) The common test applied was the record of their work over a number of years.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

19. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that on the first day's sitting of the Retrenchment Board of the Survey of India Department, a list of officers to be retrenched was drawn up, in accordance with the general instructions issued by Government in the matter of effecting such retrenchments ?

(*b*) Is it not a fact that the list so prepared on the first day underwent some revisions, due to additions and subtractions being made therein ?

(*c*) Is it a fact that when once the least efficients were selected and more were required to be retrenched, the Board instead of retrenching officers by seniority, again started selecting and thus threw out many officers with no faults ?

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

(*b*) Government have no information.

(*c*) No.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

20. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it not a fact that non-official gentlemen are included in the Boards for selecting candidates to appear for the competitive examinations for recruitment to Class II of the Survey of India Department ?

(*b*) If so, what reasons prevented the authorities from including non-officials in the Retrenchment Board referred to previously ?

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

(*b*) Only such persons as had an intimate knowledge of the organisation of the department could give useful advice.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

21. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that the Surveyor General, in his evidence before the Retrenchment Committee, mentioned that Class II officers above the age of 50 were not suitable to be kept on ?

(*b*) If so, how is it that many officers of Class II (including those recently promoted to Class I), who are above 50 years old have been retained and young officers have been retrenched ?

(*c*) Is it a fact that more than 40 per cent. of the Class II officers now retained have completed 25 years or more service ?

Mr. G. S. Bajpai : (*a*) There is nothing to this effect on record.

(*b*) Does not arise.

(*c*) As stated in the reply to part (*c*) of question No. 15, thirteen officers who had completed 25 years' service or more at the time of retrenchment were retained. This is 23 per cent. of the revised strength.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

22. **Khan Bahadur Haji Wajihuddin** : (*a*) Will Government be pleased to state the number of Anglo-Indians and Indians among the retrenched Class II officers of the Survey of India Department ?

(*b*) How many retrenched Anglo-Indian officers referred to in part (*a*) have put in less than 15 years service and how many retrenched Indian officers from class II have put in less than 15 years of service ?

(*c*) Will not the removal of such a large percentage of younger or junior officers among Indians result in the proportion of Indian officers in the Department being reduced more quickly than under normal conditions, when the senior officers retained now retire in the usual course ?

Mr. G. S. Bajpai : (*a*) Anglo-Indians 11
Indians 10
(*b*) Anglo-Indians .. .. *Nil*
Indians 4

(*c*) The percentage of junior Indian officers retrenched being small, the question does not arise.

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

23. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that in the Survey of India Department an Anglo-Indian officer of 28 years' service, who had been ordered to be retrenched, was subsequently taken in ?

(*b*) Is it a fact that only one of the seven officers promoted to this service from the lower ranks is retrenched ?

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

(*b*) Yes.

NON-RECRUITMENT OF RETRENCHED HANDS OF THE SURVEY OF INDIA DEPARTMENT.

24. **Khan Bahadur Haji Wajihuddin** : Is it a fact that in filling up the post of the Deputy Director of Survey under the Government of Bihar and Orissa, on the retirement of the previous incumbent, the Surveyor General recommended an Anglo-Indian officer who had retired from the Survey of India ? If so, why was not a suitable officer from the active list selected for the post ?

Mr. G. S. Bajpai : The officer who was selected for this post was retrenched from Class I of the Survey of India. Employment was therefore provided for one of the retrenched officers.

COMPETITIVE EXAMINATION FOR FILLING UP OF VACANCIES IN THE SURVEY OF INDIA DEPARTMENT.

25. **Khan Bahadur Haji Wajihuddin** : (*a*) Is it a fact that there have now occurred seven vacancies in the Class II service of the Survey of India Department, and that applications have been invited from candidates to sit in the competitive examination that will be held for selection of candidates to fill up the said seven vacancies in the Class II service ?

(*b*) Are Government prepared to view with favour the cases of retrenched Class II officers of the Survey of India Department with five to fifteen years' service, and arrange for their being called in, before any fresh recruits are taken, to fill up the vacancies now in that Class of service of the Department ?

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

(*b*) The Honourable Member is referred to the reply given to part (*c*) of starred question No. 346 in the Legislative Assembly on the 1st September, 1933.

QUALIFICATIONS OF CHARGEMEN IN THE CARRIAGE AND WAGON SHOPS, NORTH WESTERN RAILWAY, MOGHALPURA.

26. **Sardar Sant Singh** : (*a*) Will Government please state the percentage ratio of the chargemen of each community, with their academic and technical qualifications, employed in 1921-31, in the Carriage and Wagon Shops, North Western Railway, Moghalpura ?

(*b*) Will Government be pleased to state the number, names, and salaries offered to chargemen recruited with the approval of the Railway Board, and how many have since been discharged for (*i*) consistent inefficiency, (*ii*) and otherwise, respectively, since 1921, and also state whether it was deemed necessary to get the Railway Board's sanction ? If so, under what circumstances ?

(*c*) Will Government be pleased to state the name of the authority competent enough to order transfers of persons of the said rank from one branch to another, and from one section to another and also state reasons for which such transfers are usually recommended in the Carriage and Wagon Shops at Moghalpura ?

Mr. P. R. Rau : (*a*) Government regret that they are not prepared to supplement with figures for particular classes of posts the information in regard to communal representation in Railway Services given in the Annual Administration Report on Indian Railways.

(*b*) and (*c*). I have called for the information and will lay a reply on the table in due course.

SUSPENSION AND DISCHARGE OF CERTAIN CHARGEMEN IN THE CARRIAGE AND WAGON SHOPS, MOGHALPURA, NORTH WESTERN RAILWAY.

27. **Sardar Sant Singh** : (*a*) Will Government be pleased to state the authority competent to appoint, suspend, discharge, and dismiss, and also define principles adopted in the suspension, discharge, dismissal and withholding of increments of, chargemen in the Carriage and Wagon Shops at Moghalpura, North Western Railway ?

(*b*) Will Government be pleased to state the distinction which exists between discharge and dismissal, and is it a fact that in discharge cases no orders can be issued which may entail further consequences, such as barring re-employment ?

(*c*) Is it a fact that under the rules and orders issued by the Government of India, Railway Board and Agent's Circulars, strict justice should be administered and special efforts should be made to avoid hardship when discharging persons employed against substantive permanent posts ? If so, will Government be pleased to state if the spirit of the rules is being strictly observed while discharging chargemen of the Carriage and Wagon Shops, Moghalpura ?

(*d*) Is it a fact that Home Department Resolution No. 1568-1595 (Establishment), dated the 14th September, 1915, clearly provides that no person should ordinarily be discharged, or dismissed, on grounds of inefficiency, unless he has been given a written warning to that effect, or fined or reduced ? If so, will Government be pleased to state the names of persons discharged, if any, in (*i*) contravention of the aforesaid rules, and (*ii*) otherwise, separately amongst the chargemen in the Carriage and Wagon Shops at Moghalpura ?

(*e*) Is it a fact that under the rules in force an employee can be placed under suspension on a serious charge until his case has been decided by the authority competent to dismiss him, and he should be given a chance to clear his position ? If so, will Government be pleased to state the number of persons suspended and discharged without being given any opportunity to explain their conducts, *vide* Home Department Resolution No. 1568-1595 (Establishment), dated 14th September, 1915, and without being served with charge sheets showing the specific acts on their part, the names of the chargemen who were suspended for one offence (insubordination), and discharged for another (inefficiency), Carriage and Wagon Shops, Moghalpura ?

Mr. P. R. Rau : (*a*) and (*c*). The attention of the Honourable Member is invited to the " Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants ", a copy of which is already in the Library of the House. Government have no reason to believe that these orders are not carried out on the North Western Railway.

(*b*) A discharged employee may be re-employed but one who is dismissed cannot be re-employed.

(*d*) The Home Department Resolution referred to by the Honourable Member does not deal with discharge or dismissal of employees but with the procedure for periodical reports.

(*e*). The reply to the first part is in the affirmative. As regards the latter part, Government have no information that the rules are not followed in their entirety on the North Western Railway.

AMALGAMATION OF CLERICAL GRADES IN THE AUDIT DEPARTMENT, NORTH WESTERN RAILWAY.

28. **Mr. M. Maswood Ahmad** : (*a*) Are Government aware of the article headed " North Western Railway Audit Office " published in the *Pilot*, Amritsar, dated the 13th August, 1933 ?

(*b*) Will Government be pleased to place on the table a copy of the present seniority list of clerks, grade II, as also the one according to the length of service and efficiency ?

(*c*) Do Government propose to separate the seniority of qualified auditors from that of the clerks for the purpose of promotion in clerical grades ?

(*d*) Is it a fact that there is only one grade in the office of the Accountant General, Punjab ?

(*e*) Are Government prepared to consider the amalgamation of clerical grades I and II in the Railway Audit Department and the formation of one grade of 50—5—200 as suggested in the concluding paragraph of the said article ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) A copy of the present seniority list is placed on the table. This is also the list according to the length of service in the lower grade and efficiency as determined by (1) success in the Subordinate Accounts Service examination and (2) service in Class I.

(*c*) It is already separate. Group A of the seniority list shows the seniority of the clerks class II who have passed the Subordinate Railway Audit Service Examination.

(*d*) Yes.

(*e*) There is no such intention.

Copy of the Revised Seniority List of class II clerks of the office of the Chief Auditor, North Western Railway, as it stood on the 4th May 1933.

Group A (Consisting of men who have passed the Subordinate Railway Audit Service Examination).

1. Mr. Ajmer Singh.
2. Mr. Sardari Lal.

Group B (Consisting of men who have past service in class I according to the length of that service).

3. Mr. Tulsi Das.
4. Mr. Dhani Ram.
5. Mr. Durga Dass Chri (on deputation).
6. Mr. Nand Lal.
7. Mr. Thaneshwar Dass.
8. Mr. Hans Raj.
9. Mr. Lila Dhar.
10. Mr. Wazir Chand.
11. Mr. Tulsi Ram.
12. Mr. Savindar Singh.
13. Mr. Krishena Kumar.
14. Mela Ram Seth.
15. Mr. Parkash Sarup Puri.

Group C (Consisting of men who have service only in the Lower grade).

16. Mr. Hakumat Rai.
17. Mr. Mohd. Tuffail.
18. Mr. T. G. Gonsalves.
19. Mr. Shiv Shankar.
20. Mr. Abdul Karim Khan.
21. Mr. Chella Ram.
22. Mr. James O'Reilly.

INDIAN RESEARCH FUND ASSOCIATION WORK DONE BY THE ASSISTANT-IN-CHARGE OF THE PUBLIC HEALTH SECTION OF THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

29. **Mr. A. Das** : (*a*) Will Government be pleased to state whether it is a fact that the Assistant-in-charge of the Public Health section of the office of the Director General, Indian Medical Service, was and is doing the work of the part time Assistant Secretary of the Indian Research Fund Association in addition to his own duties and is getting some allowance for doing that work ?

(*b*) Is it a fact that the Public Health Commissioner with the Government of India, who is the section officer of the Public Health section of the office of the Director General, Indian Medical Service, is the Secretary of the Indian Research Fund Association ?

(*c*) Is it a fact that the same Assistant-in-charge was allowed to draw, in addition to his own pay, an allowance of Rs. 250 per mensem for the work of the Indian Research Fund Association without the previous sanction of Government ?

(*d*) How long was this allowance drawn by him and what was his substantive pay in the Assistant's grade when he was allowed to draw the allowance of Rs. 250 per mensem ?

(*e*) What amount was later sanctioned by Government ?

(*f*) Are Government prepared to place on the table the correspondence regarding the waiving of the recovery in question ?

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

(*b*) Yes.

(*c*) Yes, but with the previous sanction of the Governing Body of the Indian Research Fund Association, which was meeting the cost.

(*d*) From 1st March, 1932, to 15th December, 1932. When the allowance was first sanctioned by the Governing Body of the Association, his substantive pay as an Assistant in the Office of the Director General, Indian Medical Service, was Rs. 332 per mensem in the grade of Rs. 200—12—440 *plus* a special pay of Rs. 50 per mensem for holding charge of the Public Health Section in that office.

(*e*) Rs. 100 per mensem.

(*f*) No.

CREATION OF THE POST OF ASSISTANT SECRETARY IN THE INDIAN RESEARCH FUND ASSOCIATION.

30. **Mr. A. Das** : (*a*) Is it a fact that a whole-time appointment of Assistant Secretary has been created in the Indian Research Fund Association ? If so, what is the date of the sanction ?

(*b*) What qualifications are required by a candidate to be eligible for the appointment ?

(*c*) Has anybody been appointed to the post ? If not, why not ?

(*d*) Why was the appointment of the Assistant Secretary created ? What efforts were made to fill the appointment ?

(*e*) Is it true that candidates went to the Public Health Commissioner and the Secretary of the Indian Research Fund Association to try for the job, but he did not approve of any candidate, nor is he prepared to fill the vacancy ?

(*f*) What are the academic and other qualifications of the Assistant in charge of the Public Health Section and what were those of the candidates who went to see the Public Health Commissioner to try for the post of the Assistant Secretary of the Indian Research Fund Association ?

(*g*) How many times during the last two and a half years has the Public Health Commissioner or the Secretary of the Indian Research Fund Association approached Government with a view to give personal benefit to this Assistant ?

(*h*) How many allowances, and of what denominations, out of the Indian Research Fund Association fund have been granted through the Public Health Commissioner or the Secretary of the Indian Research Fund Association to the clerks of the Public Health section of the office of the Director General, Indian Medical Service ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) to (*e*). Do not arise.

(*f*) The qualifications of the Assistant-in-Charge are considered by his superior officers to be suitable for the work he is doing. The second part of the question does not arise.

(*g*) The Public Health Commissioner made suggestions once which would also have benefited the Assistant financially but this would have been in return for work done for the Indian Research Fund Association.

(*h*) An allowance of Rs. 50 per mensem from the funds of the Indian Research Fund Association has been granted with the approval of the Governing Body to the Public Health Commissioner's stenographer, for doing stenographer's work for the Secretary to the Governing Body of the Association.

PROMOTIONS OF OFFICERS OF THE TRANSPORTATION (TRAFFIC) AND COMMERCIAL BRANCHES OF THE NORTH WESTERN RAILWAY.

31. **Sirdar Sohan Singh :** (*a*) Are Government aware that there is a block in the promotion of officers on the North Western Railway serving in the Transportation (Traffic) and Commercial Branches ?

(*b*) Are Government aware that officers serving in these branches on the Eastern Bengal and East Indian Railways, who are considerably junior to officers on the North Western Railway, are working as District officers while the latter continue to serve as Assistant officers ?

(*c*) If the replies to parts (*a*) and (*b*) are in the affirmative, will Government please state what action they have taken to remove this grievance of the North Western Railway officers ?

(*d*) Is it a fact that five names were submitted by the North Western Railway for transfer to the other railways as recently as last April and no move has yet been made in this direction ? If not, why not ?

Mr. P. R. Rau : (*a*) and (*b*). I understand there is little difference between one railway and another in this matter with the exception of one officer on the Eastern Bengal Railway, the junior most officers officiating in the senior scale on all these railways joined service before 1920.

(*c*) The Railway Board are considering whether any steps can be taken to make the chances of promotion on different railways approximately the same, but the question is very complicated and I am afraid no steps that can be taken can equalise chances exactly, or for any considerable period.

(*d*) Suggestions for transfer have been called for from all Railway administrations and they are under the consideration of the Board.

IMPROVEMENT IN THE DESIGN OF A BONE-CRUSHER.

32. **Mr. S. C. Mitra :** Will Government please state when they will declare the winner of the prize of Rs. 3,500 offered by the Imperial Council of Agricultural Research for the design of an improved bone-crusher for which designs were submitted to the Secretary, Imperial Council of Agricultural Research, before the 1st November, 1931 ?

Mr. G. S. Bajpai : The Imperial Council of Agricultural Research expects to be able to announce the result in the course of the current year.

ELECTION OF MEMBERS TO THE STANDING COMMITTEES FOR THE DEPARTMENTS OF COMMERCE AND INDUSTRIES AND LABOUR.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that the following Members have been elected to the Standing Committees for the Departments of Commerce and Industries and Labour, respectively :

Standing Committee for the Department of Commerce.

Mr. R. T. H. Mackenzie,
Mr. S. C. Mitra, and
Kumar Gupteshwar Prasad Singh.

Standing Committee for the Department of Industries and Labour.

Mr. G. Morgan,
Kunwar Hajee Ismail Ali Khan, and
Haji Chaudhury Muhammad Ismail Khan.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

(*i*) the information promised in reply to unstarred question No. 39 asked by Pandit Satyendra Nath Sen on the 25th February, 1933 ;

(*ii*) the information promised in reply to starred question No. 486 asked by Mr. N. M. Joshi on the 25th February, 1933 ;

(*iii*) the information promised in reply to part (*d*) of unstarred question No. 79 asked by Mr. S. C. Mitra on the 8th March, 1933 ;

(*iv*) the information promised in reply to unstarred question No. 101 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ;

(*v*) the information promised in reply to part (*d*) of starred question No. 739 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ;

(*vi*) the information promised in reply to parts (*b*) and (*d*) of starred question No. 807 asked by Mr. Muhammad Anwar-ul-Azim on the 20th March, 1933 ;

(*vii*) the information promised in reply to starred question No. 808 asked by Mr. Muhammad Anwar-ul-Azim on the 20th March, 1933 ;

(*viii*) the information promised in reply to starred question No. 812 asked by Seth Haji Abdoola Haroon on the 21st March, 1933 ;

(*ix*) the information promised in reply to starred question No. 865 asked by Mr. D. K. Lahiri Chaudhury on the 22nd March, 1933 ;

(*x*) the information promised in reply to starred question No. 910 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 24th March, 1933 ;

(*xi*) the information promised in reply to unstarred question No. 124 asked by Mr. S. C. Mitra on the 27th March, 1933 ;

(*xii*) the information promised in reply to parts (*c*) and (*e*) of starred question No. 1024 asked by Mr. Muhammad Anwar-ul-Azim on the 1st April, 1933 ;

(*xiii*) the information promised in reply to starred question No. 1041 asked by Mr. Muhammad Anwar-ul-Azim on the 1st April, 1933 ; and

(*xiv*) the information promised in reply to starred question No. 1201 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 10th April, 1933.

EXAMINATIONS FOR BAUDOT SUPERVISORS AND TELEGRAPH MASTERS.

Statement.

39.

Circles.	(*i*) No. of telegraphists qualified in departmental examinations (Telegraph Mastership and Baudot Supervisorship examinations) and awaiting promotion to the Telegraph Master's cadre.	(*ii*) Total sanctioned strength of Baudot Supervisors.	(*iii*)* Number of Telegraphists qualified in ordinary Baudot Supervisory examination awaiting appointment as Baudot Supervisors.	(*iv*) No. of telegraphists qualified in Higher Baudot Technique subjects only awaiting appointment as Baudot Supervisors.	(*v*) No. of telegraphists qualified in both subjects referred to in (*iii*) * and (*iv*) awaiting Baudot Supervisory appointments.	Remarks. *Presumably the Hon'ble Member means (*iii*) and not (*ii*) as stated by him.
1. Bengal and Assam	21	29	0	2	1	
2. Bihar and Orissa ..	3	2†	0	1	1	
3. Bombay ..	72	32	8	2	0	
4. Burma	24	19	0	2	1	
5. Central	21	9	0	2	0	
6. Madras	30	22	0	1	0	
7. Punjab and N. W. F.	45	19‡	1	0	7	
8. Sind and Baluchistan	15	8	0	1	6	
9. United Prvoinces ?	32	32	0	0	0	
Total ..	263	172	9	11	16	

*Figures in column (*iii*) do not include the men with double qualification shown in column (*v*).

†Both posts temporarily held in abeyance.

‡Including 3 posts held in abeyance.

POSTAL CLERKS IN EACH POSTAL CIRCLE.

Statement.

*486.

Circle.	(*a*) No. of posts in the Lower Division clerical cadre in the Postal Department at the end of December 1932.	(*b*) No. of posts in the Upper Division clerical cadre in the Postal Department converted into the Lower Division up to the end of December 1932.
Bengal and Assam Circle ..	857	155
Bihar and Orissa ,, ..	298	43
Bombay ,, ..	496	217
Burma ,, ...	271	102
Central ,, ..	379	122
Madras ,, ..	404	175
Punjab and N. W. F. ,, ..	409	118
United Provinces ,, ..	411	74
Sind and Baluchistan ,, ..	67	18

RETRENCHMENTS IN THE TELEGRAPH TRAFFIC AND TELEGRAPH ENGINEERING BRANCHES OF THE TELEGRAPH DEPARTMENT.

79. (*d*) On the 1st April, 1932, there were 173 posts held by gazetted officers in the Telegraph Engineering Branch and 86 in the Telegraph Traffic Branch. Up to the 31st January, 1933, 11 of the former and 10 of the latter were brought under reduction.

SELECTIONS OF ELECTRICAL SUPERVISORS FOR CARRIER CURRENT WORK IN THE CENTRAL TELEGRAPH OFFICE, CALCUTTA.

101. (*a*) The facts are not exactly as stated by the Honourable Member. The Electrical Engineer-in-Chief made the selections in consultation with the Director of Telegraph Engineering, the Divisional Engineer, Telegraphs, Calcutta West Division and the Chief Superintendent, Central Telegraph Office, Calcutta. The Assistant Electrical Engineer was also required to be present to render any assistance that might be required of him.

(*b*) Two trained candidates were selected after being orally examined by the Electrical Engineer-in-Chief on those technical subjects with which it is necessary for the candidates to be conversant.

(*c*) No.

(*d*) Yes.

(*e*) No, the matter has already been inquired into by the Director-General and Government are satisfied that all the candidates trained in the carrier current system were granted interviews.

PLATFORM RAISED BY MUSLIM EMPLOYEES IN THE COMPOUND OF THE LAHORE GENERAL POST OFFICE.

*739. (*d*) The reply to the first part of the question is in the negative. As regards the second part Government have decided, after due consideration, that in future permission to erect such structures will not as a rule be granted to the members of any community.

RECRUITMENT OF GARHWALI HINDUS IN THE QUETTA HEAD POST OFFICE AS PACKERS AND POSTMEN.

*807. (*b*) In the absence of suitable local candidates five Garhwali Hindus have been appointed as postmen and packers since 1926 when the instructions referred to in the reply to part (*a*) of this question were issued, but this was not in contravention of the instructions as these were intended to apply to recruitment for the clerical services only as was made clear in an amendment to the said instructions issued shortly afterwards.

(*b*) The reply to the 1st and 2nd parts is in the negative. There is no official, Surjupershad by name, among the Garhwali Hindus. The third part does not arise.

LETTERS FOUND UNCLEARED FROM THE LETTER BOX OF THE PISHIN POST OFFICE.

*808. (*a*) and (*b*). Owing to the breaking away of a piece of plaster in the chute of the letter box in question about 60 letters and postcards posted between 1929 and 1932 lodged in the crevice so formed and were not cleared. No one was held responsible for neglect of duty as the position of the crevice was such that it was not easy to detect. The articles were subsequently despatched to their destinations.

(*c*) Yes.

(*d*) The office was inspected by three officers, Messrs. Aurora, Abdul Hamid and Md. Akbar Khan, during the period in question, but no action was taken against any of them for the reason stated in the reply to part (*a*).

EXAMINATION FOR LOWER DIVISION POSTAL CLERKS HELD AT DELHI.

*812. (*a*) Yes.

(*b*) (*i*) 96 and not 105 candidates appeared.

(*ii*) The fact is not as stated. Some candidates expressed their inability to appear at the test and went away.

(*iii*) and (*iv*). Yes.

(*v*) Yes; as seven passed in this subject the test was evidently not an unfair one.

(*c*) Yes.

(*d*) No.

(*e*) The reply to both parts of the question is in the negative.

RATES OF ALLOWANCES DRAWN BY POSTAL EMPLOYEES AT DARJEELING.

*865. (*a*) The Honourable Member presumably refers to the case of ministerial officials of the Bengal Government stationed at Darjeeling, if so, the position is not as stated by him.

(*b*) The fact is as stated by the Honourable Member as regards ministerial officials in the ordinary time-scale of pay; while for officials in the Selection Grade the scales are the same for all the places mentioned. I may, however, add that postal officials stationed at Darjeeling draw compensatory allowances.

(*c*) The allowances drawn by the ministerial staff of the Local Government at Darjeeling are regulated on a percentage basis according to pay drawn while in the case of the post office ministerial staff in the ordinary time-scale the compensatory allowance has been fixed at a uniform rate of Rs. 15 per month. Consequently in the lower stages of the time-scales the allowances paid to the post office ministerial staff are higher; while in the higher stages the employees of the Local Government draw the larger allowances. But the ordinary time-scale of the post office ministerial staff at Darjeeling is superior to that of the ministerial staff of the Local Government employed there.

AMALGAMATION AND SEPARATION OF THE CADRES OF INSPECTORS OF RAILWAY MAIL SERVICE AND INSPECTORS OF POST OFFICES.

*910. (1) (*a*) Assuming that by 'general line-men' the Honourable Member means Railway Mail Service officials other than Inspectors, in the lowest selection grade of Rs. 160—10—250, the reply is in the affirmative.

(*b*) Yes.

(*c*) and (*e*). Government have no precise information but the facts are probably as stated by the Honourable Member.

(*d*) The general examination prescribed for promotion to selection grade posts on Rs. 160—10—250 including those of Inspectors was abolished in 1932 and replaced by an examination for promotion to posts of Inspectors and divisional Head Clerks only.

(*f*) Yes.

(2) Transfers of Inspectors, Railway Mail Service, on Rs. 160—250 to other posts in the Railway Mail Service on the same scale of pay do not involve any loss of pay or status. In these circumstances Government are not prepared to take the action suggested by the Honourable Member.

(3) As regards the first part of the question, the fact is that the 3 officials referred to by the Honourable Member were transferred to the Inspectors' line by the Postmaster-General, United Provinces Circle, through a misunderstanding of the Director-General's orders. Orders have since been issued for their re-transfer to the general line. The latter part of the question does not therefore arise.

SUICIDE COMMITTED BY A POSTAL OFFICIAL OF THE RAJSHAHI DIVISION.

124. (*a*) to (*d*). No.

(*e*) Does not arise.

FRAUDS COMMITTED IN THE QUETTA POST OFFICE.

*1024. (*c*) The case was not reported to the police as the facts did not warrant such a measure.

(*c*) The matter called for detailed enquiries of a confidential nature by an independent responsible officer and the Investigating Inspector attached to the circle office was therefore deputed to enquire into the case.

NON-RECRUITMENT OF MUSLIM CLERKS IN THE OFFICE OF THE DIVISIONAL ENGINEER, TELEGRAPHS, NEW DELHI.

*1041. (*a*) No.

(*b*) Does not arise.

(*c*) and (*d*). Yes.

(*e*) No.

(*f*) Muslims—six including five appointed temporarily, of whom one was appointed in March, 1933, and three appointed during the years 1923 to 1925, were subsequently employed in the Telephone Revenue Accounting Office, Delhi. Non-Muslims—14, of whom one has been transferred to the Lahore Division and one is working in an officiating capacity.

(*g*) Yes. The Honourable Member is referred to the statement of new recruits published in the Director-General's Annual Reports for the year 1928-29 and subsequent years.

EXAMINATION FOR THE RECRUITMENT OF LOWER DIVISION CLERKS HELD AT THE BENARES CITY POST OFFICE.

*1201. (*a*) The reply to both the parts is in the affirmative.

(*b*) The reply to the first part is in the negative and the remaindor of the question does not arise.

(*c*) and (*d*). According to the latest information in possession of Government, out of a total of 112 Upper Division clerks employed in the Benares City Post Office 94 are Hindus and 18 Muslims. As regards the number of vacancies, there has been a sixth vacancy in addition to the five mentioned by the Honourable Member. Of these six vacancies, one has been reserved to be absorbed on the abolition of a post and one has been filled by a non-Muslim clerk who originally belonged to the Benares City Post Office to which he has been retransferred from Cawnpore.

(*e*) No, the clerk in question had been transferred from Benares to Cawnpore as a punitive measure. As this had had the desired effect and the official's work had shown improvement, he was retransferred to Benares. In these circumstances Government see no reason to interfere with the transfer.

THE HINDU WIDOWS' RIGHT OF MAINTENANCE BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume further consideration of the following motion moved by Diwan Bahadur Harbilas Sarda on the 29th August, 1933 :

"That the Bill to fix the amount of maintenance to which Hindu widows are entitled, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Sir Hari Singh Gour, Sir Abdur Rahim, Mr. C. S. Ranga Iyer, Pandit Ram Krishna Jha, Mr. Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. A. Das, Mr. S. C. Mitra, Mr. B. R. Puri, and the Mover, with instructions to report by the 25th January, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Bepin Behary Ghose (Law Member) : Sir, I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

There are many things in this small Bill which require to be straightened out. I must, first of all, say that the orthodox members of the Hindu Community utter grave complaints against, I would even say, curses on, the present Legislature which are both loud and deep. They say that the present Legislature consists mainly of non-Hindus and Hindus who call themselves Hindus, but who belong to a very much advanced community. From personal experience I know that many complaints have been made to me when I was not in office. They say that the Legislature is going through the nibbling process against Hindu law and in time they want to swallow the whole thing altogether. I do not belong to the orthodox section of the people. I cannot claim that, but I have not cut the cables and drifted apart from the moorings. But I must confess that I share the proverbial conservatism of a lawyer.

It has been said that the lawyers are, as a rule, conservative and, in addition to that, my years also make me fearful of any great change. All honour to those of my profession who have shaken off the conservatism of our class. I have only to say in connection with this Bill that there are many things which require careful consideration. There is the question of the definition of a widow and there is the question that this Bill attempts to make serious inroads into the Mitakshara family. This morning I happened to look into a publication by an accomplished and learned member of my profession. He is a member of this Assembly, but I do not see him here just now. He said that the income-tax has made a heavy inroad into the corporation of a Hindu joint family, but this Bill does something more, because, as every one knows, a Mitakshara family has been described as a corporation in which no member has any definite interest until a partition is effected. Even male persons living in the family are not entitled to any sum of money out of the income as their maintenance. This Bill proposes that, if a widow is sonless, she is entitled to get as maintenance the entire income which her husband's share in the joint family estate would, as on partition, yield This amounts to a compulsory partition. The difficulty of this question is with regard to the income. The income of a joint Hindu family is often variable. If it is derived from landed property, then every landlord in this House will have to confess that the income is not a fixed amount and, therefore, it would be difficult to find out what the income of the Mitakshara joint family is which would accrue to the widow on partition. If the income is derived from industrial or commercial business, then, I submit, Members here will admit that there also no fixed amount can be said to be payable to the widow and, even if the whole income is derived only from Government securities, then my friend, the Honourable the Finance Member, may be responsible for reducing that income by paying off securities and reducing the interest on them. Therefore, this matter must be considered, even if the entire income of her husband, which he would get from the family estate as in the case of a partition in his life time, were given to the widow. Would the Court of Law be bound to determine the income year by year or month by month ? And, if a fixed amount is decreed, that may be certainly more or less than the income derived in a particular year or month. Again, there are questions which seem to me to be very important which also require consideration. In the case of a separated Hindu, if sonless, the widow inherits the property, but there is one disqualification. She is required during her wifehood "to keep unsullied the bed of her lord", as it is said in the texts. Now, would the Hindu widow, who had sullied the bed of her lord during the life time of her husband, be entitled to maintenance after the death of the husband ? That also is a question which must be determined. What would happen if the widow re-marries ? Among the Hindus, as defined in clause 2, there may be many communities where widow marriage is allowed by custom. Those do not come within the purview of the Hindu Widow Re-marriage Act, and would they retain the maintenance that would be allowed by the Court ? These are questions which have to be dealt with.

Then, with regard to the provisions in clause 4, where it is said that if there is a posthumous son born to the widow, who was sonless at the time when her husband died, she should get an equal share of the income of her husband's estate which a son would get as on partition. I could

[Sir Bepin Behary Ghose.]

understand if it had been said that she would get a half share of the estate, but there also is the difficult question about ascertainment of "income". I need not say anything more with regard to that clause.

Now, with regard to the Dayabhaga School of Hindu law. It does not make any inroad on the joint family, because a sonless Hindu widow is entitled to inherit her husband's property. There is the question of adoption, as there is also provision for a sort of enforced partition between her and her sons. As is well known, it has been held by the Privy Council that a widow making an adoption may enter into a contract with regard to her maintenance and that has been held to be valid. Therefore, it may be possible to urge that this provision is absolutely unnecessary. These and there are other important questions, which require consideration. I submit, therefore, that the House will accept my amendment that this measure should be circulated for opinion. I do not think I need add anything more.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

Pandit Ram Krishna Jha (Darbhanga *cum* Saran : Non-Muhammadan) : Sir, I beg to support the motion for circulation. This is really a difficult matter and it is just, right and proper that the country should be consulted on a Bill like this. There seems to be not much difference of opinion on this side of the House on the circulation motion. I, therefore, support this motion, and my humble suggestion is that the question be now put, because there are good many Bills on the Agenda.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I am very sorry that the Honourable Member who is the author of this Bill is not in his seat when we are discussing this measure. The Honourable the Law Member has been pleased to move a motion that the Bill be circulated for eliciting opinion thereon. Honourable Members are well aware that Diwan Bahadur Sarda has been engaged with this reform since 1921 and, ever since that time, he has tried his best to draft a measure which would give some right to a widow in the property of her husband. During the last four years, he has been drafting measure after measure, and this is the latest. As my Honourable friend, Diwan Bahadur Sarda, is not a lawyer, he had to seek the assistance of some of his legal friends. Every time he tried to bring in a Bill for a reform in one direction of the Hindu law, it was found to be giving way in the other direction. The House, in spite of the modifications that Diwan Bahadur Sarda was able to make in the Bill, threw it out. So, I think it will be an act of kindness on the part of the Honourable the Law Member to call Diwan Bahadur Sarda and draft a proper Bill for him in order to give effect to the central idea which had been guiding him all along to draft this measure. There are one or two important matters and I think I must make an observation or two on each one of them for the simple reason that if this Bill were to go to the public—and Mr. Jha has just said that there is no difference of opinion on this side of the House about this motion—they must know as to what we think about it and in what way we want the public to direct its attention on this measure. I am glad, my Honourable friend, Diwan Bahadur Sarda, has now come. On an earlier occasion, when he moved his first Bill on the floor of this House, he said that he had the assistance of no less a personality than that of the Law Member of the Government of India, who was the predecessor of the Honourable gentleman opposite. Sir, I do think that it is very difficult to believe that the Law Member of the Government of India could have been responsible for a measure of this description, because, if I remember aright, on the last occasion he made a vehement attack on Diwan Bahadur Sarda with regard to at least one power taken away under this Bill, namely, the testamentary power of a Hindu. When Diwan Bahadur Sarda drafted his Bill on the last occasion, Government said that it would take away the testamentary powers of the Hindus and it was one of the grounds on which the Honourable the Law Member opposed it. So, I was very much surprised to find in this Bill a provision which, if rightly understood, would curtail the powers of a Hindu on his powers of disposal of his property whether ancestral or self-acquired, whether he is under the Dayabhaga or Mitakshara. Sir, the man has always the right to dispose of the property which he has acquired, at any rate under any system of Law.

Now, clause 6 runs thus :

"The maintenance, to which a widow is entitled under this Act, shall be a charge on the estate left by her husband, or the estate which belonged at the time of his death to the undivided family of which he was a member when he died, and shall not be affected by any testament which a husband may make during his lifetime to the detriment of the widow's rights as secured to her by this Act."

What does that mean ? It means this. Under the provisions of this Bill, Diwan Bahadur Sarda would like to give, in case the husband dies leaving no sons, the entire estate to his widow, but, if there are any sons, then she should get an equal share of the property along with her sons whether it was under Dayabhaga or Mitakshara. Take, for instance, the question of a husband leaving a widow without any sons. Under the provisions of this Bill, that widow would be entitled to the entire estate of the husband. Now, if you read the last clause, you will find that it says that the rights secured to this woman should not be disposed of by the husband in any manner during his life time. That is to say the man is allowed to earn, but not to spend it since it would affect the right created for the woman in the entire property. He does not make any distinction between the self-acquired property and the ancestral property. Therefore, the effect of it is that during the life time of the husband, he cannot deal with the property in a manner which may be construed to affect the rights given to the widow under this Bill. In other words, what Diwan Bahadur Sarda wants is to create for the husband a widow's estate. If rightly understood, it is not even a widow's estate. It is merely a life estate, because a widow's estate, as the House is aware, is something more than a life estate. She has always got the power to alienate property under certain limitations. She can make small gifts of property and even sell the entire property if the income is too small to maintain her in comfort, and so forth. I, therefore, consider this measure as a retrograde measure so far as that aspect of the Bill is concerned. Again, my Honourable friend, Diwan Bahadur Sarda, was pleased to state that, in accordance with the wishes of this House, he modified his Bill, inasmuch as he does not propose to give any share to the widow under this Bill. Has he done that now ? I submit, no. He gives under certain conditions the entire estate to the widow and, under certain other conditions, he gives the income of

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that estate in equal shares with sons if there are any sons. Is this a satisfactory solution or modification of the measure in consonance with the approved and expressed views on this House on the last occasion ?

I would further like to point out that there is one difficulty which must present itself to all of us and, as regards that difficulty, I might quote the words of the Advocate General of Madras. On the last occasion, the Advocate General of Madras was pleased to state :

" The lawyer looking on the Hindu law as a system from the scientific point of view may well feel apprehensive that the Bill may produce anomalous results and have the effect of converting the Hindu law into a mongrel system without any basic principles to guide us. Piecemeal legislation on any particular topic in the field of Hindu law which appeals to a particular legislator is sure to bring about inextricable confusion."

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Who is to introduce a code of law ?

Mr. B. Sitaramaraju : My Honourable friend is labouring under the same delusion which my Honourable friend, Diwan Bahadur Sarda, was labouring under on the last occasion. Diwan Bahadur Sarda, on that occasoin, was saying, if you do not want to make piecemeal inroads into the Hindu law, do you want me to cast the whole Hindu law into the sea and introduce a different system altogether ? That is not what was said even by the Advocate General of Madras and other learned advocates on the last occasion who went into this question. They said that the Hindu law was such a complicated system that to attempt to go into it.....

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara : General) : What law is not a complicated system ? Is the Hindu law alone a complicated system ?

Mr. B. Sitaramaraju : It is much more complicated than others.

Diwan Bahadur Harbilas Sarda : The Hindu law is less complicated than the English law or the Roman law. If my Honourable friend had studied Hindu law, he would find that it is less complicated.

Mr. B. Sitaramaraju : I am sorry my Honourable friend has not yet learned to understand a law about which he tries to speak with assurance. But let me proceed. On the last occasion, what the learned Vakils and other Advocates, who gave expression to their opinion on this matter, said was, the law being such a complicated system, so far as the Hindus were concerned, it was far better you took one group of that portion of the law, for instance, the law relating to women under the Hindu law. You can make there such changes and see that, in making those changes, you do not do injustice to other interests concerned. That was what those learned Advocates said. They do not state, a new code of laws should be substituted for the Hindu Law as my Honourable friend, Mr. Jadhav, would like the House to understand, but even that is not impossible if he were to remember that even at the present moment in Travancore there was a committee appointed to go into the whole question of the Hindu law and to make changes to suit the present day needs and to see whether such modifications could not be made in the whole system so as to bring out a new code of laws. That was done by the Travancore State.

Diwan Bahadur Harbilas Sarda : My present Bill makes no modification of the Hindu law at all. It does not touch any principle of the Hindu law. The question of maintenance is a part of the Hindu law and it is well known that my Bill only provides how this maintenance is to be calculated. No principle of Hindu law is at all affected by this Bill and, therefore, all these remarks are irrelevant.

Mr. B. Sitaramaraju : I do not mind being drawn into a discussion with the Honourable the Law Member, but I do not want to enter into a discussion with my Honourable friend, Diwan Bahadur Sarda, whose views of Hindu law seem to be different from those of ours. I would, however, like to give a fair understanding of the problem which has been troubling my Honourable friend, Diwan Bahadur Sarda. What he wants is to give a fixed amount of maintenance to the Hindu widow. So far so good. It is not difficult to appreciate that. But, according to him, the amount of maintenance which he would like to give is the income of the entire estate of the husband when joint, if he dies without sons and an equal share if he has sons. He says that so far as the right of maintenance is concerned, it depends mostly upon the pleasure of the relatives of the husband. This is wholly incorrect. The maintenance of a Hindu widow does not at all depend upon the sweet will and pleasure of her husband's relatives. It depends upon what the Courts think to be a proper maintenance to be given to a Hindu widow, because the ultimate authority in all these matters is the Court and the principle which guides a Court in giving maintenance to a widow is this. The amount of the widow's maintenance is to be settled having regard to the value of the estate, to the position and the status of the deceased husband and of the widow as well as to the mode of life of the family during the husband's life time and also having regard to what amount would be sufficient to allow the widow to live consistently with a widow's position in the same degree of comfort and with the same reasonable luxury of life as in the husband's life time ; and her proper maintenance should include " not only the ordinary expenses of living, but also that which she might reasonably expend for religious and other duties incident to the station in life which she might occupy ".

These are the principles upon which the Courts decree a proper maintenance of a widow. On an earlier occasion, my Honourable friend, Diwan Bahadur Sarda, said that it was true that Hindu widows, most of them being illiterate, did not know their rights. But, may I ask, whether an extension of her rights would make her know more of her rights than she knows now ? That is not the remedy. I have no objection if a certain portion of the income is to be definitely settled, if that can be considered a desirable change in law ; but, before you ask a definite portion of the income of the estate to be given to a widow, you have to consider what is the existing position of the law. It is very elastic. It gives power to a Court of law, in its unfettered discretion, to judge from all the attending circumstances as to what would be a proper amount of maintenance to the widow, whereas a hard and fast rule would not be of the same value as an elastic rule which the law now has. That is one point for consideration.

Another point which I should like to mention is that there are a number of other interests besides that of a widow which require to be considered. There are the interests of other persons entitled to maintenance. There are the marriage expenses and similar other charges. If the

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widow gets the whole income according to this Bill, how are those other interests to be safeguarded ? Would the maintenance of unmarried daughters, and other persons, male and female, liable to be maintained, be a charge on the widow's income ? It will not be. Therefore, that point also has to be considered. As regards the idea of my Honourable friend to have a sort of uniform law for the whole of India with regard to the rights of women, that is a much bigger job than he really thinks. Because, here in this country, there are many systems of law ; there is the *Dayabhaga, Mitakshara, Mayukha,* and there is also the *Marumakkathayam* system of the south. Then, there are also the customary laws governing other people. At one time, it was the ambition of my Honourable friend to have one law with regard to this subject throughout the whole of India, but it was found, when the opinions were collected on the last occasion, that there were systems of law like the *Marumakkathayam* law of the south, where the rights are more than he can hope to give under this Bill. So he has confined the Bill now to only *Dayabhaga* and *Mitakshara.* These two are entirely different systems. I have no objection if any one system, taken by itself, requires any modification if such modification is made in the light of modern conditions. I would welcome it ; but to group entirely different systems of law and try to pick out one which is good here and another which is good there and try to make out a law appears to us not proper and this may lead to results which my Honourable friend would never agree to have.

Sir, I would like, with a few words more, to conclude now. The whole difficulty of those governed by Mitakshara is this. I will give one example to show how we, who are governed by the *Mitakshara* law, find it difficult to accept these provisions. The difficulty is this. Supposing a father is dead. There is a mother. The son leaves the mother and his widow behind with two sons and daughters. According to the proportion in which the income is to be divided under these provisions, assuming the income is Rs. 1,000 a year, Rs. 500 would go to the mother, Rs. 250 would go to the son's widow and the two grandsons will have only Rs. 250. That is, out of this estate of Rs. 1,000, Rs. 750 will go to the two women and Rs. 250 will be all that will remain to the two sons and, with that income of 125 each, they will be under obligation to maintain the other members of the family, such as unmarried sisters, etc., who have a right for maintenance. I do not think it is at all fair.

Diwan Bahadur Harbilas Sarda : It will not be the duty of the sons to maintain the mother and the grandmother after they have had their share.

Mr. B. Sitaramaraju : I was saying that the mother will get Rs. 500, the son's widow will get Rs. 250, and the grandsons will only get Rs. 250 and the grandsons will have to maintain the others entitled to maintenance.

Diwan Bahadur Harbilas Sarda : If I have heard Mr. Raju aright, I say that the grandsons will not have to maintain either the mother or the grandmother, because they have got their shares.

Mr. B. Sitaramaraju : I never said that they still will have to be maintained after taking the son's share of the income. The whole trouble with Diwan Bahadur Sarda is that he does not understand the others' point of view. What I was saying was that there were other people like

unmarried sisters and also even male members who were required to be maintained out of the income of the estate, and they would have to be maintained by the grandsons who had so small a share. Is it fair ? So far as I can understand public opinion in my part of the country, I think people, who are governed by the Mitakshara, would strongly object to changes of this description in their law.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, let me assure the House that I am not going to bore the House with observations on principles of Hindu law and their institutions and customs. If I rise at all, it is only to point out that clause 5 of the Bill is quite unnecessary. We belong to the *Dayabhaga* School and I am not concerned with what happens to my friends, Mr. Gaya Prasad Singh and Pandit Ram Krishna Jha. Sir, I think every student of law knows that, under the *Dayabhaga,* a son is bound to maintain the mother if he inherits his father's property, and, if there is a partition between the sons, the mother gets a share. I do not know what was the necessity of incorporating this *Dayabhaga* law, about which it seems my Honourable friend has no knowledge, having administered the law in a province where *Dayabhaga* does not prevail. So I submit that he has not taken the same care as we would expect from a man of his erudition in framing this Bill. Be that as it may, as the Law Member has asked for circulation, and it seems that every one of us is agreed on that point, let us have circulation without further boring the House with our own views about the law on this and that subject.

Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, this Bill has been introduced to fix the amount of maintenance to which Hindu widows are entitled and to make that maintenance a charge on their husbands' family property, and this shall not be effected by any testament which a husband may make during his life time to the detriment of the widow's rights as secured to her by this Act. In this Bill, the Mover only wants to lay down certain broad principles which, without attempting to alter the Hindu Law of Inheritance, may to some extent mitigate the sufferings to which the Hindu widows are subjected owing to the absence of provisions in the Law of Inheritance.

Sir, nobody can deny that the plight of Hindu widows requires amelioration and sympathy should be shown to them. So it is a necessary piece of legislation as it affords great relief to Hindu widows whose rights, under the existing system of Hindu Law, are meagre and require to be enlarged in view of the rapidly changing conditions of the Hindu society in modern times. But I would, however, like that suitable provisions should be made in the Bill to make it clear that a Hindu widow, whose maintenance would be fixed, would enjoy that maintenance as a charge on her husband's property as long as she does not re-marry. I think the little comfort that a Hindu widow requires should be ensured by law by fixing her maintenance as long as she does not re-marry. This Bill, if passed after some improvement in addition to doing good to the widows, will help in strengthening the joint family systems ; for, the widows, even if not starved, are oppressed and ill-treated and will remain in their families and keep the family together and keep up the old traditions of Hindu society. Thousands of widows are driven away from their

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homes and the way they are forced to live is a standing disgrace to Hindu society. If their maintenance be fixed, they will add to the unity and the happiness of the whole family for, as Manu truly says, " where women are respected, the families prosper and happiness reigns ". A happy and contented widow will bring a sunshine to a family otherwise darkened by shadows of family differences. This Bill does not give any right to the Hindu widow to become the sole owner of her deceased husband's personal property, it is only for fixing her maintenance, and no son, grandson, great grandson or anybody, to whom the Mitakshara or Dayabhaga gives any rights, can be disinherited by this. As to what should happen to the share in case she re-marries, may be clearly set out by a clause in the Bill and such other defect as may be found in the Bill in its present form can be set right whenever this Bill will go to the Select Committee. Sir, the views mentioned above are my personal views, but I would like to obtain public opinion before this Bill is passed into law, as there should be no change in our laws framed by the venerable Rishis of old without obtaining the opinions of Hindu Jurists and of the Hindu community which would be affected by it. So, the Bill should be circulated for eliciting public opinion thereon.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, it is not necessary for me to enter into the details of the Bill. There has been sufficient criticism from the learned Law Member and also from Mr. Raju. If any criticism is necessary, the last clause in the Bill is not only obnoxious, but is absolutely dangerous. The last clause in the Bill is to prevent testamentary disposition by the deceased owner of his property so as to prejudice the rights of the widow. Now, if a sonless man dies, the widow, according to the Bill, will be entitled to the whole income. Supposing the income is more than a lakh of rupees, the widow will get it, but the testator will not be able to make any testamentary disposition for charitable purposes or for other purposes : he will have to leave the whole of the property to the widow. That is a thing which is preposterous on the face of it. It is, therefore, necessary that the Bill should be circulated, and I support the motion moved by the Honourable the Law Member ; but my grievance is that the time to report is too short. It has been fixed at 31st December, 1933. The matter is a very complicated one and will raise more complicated issues than we think of. To take one instance, what would be the condition of a widow who goes wrong the day after the husband dies ? Will she be entitled to continue to enjoy the whole of the income during her immoral life ? Of course I know that the British Indian Hindu law on the subject favours the immoral widow to continue to enjoy the whole of the property : but that was not the intention of the Shastrakars or of the original Hindu law ; but that has been made case law by the Indian Courts, by Judges who did not understand the Hindu law, but who took only the opinion of Pandits. This also ought to be considered by a progressive man like Diwan Bahadur Harbilas Sarda. Under these circumstances, I support the motion, but I would like that the time may be enlarged a bit to enable all shades of public opinion including Hindus and learned men to give their considered views on this subject. Five months is not enough to change a law which has been in existence for centuries and centuries.

Some Honourable Members : The question may now be put.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir I fully recognise that this is not the stage when we should make long speeches—at least we should not go into the contested points which are involved in this question which, I may say, might throw Diwan Bahadur Sarda into rage. My point at present is that it cannot possibly be said that this small Bill is without difficulties ; and I am in full agreement with the Honourable the Law Member that there are several questions to be considered. My Honourable friend, Diwan Bahadur Sarda, should not be under any misconception that I will not help in his progressive measures ; but I must say that the principles and practices, which Hindus from time immemorial have stuck to, cannot be lightly treated now. So, without going into the merits of the case, I will make a few observations as regards the difficulties to be solved and upon which public opinion is absolutely necessary. First, as we all know, the normal condition of Hindus is that of a joint Hindu family. If my word is not accepted, I can quote authorities. Now, this Bill is likely to cause disruption in the joint Hindu family system. We are accustomed to the joint Hindu family which is so very felicitous to our conditions and very helpful too. But now Western influences have come in to teach us individuality ; the wife is allured by individuality to be by herself ; the husband does the same thing ; the son does not like to be joint with the father, and so on. Therefore, my fear is that this may not disrupt our society. There is a motto in western countries " Every one for himself and God for all " which we should beware of. Therefore, this is a point upon which the public must be given a voice. I personally, however, had to belong to a joint Hindu family, not only of sons, but of brothers, and so I know what advantages there are in it. I shall not now go any more into the disadvantages which prevail owing to the present Western waves. Next is the question of survivorship with the joint Hindu family. Of course, Bengali gentlemen do not care for that and they will not consider whether survivorship lives or not. But survivorship has lived and done great good. This also must be considered. The third very important question is this : the Bill says :

> " Whereas it is expedient to fix the amount of maintenance to which Hindu widows are entitled and to make that maintenance a charge on their husbands' family property."

Now as to the latter portion about making it a charge on the family property—it is not even necessary to legislate : the existing Hindu law has already provided for it ; the property which is inherited is always subject to maintenance being a first charge upon it. Therefore, what we are concerned with is the first portion. It may be said that everybody has got sympathy with the widow and the law allows maintenance to be given to the widow which will be a charge on the property. But the point that progressive members of the society want is to fix it. But how very difficult it is. I may give just one instance to show that it might be detrimental to the interests of the widows themselves if this maintenance is fixed. I illustrate it by a living instance. A man left property worth Rs 1,000. If half the property had been given to the widow, she would have got Rs. 500. In the instance I am giving, the widow lived for about fifty years after she became a widow. If she had got only Rs. 500, what would have happened to her ? Could she possibly have lived on that amount for fifty years ? The joint family members were solicitious to her and were also conscious of the fact that they should not

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give her a lump sum, but that they should give her some allowance and they fixed it at Rs. 10 a month, and, for fifty years, she got this allowance, amounting in all to Rs. 6,000. Therefore, I say, if you are going to fix the amount, you might be doing great harm to the widows. I agree that on this and the other questions public opinion should be obtained by circulation and a very wide one, so that all kinds of people may give their views, and, after that, we might consider whether the Bill should or should not be passed. I, therefore, support the amendment.

Diwan Bahadur Harbilas Sarda : Sir, I am very sorry I have not had the advantage of listening to the speech of the Honourable the Law Member when he proposed the amendment to my motion in regard to circulation. As I had not been quite well, I was not able to come earlier. I am, therefore, not in a position to say anything as to what has fallen from him. I came in when my friend, Mr. Raju, was speaking, and I should like to say a word or two with regard to certain observations that he made on this Bill. He said that this Bill would do away with the testamentary rights of the husband and that if the husband wishes to make a testament with regard to his property if this Bill is passed, he would not be able to do so. Now, if a husband wants to make a testament depriving his widow of any interest in the property to which she becomes possessed after his death, then certainly the husband should be prevented from making a testament to the disadvantage of his widow. If the husband does not make any testament which is disadvantageous to the widow.....

1 P.M.

Mr. B. Sitaramaraju : What about self-acquired property ?

Diwan Bahadur Harbilas Sarda : Whether self-acquired or not, under the ancient Hindu law, as soon as a woman is married to the man, she becomes the co-owner of the property. There are any number of texts to show this, but all that is gone now ; still I bow to the principles on which the present Hindu law is based. I ask, Sir, does a woman, when she is married, cease to have any rights in this world ? Does she become rightless ? Does she become a stone or a piece of wood ? Has she not a soul ? Has she not got a life to live in this world ? Why should you deprive that woman of all her legitimate rights ? Why should you ignore her, when you are so solicitious of the righs of all the reversioners or survivors and other people in the world ? My friend, Mr. Raju, is so solicitous of the rights of the survivors or the reversioners, but what about the widow who passed all her life with her husband, and who bore him so many children ? Is she not to have any rights ? You do not want to look to her interests and rights, while you are anxious to protect the rights of the survivors and reversioners. This is the mentality, the slave mentality of my countrymen today. So long, I say it with all the emphasis at my command, so long as our people do not do justice to their womenfolk, they will live in perpetual political subordination. So long as you are not just to your own mothers, to your own sisters, so long as you are not just to the women, you will not get justice yourselves. You do not care for the poor woman, you only care for yourself, and if you continue to keep up that mentality, I am sure you are doomed.

My friend, Mr. Raju, quoted the Advocate General of Madras, but I say with due respect, Sir, that all that the Advocate General said is now irrelevant, because what he said pertained to my last Bill which gave the widow a share in the property of her husband, and that, of course, did interfere with the law of inheritance which obtains among the Hindus. But this Bill does not give a share to the widow, this Bill does not give her any absolute right in any property. It only regulates the amount of maintenance to be given which is recognised by all schools of Hindu thought. What that maintenance shall be, I have tried to fix. If it does not meet with the acceptance of this House, the Select Committee can alter it. I don't mean to say that what I have fixed is irrevocable like laws of the Medes and the ancient Persians. My object is that the Hindu widows in India should be put in a better position. That is all. If any changes have to be made in the Bill, the Select Committee is the proper forum where this can be done. Circulation will not help. Circulation does not mean that every man to whom the Bill is circulated will give his opinion in detail ; but even if everybody gives his own suggestions, they will all have to be considered in the Select Committee.

My friend also read out some portion from some judgment, I believe, which said that the amount of maintenance which should be given to a widow must be regulated by certain considerations. I quite agree, but those principles have no statutory force ; they are not law. They are merely principles which may or may not be acted upon and which, in 99 cases out of 100, are not acted upon at the present time. I know of cases,—I have been a Judge myself,—I know of cases which came before Courts, in which Hindu widows were given sometimes Rs. 4 and Rs. 5 a month while, when their husbands were alive, they had servants and a good house. (At this stage several Honourable Members were laughing.) My dear friends, it is no use laughing, but if you go into these matters carefully and investigate the thing, you will find that the condition of widows in many cases is most deplorable. And why ? Because they have no legal rights. If they had legal rights, the case would not have been so bad, but because of lack of legal rights their condition is hopeless in many cases. I quite agree that in many cases in respectable families the condition of the widows is not at all bad. Their word is law. I know of widows who exercise paramount authority in household affairs. I don't mean to say that every widow in India is in a deplorable condition—not at all, but there are many who are in a very deplorable condition, and, to ameliorate their lot, I have brought forward this measure.

My friend spoke about a case in which a man left property the income of which was Rs. 1,000 ; according to the Bill, my friend says, she will get Rs. 500, the son's wife will get Rs. 250, and the grandson will get Rs. 250, and he will have to maintain the family. As I heard him, I thought that he meant that the charge of maintaining the grandmother and the mother would be on him, but he explained later that he did not mean that. What he meant to say was that the grandson had to maintain the sisters and other members of the family. I do not quite see the point of his argument. He will have to maintain them. He is the male member of the family, he is the earning member of the family. He has got to live in this world with his family and he has

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got to maintain them. Supposing his father or grandfather did not leave a single pie, would he not still have to maintain them ? So, that question is beside the point. He has a legal liability to maintain them. He is under a legal liability to arrange and to provide marriage expenses for his sisters. But the point is these cases are very few. You will find that the provisions of this Bill in no way go against the other provisions of the Hindu Law. If they do, I have no objection to modifying the thing. I do not want that this should be absolute. This is only a sort of standard that I have put down for general guidance. If the Select Committee thinks that certain modifications should be made in order to be just to everybody, I have no objection to those modifications being made. When I asked that this may be referred to a Select Committee, it meant that if there was anything which could profitably be amended in the provisions of this Bill, the Select Committee would take that action.

Some friend of mine said that the law prevalent in South India is more liberal to women than the Mitakshara or the Dayabhaga law. Let it be so. If it is so, I have no quarrel with it. If the widow's condition, if the legal status of a widow under that law is better, well and good, I have nothing to say. This Bill won't apply to them. Where the legal position of a widow is bad, is deplorable, it is there only that this law will apply.

The question of amending the Hindu Law, I admit, is not a very easy one, but this Bill does not amend the Hindu Law at all. It is perfectly correct that when you amend any part of a system of law, you have got to keep in mind the bearing that that amendment will have on other parts of that law. I quite agree, but, as I have said over and over again, this Bill does not amend any principle of the Hindu Law, and consequently all arguments based upon that point of view are not relevant.

It has been said, and it will be reiterated in future always whenever any measure of social reform is proposed, that it is not right to amend the Hindu Law piecemeal. This is an argument which has absolutely no force.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till Half Past Two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Diwan Bahadur Harbilas Sarda : Sir, a few minutes ago, an Honourable Member of this House asked me why should a husband be prevented from exercising his testamentary rights and leaving his widow unprovided for, if she does not obey him. Now, I want to ask him what happens if the husband acts improperly. Another question was, what, if she goes wrong ? I asked what, if the son goes wrong, if the male members of the family go wrong and waste the whole of the landed property, leaving the

women unprovided for and starving ? Has any gentleman, who is solicitious of the rights of the male members, brought forward any Bill to restrict the rights of a male member, if he is on the high road to ruin. Unfortunately the fact is that the very conception of a woman, her status and her rights, held by some of my friends, is defective, prejudiced and unjust. Many of these gentlemen regard women as chattel, as born only to minister to the needs of men, to pass their lives as slaves, as household necessities, but without any independent existence, without any legal rights of their own. The husband commits no wrong. Just as in England the King commits no wrong, in Hindu society, the husband commits no wrong. A woman always does wrong if she does not obey her husband in every detail. Unfortunately this is not Hinduism. This is not Hindu Law, so far as the texts go. My friends are unwilling to give women their rights, elementary rights, in fact the very first step towards doing them justice that this Bill wants to do, and themselves want more and more liberty, more rights and more justice for themselves from Government. May I respectfully beg them to prove themselves worthy of the rights they themselves ask for, of the justice they demand by giving their own mothers, sisters and daughters their rights and treat them with a little more justice.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to fix the amount of maintenance to which Hindu widows are entitled be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

The motion was adopted.

THE INDIAN "KHADDAR" (NAME PROTECTION) BILL.

Mr. Gaya Prasad Singh (Muzzafarpur *cum* Champaran : Non-Muhammadan) : Sir, I beg to move :

"That the Bill to provide for the protection of the names 'Khaddar' and 'Khadi' used as trade descriptions of cloth spun and woven by hand in India, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Joseph Bhore, the Honourable Sir Frank Noyce, Mr. Abdul Matin Chaudhury, Sir Lancelot Graham, Mr. S. C. Mitra, Sardar Sant Singh, Mr. B. R. Puri, Mr. S. C. Sen, Mr. Vidya Sagar Pandya, Mr. Uppi Saheb Bahadur, Mr. J. Ramsay Scott, Raja Bahadur G. Krishnamachariar, Khan Bahadur Haji Wajihuddin 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, when this Bill was last before the House, on which day the motion for circulation was carried, I explained very briefly the object of my Bill. The object is to protect the names "Khaddar" and "Khadi" under the Merchandise Marks Act, and to prevent spurious cloth, which is produced in mills either in India or in foreign countries, from being palmed off on the unsuspecting public under the names of "Khaddar" and "Khadi". I quoted on that occasion the appropriate section of the Indian Merchandise Marks Act which gives the definition of trade description. Section 2 of the Merchandise Marks Act gives the definition of trade description, and, under section 6 of that Act, anybody who applies a false trade description to goods is punishable with fine or imprisonment.

Sir, I am glad to acknowledge with gratitude that on that occasion, in making the motion for circulation on this Bill, my Honourable friend, the Commerce Member, gave an assurance to this House that in making that

[Mr. Gaya Prasad Singh.]

motion the Government did not necessarily intend to oppose the Bill. Since opinions have been collected on this Bill, you will find that there is a consensus of opinion among the public bodies and individuals in favour of my Bill. I will have to quote the opinion of some of the individuals and public bodies who are in favour of my Bill. Sir P. C. Roy from Calcutta says in his letter to me, dated 9th March last :

" Allow me to express my sincere thanks for giving notice of a Khaddar Act to prevent the manufacture and sale of spurious Khaddar. During the last twelve years, I have worn myself out both for the manufacture and propaganda of Khaddar. Along with Sreejuts Rajagopalachariar, Rajendra Prasad and other workers, we have tried our best to create a taste and a demand for Khaddar. Unfortunately, dishonest manufacturers of spurious Khaddar have been trading upon the patriotism of the ignorant people with the result that there is a set back in the sale of genuine Khaddar to our serious loss and detriment. I trust you will persist in your noble efforts and I hope they will be crowned with success."

The Federation of the Indian Chambers of Commerce and Industry have also supported my Bill, and also the Bihar and Orissa Chamber of Commerce. Then, the Muslim Chambers of Commerce of Bihar and Orissa have also supported my Bill. In this connection, I should like to know from the Government as to the way in which such Bills are circulated for the purpose of eliciting opinion thereon, because, from the printed papers that are before Honourable Members, they will find that the names of the Bihar and Orissa Chamber of Commerce and some other bodies are not mentioned there. I do not know whether the Local Governments concerned consulted those bodies or not, but the fact remains that their opinions do not find a place among the printed papers that are before Honourable Members. Coming now to Bengal, I find that the Anglo-Indian and Domiciled European Association of All India and Burma, Calcutta, the Bengal Chamber of Commerce, Indian Chambers of Commerce, the Bengal National Chamber of Commerce, all of them support the principle of my Bill. The Bengal Chamber of Commerce says :

" The Committee of the Chamber have examined the provisions of the Bill in consultation with the Piecegoods Sub-committee of the Chamber and I have to inform you that they see no particular objection to the Bill. In the opinion of the Chamber Committee it would be to the advantage of the trade if the use of terms Khaddar and Khadi were confined strictly to the genuine article, namely, handmade cloth from handspun yarn."

The Indian Chamber of Commerce strongly recommends to the Government that the Bill should be passed for the protection of hand spinning and hand weaving. The Bengal National Chamber of Commerce also say that they do not think that there will be any difficulty in enforcing the provisions of the Bill, and that the trade custom confines the use of the term " Khaddar " to cotton piece goods woven by hand from handspun yarn. Then, Sir, the Madras Government have supported the principle of my Bill, and I beg to express my thankfulness to that enlightened Government whose representative we welcome in this House. The Madras Government say :

" The term ' Khaddar ' or ' Khadi ' does signify in common usage cloth woven on hand looms from hand spun yarn."

Diwan Bahadur Narasimharaju Garu, the ex-President of the Madras Legislative Council also supports my Bill, and says :

" The words ' Khaddar ' and ' Khadi ' have acquired a specific meaning and the market and trade custom does confine the use of these terms to cotton goods woven by hand from yarn spun by hand. I may mention that there will not be any administrative inconvenience when the Bill becomes law."

The Tuticorin Chamber of Commerce, the Malabar Chamber of Commerce, Calicut, the Calicut Chamber of Commerce, the Indian Chamber of Commerce, the Godavari Chamber of Commerce, Coconada, the Coconada Chamber of Commerce, the Southern India Chamber of Commerce, Madras, the Madras Press Association, the Buckingham and Karnatic Mills, Ltd., Madras, which I understand is a European firm and they have the fairness to support my Bill, the Madura Ramnath Chamber of Commerce, the Cochin Chamber of Commerce, all support the principles of my Bill. Diwan Bahadur C. R. Mudaliar, M.L.C., Coimbatore, says in his letter :

" In these parts trade custom does confine the use of the terms ' Khaddar ' and ' Khadi ' to cotton textiles woven from hand from yarn spun by hand " ; *and that* : " I do not foresee any administrative difficulty in giving effect to the Act."

The European Chamber of Commerce of Bengal also support my Bill, so also the Edward Mills Company, Ltd., Beawar.

Then, Sir, there are some gentlemen in the N. W. F. P., for instance, the Vice-President of the Peshawar Piecegoods Association, who also support my Bill. In fact, nobody opposes it. The Mercantile Chambers of Commerce, United Provinces, Cawnpore, say that it would afford protection to the millions now engaged in the manufacture of " Khaddar " and the chances of the deception now prevalent will be greatly alleviated. The Hindustani Mercantile Association of Delhi, the Industrial Surveyor of Delhi, support my Bill. The Director of Industries, Bihar and Orissa, says :

" It seems clear that the Bill has the support of Indian public opinion."

Most of the gentlemen in Assam to whom this Bill was sent for opinion have also supported it. The Government of Bombay says as follows :

" The majority of the commercial Associations who were consulted support the Bill, while the Bombay Chamber of Commerce and the Bombay Millowners Association are not in favour of it."

With regard to the Bombay Chamber of Commmerce, I find from their letter that they are not so much opposed to the Bill on principle, but they foresee some difficulty in administering its provisions.

The Federation of Indian Chambers of Commerce and Industry, the Indian Merchants' Chamber, the Maharashtra Chamber of Commerce and the Marwari Chamber of Commerce, the Bombay Piecegoods Association, the Bombay Cotton Merchants and Mukhadams, the Ahmedabad Millowners Association, the Karachi Indian Merchants Association, the Karachi Chamber of Commerce, the Buyers and Shippers Chamber of Commerce of Karachi all support my Bill.

I now come to the opinion of the Millowners Association of Bombay of which my Honourable friend, Mr. Mody, is the President. At the outset, I stated that this Bill sought to protect the names of " Khaddar " and " Khadi " from the dishonest manufacturers of spurious articles. I am not surprised that those who indulge in such shady transactions and who are trading upon the patriotism of the people should be the people to oppose my Bill. These gentlemen, when it touches their pockets, come here to this House with begging bowls, not only do they come to the fldor of the House, but they also follow us in the lobby and seek our support when they are in dire need. But when it comes to the question of affording legitimate protection to the indigenous industries of this country, I mean the hand loom cottage industries, they come out in true colours. My Honourable friend,

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Mr. Mody, is solicitous for the support of this House with regard to the Bill which is now pending, and which, I am glad to say, was not finished yesterday, because the attitude of many of us with regard to his Bill will be determined by the attitude which he takes up here on my Bill. If my Honourable friend is sincere in his profession, with regard to protecting the mill industry of this country, he should at least have the fairness to appear in cloths produced in his own mills, whereas I find he is distinguishing himself in borrowed plumes, and appearing in British costumes.

Well, Sir, the Burma Chamber of Commerce raises no objection to my Bill. The Burmese Indian Chamber strongly supports the Bill, as also the Chettiyar's Association. The Chinese Chamber in Burma does not oppose the Bill. If it is the desire of the House that I should read out the Bombay Millowners' Association's opinion, I will do so. They say :

" According to the Statement of Objects and Reasons appended to the Bill the names ' Khaddar ' and ' Khadi ' have come to denote hand-spun and hand-woven cloth only. It is pointed out that considerable progress has been made in recent years in reviving and popularising as a cottage industry spinning and weaving by hand as a supplementary occupation among the agriculturist population of this country, who stand in need of an additional source of income. Such progress as has been achieved is very largely supported by the patriotic impulse of the poorer and well-to-do classes who are purchasing khaddar or khadi even at a sacrifice. The situation is sought to be taken advantage of by manufacturers of spurious khaddar both in India and abroad, and purchasers have been frequently misled to the detriment of what might easily become a great national industry. In other words, it is contended that the term ' Khadi ' or ' Khaddar ' means '-hand spun and hand woven cloth only ', and on this contention the objection to the use of such terms by manufacturers of ' spurious ' Khaddar both in India and abroad has been largely based. The Committee of this Association have examined the contention and they find that, while the Mover has himself admitted that the production of ' Khadi ' on hand looms was revived and popularised only in recent years, such cloth has been manufactured by the Indian mill industry from very early times."

But, Sir, the millowners of Bombay forget that, even before the advent of mill industry in this country, " Khaddar " or " Khadi " was used, and manufactured as cottage industry in this country from time immemorial.

The Millowners' Association, Bombay, further proceed :

" The first authoritative census of Indian mill production was taken in 1896-97, *i.e.*, after the Cotton excise duty had been in operation for some time, and in the administration report published by Government in July, 1896, a reference was made to the production of khadi in India mills and the tariff valuations under the Act published by Government from year to year since that date up to the abolition of the duty in 1926 throughout mentioned the production of khadi which was also valued at a lower figure than most of the other types of cloth. These facts show that the term in question has been commonly used in reference to coarse cloth produced in Indian mills."

Sir, this Association is evidently wrong in saying that since the time their mills began to produce this coarse khadi, the genuine stuff has come into existence, whereas, as a matter of fact, the genuine stuff has been in existence from time immemorial even before the dishonest manufacturers of " Khaddar " began to turn out spurious imitation of the genuine stuff in their mills. Sir, it will be a waste of time to read any further the stuff to which I made reference just now. I am glad to say that the Central Provinces Government have recorded the following opinion :

" With regard to the specific points on which information is desired the Governor in Council is of opinion that (*a*) the evidence available on the point is conflicting, but if the statements of interested concerns are discounted it would appear that trade custom in the province confines the use of the term ' Khaddar ' to hand woven cloth made from hand spun yarn, (*b*) it is desirable to impose the definition by law in order to protect genuine khaddar and those who produce it or buy it against spurious khaddar sold as the genuine article, (*c*) there should be no difficulty in administering the law in the internal markets of the province."

The Deputy Commissioner of Jubbulpore, and Akola Factory Owners Association have supported my Bill. The Government of Punjab seems to be neutral. They say that : " it is unlikely to do much harm or much good to anybody ". I will now come to the opinion of the High Court, Punjab. The Honourable Justice Sir Abdul Qadir has supported my Bill, and, in doing so, he says :

" In my opinion the Mover's observations at the end of the Statement of Objects and Reasons are quite correct that the exclusive use of these terms for this cloth cannot prejudicially affect *bona fide* purchasers or distributors of any other variety of cloth. I do not see any objection to this Bill being passed into law."

This opinion is agreed to by other Judges of the Punjab High Court including the Chief Justice. The Director of Industries of the Punjab, the Indian Chamber of Commerce, Punjab, and the Merchants' Association and the Northern India Chamber of Commerce have all expressed themselves in favour of my Bill without any qualification. The Punjab Trades Association state that the objects aimed at are sound and that the provisions of the Bill meet their support. The Deputy Commissioner, Gurdaspur, the Sub-Divisional Officer, Moga, the Punjab Trades Association, Lahore, the Simla Trades Association have all approved my Bill. I have already stated that barring the Government of Bengal all other public bodies in Bengal have supported my Bill. I will, therefore, assume that barring the few Local Governments whose opinion I presume is tinted with political bias—because this movement in favour of the propagation of " Khaddar " was supported by the Indian National Congress—I say barring the few opinions of the Local Governments, the overwhelming consensus of opinion both among the European public bodies and Indians is in favour of my Bill. My Bill does not seek to force anybody to wear " Khaddar ", I only want that the trade description should confine the terms " Khaddar " and " Khadi " to cloths spun and woven by hand in India. And it is only those people who trade in spurious articles that may have any objection to the Bill. I, therefore, without taking any more time of the House, move my motion.

3 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That the Bill to provide for the protection of the names " Khaddar " and " Khadi " used as trade descriptions of cloth spun and woven by hand in India, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Joseph Bhore, the Honourable Sir Frank Noyce, Mr. Abdul Matin Chaudhury, Sir Lancelot Graham, Mr. S. C. Mitra, Sardar Sant Singh, Mr. B. R. Puri, Mr. S. C. Sen, Mr. Vidya Sagar Pandya, Mr. Uppi Saheb Bahadur, Mr. J. Ramsay Scott, Raja Bahadur G. Krishnamachariar, Khan Bahadur Haji Wajihuddin 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. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, my Honourable friend, Mr. Gaya Prasad Singh, waxed indignant over the sins of the Bombay millowners yesterday and has come back to the attack and worked himself up into a state of positive fury today. He went the length of suggesting that those people who had the effrontery to oppose his very innocuous motion,—innocuous according to

[Mr. H. P. Mody.]

the testimony which he himself read out,—were actuated by dishonest motives. Well, Sir, I do think that my Honourable friend knows exactly what he is talking about, and if he is thinking of dishonest persons he must be speaking with experience of the parts of the country from which he hails. So far as the Bombay millowners are concerned my Honourable friend ought to know that this Bill does not affect them one bit and that their attitude is not only positively unexceptionable, but absolutely disinterested. Some three or four years ago, in response to public sentiment and in view of various discussions we had with those interested in the movement, the Bombay mills voluntarily gave up using the name " Khadi " or " Khaddar " on any of the cloth produced by them ; and if, in spite of that, there are people who are using those names on mill-made cloth, then my Honourable friend ought to apply his search-light nearer home and find out whether from his own district or from adjoining districts that very class of people does not come.

Sir, if I oppose the principle underlying this Bill, I oppose it, because I think it is altogether wrong, and not because the interests which I represent are affected in any way. I have already made it perfectly clear that, if this Bill were passed, it would not affect a single mill in Bombay. We have given up the use of the names " Khadi " and " Khaddar " and we do not care whether that is enforced by legislation or otherwise. But I want to point out to the House several serious objections before this Bill is passed, or its principle accepted by reference to a Select Committee.

The assumption on which my Honourable friend proceeds is that " the Bill seeks to extend the protection afforded by the Merchandise Marks Act, 1889, to the names ' Khaddar ' and ' Khadi ' which have come to denote hand spun and hand woven cloth only ". Who told him that ? I want to know whether he challenges the information contained in the representation which we have submitted on this question, namely, that ever since 1896, *i.e.*, since the time from which records exist, if not much earlier, the name " Khaddar " or " Khadi " has been used to denote mill-made cloth of a coarse variety. (*Voices* : " No, no.") What is the use of saying " no " when we have got here a statement which challenges contradiction :

" The first authoritative census of Indian mill-made production was taken in 1896-97, *i.e.*, after the Cotton Excise Duty had been in operation for some time, and in the Administration Report published by Government in July 1896, a reference was made to the production of ' Khadi ' in Indian mills, and the tariff valuations under the Act published by Government from year to year since that date up to the abolition of the duty in 1926 throughout mentioned the production of ' Khadi ' which was also valued at a lower figure than most of the other types of cloth."

I say, therefore, that it is entirely wrong to contend that the terms " Khadi " and " Khaddar " are associated in the public mind with hand spun and hand woven cloth only. It is perfectly true that, long before the mills started manufacturing cloth, coarse or otherwise, there was the hand loom industry in existence. As a matter of fact, it is well known that India is the birthplace of the textile industry. But it is equally true that for as many years back as we can see, mill made cloth was turned out as " Khadi " cloth, and was classified as " Khadi " cloth in official publications. Therefore, it is wrong to suggest that the name has come to denote hand spun and hand woven cloth only. That is not only the opinion of my Association, but also of other Associations. The Bombay Chamber of Commerce have said that ; I think also the Bengal Chamber of

Commerce ; and one of the Punjab Chambers want to be quite ass before they can give their adherence to the principle of this Bill that term " Khadi " is associated in the public mind with hand spun and h woven cloth only. I will read in this connection an extract from opinion given by the Punjab Chamber of Commerce, Delhi :

" My Committee find that trade custom does not confine the use of the wo ' Khaddar ' to hand spun and hand woven cloth only but that the term appea to cover any kind of coarse cloth. They feel that if it is intended by means o legislation to restrict the term to apply to hand woven and hand spun cloth, the effect of the enforcement of the provision in the internal markets of India would be impossible to secure. They are therefore not in favour of the Bill."

It is refreshing to find an organisation which is also Indian and which cannot be accused of being reactionary in its views pronouncing very much the same view about this question as the Association which I represent, and which seems to be more or less anathema to some of my friends in this House.

An important point which the sponsors of this Bill forget is that it is not likely to help the hand loom weaver for whom so much solicitude has been and is being expressed. Now, how is the hand loom weaver going to be helped by this Bill ? It may be that a large number of hand loom weavers spin their own yarn and use it in the manufacture of coarse cloth. But there is also a very large class who use mill made yarn for this purpose. Are you going to prevent them from turning out coarse cloth and selling it under the denomination under which they have sold it all these years and perhaps, all these centuries.

Mr. Gaya Prasad Singh : Centuries ?

Mr. H. P. Mody : Yes, I am quoting your own words. You say that, from time immemorial, the hand loom industry has manufactured coarse cloth. I agree and I say that they manufactured it in the old days from hand spun yarn ; today they are using mill made yarn as well. Are you going to stop that large class of hand loom weavers who are using mill made yarn for this purpose from continuing to manufacture " Khadi " and passing it on to the market as " Khadi " ?

Mr. Gaya Prasad Singh : But mills did not exist in old times.

Mr. H. P. Mody : I am talking of the last 40 years and more during which hand loom weavers have been in the habit of using mill made yarn for the purpose of manufacturing coarse cloth and passing that on to the market as " Khaddar " and " Khadi ". This Bill, if it became law, would stop the hand loom weaver from doing so, and I want to know from the champions of the hand loom weaver whether they regard it as in his interest that he should be prevented by legislation from losing his market in the cloth which he has turned out all these years.

Then, Sir, there is this other question. Today it is sought to give a sort of legislative sanction to the use of the word " Khadi ". Tomorrow, in the interests of the hand loom weavers, somebody will come forward and say " We should have a trade mark in the word, *sari* or *lungi* or *mulmul*, because hand loom weavers have been manufacturing these cloths for centuries ; and now the mills are manufacturing and competing ; and so to preserve the hand loom weaver and in his interests we should have a sort of trade mark in those words ". My objection is that you cannot justly introduce this principle, and if you introduce it, there may be no limit to its expansion. Assuming, however, that it was right in the interests

Ir. C. S. Ranga Iyer.]

akening which at the next election many of us on this side will have face. There has been such an unprecedented awakening in this untry that if this Legislature is merely to exist for the purpose of the illowners and not for the purpose of the village industrialist, I am fraid this Legislature will condemn itself as a purely capitalistic body with no kind of sympathy whatever for the indigenous cottage industrialist. I may say that we have given adequate protection to the millowner. If you weigh in one scale the protection and the cost at the expense of the taxpayer for the consideration that we have given to the millowner, and if, in another scale, you put the lack of protection you have given to the agriculturist, to the agricultural labourer who comes for six months in the year under the category of the unemployed, you will find that this Legislature has been much too lenient to the millowner. I have been consistently and persistently, both in and outside this House, been an advocate of the cause of the millowners, but if the millowners stand up and say, this protection must not be extended to the cottage industrialist, they are only erecting before them a barrier of disadvantage which they will do well not to do. They will be only inviting unnnecessary trouble in a sympathe- House. So far as I am concerned, the hostility of the Honourable does not mean my hostility to another question affecting the mill- hich may come forward in this House. I propose to examine each on its merits. The millowner is entitled to his protection, as ourable the Commerce Member has on more than one occasion ade- y shown when he denounced the Japanese Convention in April last with the entire support of this House, and when he now proposes, I hope, with the entire support of this House, to enter into negotiations, unfettered, with all the encouragement that a representative of this House, the Leader of this House identifying himself with the opinion of the Opposition as well as the Government, deserves. (Cheers.) Therefore, Sir, there is no question of threat. "Threatening" was a phrase that emanated from the lips of the Honourable gentleman who preceded me. We are not here to threaten. We are here to see how much and in what manner we can encourage the indigenous industries.

My friend has told us that "Khadi" has been produced by the millowners for a long period, "Khaddar" has been produced by them for a long period. That is so. We concede that fact, and that is why we say that mill-made "Khaddar" should not, on dishonest grounds, compete with hand-spun and hand-woven. That should be known not as "Khaddar" or "Khadi", but call it by any other name you like. The millowner has an organization unparalleled in this country. The poor cottage industrialist only serves a few cottages in a village, and, therefore, why should he not seek the legitimate protection to which he is entitled under the piece of legislation that my friend, Mr. Gaya Prasad Singh, has brought forward? I would ask my friend, Mr. Mody, not to become very embarrassed. I would ask him to follow the example of his own Association which he incidentally placed before us, and I would tell him that in India there is place, very much more, for the village hand loom weaver, for the hand-spinner and the hand-weaver than for the millowner. The millowners have come to stay, and we shall give them protection, but he said almost in bathos, with very much of pathos,— "supposing you prevent the millowners from manufacturing 'Khadi' or 'Khaddar'." That is the right of a democracy. If, in future yea e the widened electorates send a large majority of representatives who s. that the mills must be abolished, neither my friend, Mr. Mody, nor myse. can prevent what might happen. We are concerned with this House, and this House has nowhere threatened to abolish the mills making "Khaddar" cloth. It may be that in future, mills may be abolished altogether; it may be that the will of the future Legislatures may be that the mills should not exist; it may be that they may go back to the primitive stages of civilization and hand spinning and hand weaving on which Mahatma Gandhi has written a good deal in his book the "Hind Swaraj"; it may be that some of us may be opposed to them; it may be that some of us may be in favour of them; but all will agree that the actual experience of a calamity is less fearful than a prospective view of it. We are today concerned with the legitimate rights of the village industrlialist. India lives in the villages and the cottages, and my friend, Mr. Mody, weakened his case when he came forward in the name of other mills than his own to draw a red herring across this piece of legislation. (Cheers.)

Sir Cowasji Jehangir (Bombay City: Non-Musammadan Urban): I think, Sir, this little Bill has evoked a considerable amount of enthusiasm on both sides which is quite unnecessary, and I may also add that the facts produced both by the Mover of this Bill and by Mr. Mody are also quite correct. It is no doubt true that "Khaddar" was the name given to all coarse cloth, whether produced by the hand loom or by machinery, but, after a certain school of thought carried on propaganda in this country for the use of cloth woven on hand looms from yarn produced by hand, that cloth became known as "Khaddar" throughout the length and breadth of this country. I have also no doubt that the cloth produced by mills and also called "Khaddar" was bought by some ignorant people believing it to be the "Khaddar" produced by the villages on the hand loom. The mill made cloth was cheaper, and it looked very much like the stuff made on the hand loom, and naturally the people went in for it. Those, who had formed Associations to encourage the use of hand-made cloth, suffered. They found a competitor in a cheaper cloth made by the machine which ignorant people could not distinguish one from the other. Well, Sir, it was not the fault of the mills that they could produce a cloth which could compete with the hand made article and which people could not distinguish one from the other. But if any mills went out of their way to sell their cloth to agents who would pass off the mill made cloth on to the ignorant public as cloth made by the hand loom, then they were certainly guilty of fraud, and I have every sympathy for any Honourable Member who would desire to stop that practice. I cannot see any objection to any mill making cloth which may be known as "Khaddar" provided that to ensure that the ignorant people did not buy it as hand-made stuff you can call it mill made "Khaddar",—you can provide by legislation that that "Khaddar" shall be sold as mill made or machine made, and then, if the people choose to buy it in preference to hand loom "Khaddar", I do not think that any Honourable Member of this House can have a legitimate grievance. The only grievance is that it should not be bought in ignorance for the hand loom stuff, but I cannot see where the legitimate grievance comes in if people, with their eyes open, choose to buy stuff, because it is cheaper. You cannot prevent that.

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certain section that the hand loom weaver should be penalised, that the mills, which are still using the name of "Khadi" and "Khaddar" should be penalised, then what I want to know is whether my Honourable friend has made sure that the Act would be workable. On that there are certain opinions which I would like to read to the House. The Director of Industries, Bombay, an Indian officer of experience, says :

"If the mills continue to produce their present variety of cloth now termed 'Khaddar' or 'Khadi' and merely change its name under the proposed legislation to say 'Dungri', it will be, I think, quite impossible to prevent its sale as 'Khadar' in the internal markets of India. It does not seem practicable or desirable to prevent the Mills from making coarse plain cloth which can be sold fraudulently as 'Khaddar'."

In other words, even if you put through this legislation, unless you go a great deal further and actually prevent by legislation mills from turning out coarse cloth and also the hand loom weaver from turning out coarse cloth from mill-made yarn, the Act will be thoroughly inoperative and will lead to a great deal of fraud. In the same direction is another opinion, and it is from the Deputy Commissioner, Nagpur, who says :

"No amount of legislation will prevent a dealer who is determined to pass off 'mill-khadi' as hand-made 'khadi' from deceiving ignorant customers. It would be extremely difficult to give effect to the proposed legislation and on the whole I consider that it is neither necessary nor advisable."

That brings me to something which I regard as the greatest objection to the present measure, and I put it plainly before this House. To-day we are sought to be prevented from labelling particular types of coarse cloth as "Khadi" or "Khaddar". Tomorrow that may be found insufficient and it may be sought to be enacted that mills should be prevented altogether from manufacturing coarse cloth. I do not regard this as an exaggerated fear at all, because I may say that the attempt was actually made two or three years ago ; it was a very determined attempt, which we resisted with all our might. That attempt was that certain types of cloth should not be manufactured at all in Indian mills ; we said it would be utterly impossible and we would not agree. Some such idea might be lying at the bottom of my Honourable friend's Bill, and the position then is that, without going a great deal further than this legislation, it is impossible to give the protection which my Honourable friend has in view.

I would like to read just one more opinion and that is in regard to the Merchandise Marks Act in which it is sought to embody this legislation. The Government of Bombay say :

"Since it is not the purpose of the Merchandise Marks Act to restrict unnaturally the application of well-known terms which are in common use, the Governor in Council is of opinion that the Bill is opposed to the spirit and intention of that Act, and further anticipates that great difficulties would be encountered in enforcing its provisions if it were to become law."

I have put as briefly and, at the same time, as comprehensively as I can my reasons for opposing the principle underlying the Bill. I ask my Honourable friends, who threaten me and say that my attitude on this question will determine their attitude to some other question, to weigh carefully my objections and at least to give me credit for disinterestedness of motive. My Association—and I repeat that with emphasis—voluntarily gave up the use of these terms, "Khadi" and

"Khaddar", on all cloth which was manufactured and labelled many years as "Khadi" and "Khaddar"; and, if we oppose measure, it is because we feel that there are strong objections to it the ground of principle. My opposition must not be construed as factious sort of opposition on the part of people who are always out fight for their own interests, but who ignore all other interests. I as my Honourable friends to consider this carefully before they seek to attack on all manner of occasions the Association which I represent. I say that the Bill is wrong in principle, that it will lead to a lot of fraudulent evasion, and that, from every point of view, my Honourable friend will be defeating the very object which he has in view. If my Honourable friend still thinks the opposition comes from dishonest millowners, I say he will be very well advised in looking for them nearer home.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable gentleman from Bombay who has just concluded his speech rather unthinkingly gave his whole case away for the opposition to this very necessary piece of legislation. He gave his case away when he said that his own Association, of which he is so proud and which he has been representing with great ability here and elsewhere, found it necessary to fall in line with the principle of this Bill long before this Bill was brought before this Assembly. Even they say, is better than precept ; but he wants us to follow his and not his Association's example. I would ask every Associatio larly situated and similarly handicapped like his, to follow the of his own Association so that fraud, which he has been elaborating and dreading very much, would be reduced to the minimum. If passing of this legislation will create on an elaborate scale fraudulent transactions, he is only incidentally commenting on the class of people who compete with the village manufacturer and with the village labourer, the hand-spun and hand-woven cloth maker. I do not think that the millowners of India are such a despicable class of people as to compete with the village labourer, with the village industrialists, on fraudulent lines. I believe that every millowner in this country will rise to the same position as the Association and mills that the Honourable gentleman has the opportunity to represent here and elsewhere. He quoted with some effect the Bombay Government's view. We have to attach, I admit, importance to the view of the Government of Bombay or of any Provincial Government in this matter. The Government after all have to work out the policy arising from a legislation. They find that the spirit of the Merchandise Marks Act will be defeated, if this Bill is passed ; but it is for Governments not to dread calamities, but to face realities. I will not go centuries back as perhaps the Mover did according to the version of the Honourable gentleman who has just preceded—I will not even go to half a century back : I would rather go to ten years back and ten years forward. Less than ten years ago, in this House, the late Pandit Motilal Nehru—who was then dressed in home-spun and hand-woven, sometimes foot-woven, because he was wearing the home-made cashmere and, therefore, he often used to say "I at any rate am encouraging hand-spun and foot-woven cloth"—I say the late Pandit Motilal Nehru was the sponsor of this Bill and, when he came forward with a Bill of this kind, he was animated by the idea of encouraging the cottage industrialist. Within the last ten years the cottage industrialist has received encouragement on a scale not known in the past. Within the last ten years there has been a public awakening in this country, an

[Sir Cowasji Jehangir.]

you confine the word "Khaddar" merely to hand-made cloth, to cloth made on hand looms, you might prevent mills from making that stuff and legitimately selling it on to the market as machine made or mill made "Khaddar".

I would like to know, if this Bill became an Act, would it be illegal to stamp cloth as machine made "Khaddar" or mill made "Khaddar"? It would be. That would be rather hard, would it not? Would not any Honourable Member sympathetically look upon a complaint of that sort? Why do you prevent a mill from stamping its cloth as mill made "Khaddar" or machine made "Khaddar"? What you want to do is to prevent a mill or its agents from committing a fraud, that is, passing off its cloth as cloth made upon the hand loom. Therefore, if the Select Committee can, by amending this Bill, so ensure that fraud is prevented, but, at the same time, mills may be allowed to produce coarse cloth which they may be allowed to stamp as mill made or machine made "Khaddar", I can see no objection to this Bill. I am entirely in sympathy with all Honourable Members who desire to prevent fraud. I am also against any Bill, any legislation which would hamper the manufacture of machine made cloth. And I feel sure that there is not one Honourable Member in this House who really at heart desires to prevent the improvement, and the expansion of the mill industry. We hear a good deal of criticism, but, knowing my Honourable friends as I do and knowing the support that they have given times out of number to the mill industry, I cannot for one minute believe that any one of them would raise a little finger to harm an industry that has served this country loyally and well from the richest to the poorest, from the very day on which it came into existence. Therefore, I do believe that this Bill can be amended so as to serve this purpose, and I would appeal to the Mover of the Bill to take the initiative in the matter to see that this Bill serves its purpose without doing any injury to the great industry of which, I am sure, I am confident he is as proud as any one, any province or any community, who has had anything to do with it from its very inception.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): On a previous occasion, when speaking on this measure, I made it clear that the House should not assume that Government were necessarily opposed to this Bill. I made it clear that Government desired to keep an open mind in the matter until they were in possession of the views elicited by circulation. The result, Sir, of circulation has been to elicit a certain conflict of opinion. So far as Provincial Governments are concerned, I think only two are in favour of the Bill.

Mr. Gaya Prasad Singh: The third is neutral.

The Honourable Sir Joseph Bhore: There are not merely three Provincial Governments in India.

Mr. Gaya Prasad Singh: I know.

The Honourable Sir Joseph Bhore: There is by no means general agreement as to the application in practice of the terms "Khaddar" and "Khadi". The application of these terms seems to vary in different provinces. Equally, Sir, there is no agreement as to the advisability of confining these terms to handwoven and handspun

fabrics alone. I would bring to the notice of the House the opinion expressed by the United Provinces Government:

"The Government is of opinion that the proposed legislation would be definitely harmful to the hand loom industry."

They say that it would also inflict hardship on the hand loom weaver who uses coarse mill made yarn on his hand looms and who claims that his product is superior.

Coming to a third point, namely, whether the enforcement of this legislation is practicable, there is a very large measure of opinion to the effect that effective enforcement would not be possible. My own feeling generally is that expressed by the Punjab Government, namely, that this piece of legislation would do very little harm to any one and it would certainly do very little good. Faced with these divergent views, the Government of India have found it somewhat difficult to decide upon the course they should adopt. They certainly do not want to assume an attitude of hostility to this Bill. On the other hand, they do feel that in view of the fact that circumstances and conditions do not appear to be the same in all the provinces, it would not be advisable to have a uniform legislation for the whole of India without the consent of the Local Governments concerned. I want, therefore, to make it clear that Government will not oppose this piece of legislation if a provision is inserted making its application to a province depend upon a prior notification by the Local Government concerned. (Applause.)

Nawab Major Malik Talib Mehdi Khan (North Punjab: Muhammadan): Sir, I rise to make a few remarks in support of the motion put forward by my Honourable friend, Mr. Gaya Prasad Singh. It is known all over that many indigenous industries have been ruined in this country. Coming from a village as I do, I am in a position to say that it has brought on untold misery, and, with the financial depression that is on and the prices of agricultural produce at the lowest level, it is absolutely necessary that the poor villagers should have something to fall back upon when they find that agriculture is not paying. No doubt, we cannot compete with the mill cloth or the stuff manufactured in factories, but we must see that those who are living in small places and have got some time to spare have some occupation to supplement the scanty earnings they make by following their ordinary profession. If we go on comparing the prices of the commodities, I must say that the time is not far off when everything that we are making has to give way to some foreign article. We have seen how the manufactured ghee supplanted our natural product. And it is not unlikely that a time may come when manufactured eggs will take the place of natural eggs laid by our hens to ruin another branch of our cottage industry. Look at the dyeing industries in our country which have been ruined by aniline dyes and it is feared that flour, cotton and other such things may be replaced by artificial products. Science is making such progress that there is a danger of its turning out the poor zemindars, to which class I belong, from their ancestral callings. It is our duty to help the zamindars to stick to the means of subsistence they have got and I would ask my friends on the other side, who are the champions of the mills, not to press their objection. Sir, I will read before the House a Persian couplet, which runs as follows:

"Man az bégánagán hargiz na nálam
Ki bá man har chi Kard án áshná Kard".

[Mr. B. Das.]

I wholeheartedly support the motion made by my friend, Mr. Gaya Prasad Singh.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I am in general agreement with the principle of this Bill, but it will be my duty, I think, to place some of the difficulties that I feel before this House so that they may be considered in the Select Committee when it meets. Before the advent of the British, handspun and handwoven cloth of a rough character was known as " Khaddar ". India also knew how to make fine cloth and the Dacca *Malmal* is very well known for its fineness, but that *Malmal* was never known as " Khaddar ". The use of the word " Khaddar " was confined only to coarse cloth woven by hand from hand spun yarn. The definition given by the present Bill does not confine the word to coarse cloth only, but it seeks to extend its meaning to bring within its purview fine handwoven cloth from handspun yarn as well as the woollen cloths and silk cloths. I think this is an extension of the word " Khaddar " and I am not against it. But the difficulty that I feel is about the handwoven cloth from mill yarn. It is well known that, even in spite of the large number of spinning and weaving mills, the number of hand-weavers is considerable and hand weaving is going on to a very great extent. Of course, in comparison with the number of weavers the number of spinners is very small and the supply of handspun yarn is very limited. All the hand loom weavers will not find sufficient work in weaving handspun yarn and, therefore, they have been obliged to take mill yarn and weave cloth from it. The cloth that is thus woven is generally rough and it is sold in the bazar as " Khaddar " or " Khadi ". It will, I think, be difficult to prohibit the sale of such cloth under the name of " Khaddar " or " Khadi " when this Bill becomes law. The hand loom weavers do not stamp the name of " Khaddar " on their cloth. They simply pass on the cloth they weave to the merchants and it is the merchants who try every stratagem to sell their wares even under false names in order to secure profit. The Government will have to see how to deal with this difficulty and, I hope, that the Bill will be properly considered in the Select Committee and the new meaning sought to be attached to the word " Khaddar " will be kept in view. I support the Bill.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I rise to support the Bill under consideration. While considering the underlying principle of this Bill, it appears to me that many Honourable Members were under some misunderstanding. They raised the question whether " Khaddar " will be in a position to compete with the mills. They also raised the question whether hand loom industry would be a gainer in any way. But we are concerned here only with one question, namely, how false stamps should be prevented and how the ignorant general public, which is in search of hand spun and hand woven ' Khaddar ", should not be cheated ? That is the sole object of this Bill.

That is the principle of the Bill ; but, at the same time, this small principle presupposes that there is in this country a strong desire in a large section of the public to purchase such hand spun and hand woven cloth whether it is made of cotton or silk or wool. It is that assumption which is necessary for us to

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[Nawab Major Malik Talib Mehdi Khan.]

which means that I do not weep on account of what has been done by foreigners, I weep on account of what has been done to me by my friend. So I ask my friends on the other side to bear with us and see that the cottage industries are maintained and improved. Owing to the constant struggle for life going on in the world, every patriot is required to help the poor peasants who are living in small cottages to improve their lot.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I am grateful to the Honourable the Leader of the House for participating in the debate at an early stage and defining the Government point of view and I am very glad he did not support the views advocated by my friends, Mr. Mody and Sir Cowasji Jehangir.

An Honourable Member : They did not oppose the Bill.

Mr. B. Das : But Mr. Mody did oppose. The very fact that the Leader of the House ignored the observations of the representatives of the millowners shows that my friend, Mr. Mody, has been given the cold shoulder by the Government. I am 47 years of age and, I live in the village where the names of " Khaddar " and " Khadi " have never been used to represent the mill made cloth. I have no connection with the millowners except that I hobnob with them on the floor of this House. Under the inspiration of the saint of Sabarmati, the name of " Khadi " has become hallowed and it was never applied to the mill-made cloth. As my friend, Mr. Gaya Prasad Singh, pointed out that in the last few years' owing to high premium of " Khadi ", the millowners produced mill " Khadi " and the dealers sold it as " Khadi ". My friend, Sir Cowasji Jehangir, wanted an assurance that nobody should ban the mills to produce " Khadi ". My friend, Mr. Gaya Prasad Singh, or we here, or those working outside for the spread of " Khaddar " all over India, do not want to prohibit the mills from manufacturing such coarse stuff as they like, but they should not misuse and misapply the name of " Khadi ". I come from the sea coast of Orissa and there the local produce of the hand loom weavers is known by the name of " Khadi ". Mahatma Gandhi lived his early life in Kathiawar and in Gujerat district and can my friends, the millowners, deny that only during the last few years the name of " Khadi " and " Khaddar " have obtained such high premium and some dishonest millowners,—they are not present here,—have tried to exploit popular sentiment in regard to " Khadi ". I challenge my friend, Mr. Mody, to say whether ten years ago the mills called any of the stuff produced by them by the name of " Khadi ". He talked of the Merchandise Act. Many of the older Members of this House will say from their own experience of the country side that the coarse stuff made by the mills was never known by the name of " Khadi ", but was known as " latta " or some other name. Mr. Mody said, that they entered into a certain pact about " Khadi " with the Congress leaders of Bombay. They entered into that pact to save their own necks. These millowners entered into a pact with Mahatma Gandhi and agreed to finance the propagation of " Khaddar ". Probably my friend, Mr. Mody, thinks that the Congress movement or the " Khadi " movement is dying out. Mr. Mody quoted the Bombay Millowners Association, the Bengal Chamber of Commerce and the Punjab Chamber of Commerce. These Chambers of Commerce consist of either solely Europeans or both Europeans and Indians. So they do not and cannot speak for the real India. What do they know of the conditions of the

masses ? With all due respect to the representatives of the Bombay Chamber of Commerce in this House, I ask them, what do they know of the condition of the millions in this country ? What does Mr. Mody know of the conditions in Kathiawar, Kaira and Gujerat ? Until he became the President of the Millowners Association, we knew him as the Boswell of the late Sir Phirozeshah Mehta and we knew him as a lawyer and politician. My friend quoted the Bombay Chamber of Commerce and, Sir, it was like the devil quoting the scripture. The Bombay Millowners Association is peculiarly situated. I do not mind my Bombay friends being liberal and having Europeans as members, but they can never speak in the name of the masses. They do not know the condition in which the masses live and they are not in touch with the masses.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

He does not know what is happening to the 36 crores of the masses of India. What do the teeming millions understand by the term " Khaddar " and " Khadi " ? They do understand that it is " hand spun and hand woven cloth ". It may be that the Government have used that name for years in their blue books, but the public do not use the word in that sense. So I do request the millowners not to be antagonistic to this Bill. I am emboldened to make that appeal after hearing my friend, Sir Cowasji Jehangir, who wants to show his fellow feeling to the teeming millions of India. I appeal to him to respect the sentiments of the people that " Khaddar " and " Khadi " should be the terms applied only to the handspun and handwoven cloth. I may assure my Honourable friend, Sir Cowasji Jehangir, and other millowners that we have no objection to the mills manufacturing the coarser stuff. Let them go on trading as they used to do before 1920 or 1925. They should not take advantage of the national sentiments and the patriotic fervour that is sweeping the whole nation. The word " Khaddar " has got a holy charm attached to it ; it has come to be identified with the sacred name of Mahatma Gandhi and today everything that is pure is associated with it. Why should the millowners take advantage of it in order to make a little more money ?

Mr. H. P. Mody : But we have not taken advantage ; we have given it up.

Mr. B. Das : I am grateful to my Honourable friend, Mr. Mody, for entering into that pact with the Congress leaders a few years ago. Why should my friends come forward now and ask for a provision in this Bill that the millowners can stick labels " Mill Khadi " ? My friends know as much as we know that the masses in the countryside are not so cultured as the millowners of Bombay are. When they ask for " Khadi " and the dealers supply them mill " Khadi ", the millowners are abetting the retail tradesman to cheat the public. I am grateful to my friend, Mr. Gaya Prasad Singh, for bringing this Bill. My friend, Mr. Ranga Iyer, has reminded the House that Pandit Motilal Nehru of sacred memory was also of that opinion. So, I do hope that nobody in this House will raise his voice against this measure. I am grateful to the Honourable Sir Joseph Bhore, because he did not support the arguments advanced by Mr. Mody nor did he agree to the amendment which Sir Cowasji Jehangir suggested in the Bill. With these few observations,

[Mr. B. Das.]

I wholeheartedly support the motion made by my friend, Mr. Gaya Prasad Singh.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I am in general agreement with the principle of this Bill, but it will be my duty, I think, to place some of the difficulties that I feel before this House so that they may be considered in the Select Committee when it meets. Before the advent of the British, handspun and handwoven cloth of a rough character was known as " Khaddar ". India also knew how to make fine cloth and the Dacca *Malmal* is very well known for its fineness, but that *Malmal* was never known as " Khaddar ". The use of the word " Khaddar " was confined only to coarse cloth woven by hand from hand spun yarn. The definition given by the present Bill does not confine the word to coarse cloth only, but it seeks to extend its meaning to bring within its purview fine handwoven cloth from handspun yarn as well as the woollen cloths and silk cloths. I think this is an extension of the word " Khaddar " and I am not against it. But the difficulty that I feel is about the handwoven cloth from mill yarn. It is well known that, even in spite of the large number of spinning and weaving mills, the number of hand-weavers is considerable and hand weaving is going on to a very great extent. Of course, in comparison with the number of weavers the number of spinners is very small and the supply of handspun yarn is very limited. All the hand loom weavers will not find sufficient work in weaving handspun yarn and, therefore, they have been obliged to take mill yarn and weave cloth from it. The cloth that is thus woven is generally rough and it is sold in the bazar as " Khaddar " or " Khadi ". It will, I think, be difficult to prohibit the sale of such cloth under the name of " Khaddar " or " Khadi " when this Bill becomes law. The hand loom weavers do not stamp the name of " Khaddar " on their cloth. They simply pass on the cloth they weave to the merchants and it is the merchants who try every stratagem to sell their wares even under false names in order to secure profit. The Government will have to see how to deal with this difficulty and, I hope, that the Bill will be properly considered in the Select Committee and the new meaning sought to be attached to the word " Khaddar " will be kept in view. I support the Bill.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I rise to support the Bill under consideration. While considering the underlying principle of this Bill, it appears to me that many Honourable Members were under some misunderstanding. They raised the question whether " Khaddar " will be in a position to compete with the mills. They also raised the question whether hand loom industry would be a gainer in any way. But we are concerned here only with one question, namely, how false stamps should be prevented and how the ignorant general public, which is in search of hand spun and hand woven " Khaddar ", should not be cheated ? That is the sole object of this Bill.

That is the principle of the Bill ; but, at the same time, this small principle presupposes that there is in this country a strong desire in a large section of the public to purchase such hand spun and hand woven cloth whether it is made of cotton or silk or wool. It is that assumption which is necessary for us to

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is that such rule does not apply. In case of *stridhan*, daughters succeed before sons and, in the line of succession, as my friend has pointed out, after the sons come the daughter's sons and it is the only instance in the Hindu law where the daughter's sons come before the son's sons. Some distinction is sought to be made in the Bill that where the son is alive, he naturally excludes the daughter's sons, and with him the other predeceased son's sons should inherit. I need not trouble the House with regard to the technicalities about succession to *stridhan* property. There are differences as regards the different schools of law and, as that accomplished lawyer, Sir Gurudas Banerjea, has said, after certain relations actually named, it is all jungle as to who will succeed ; but with regard to the question of daughter's sons and son's sons, it is clear that the daughter's sons come before the son's sons. I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I feel that there is some ground for the doubt entertained by the Honourable the Mover of this Bill as regards succession to *stridhan* under the Dayabhaga law. I do not belong to Calcutta, but, as a lawyer, I know what Dayabhaga school dictates and what the Mitakshara says. I find that under the law, as it stands at present, succession to *stridhan* will go *per stirpes* and not *per capita*. To be plain, it will go by representation and, if that is so, then there should be no doubt when there is a grandson and also a grandson by a pre-deceased son, as to their succession, because the property will be divided into two halves, one going to one grandson and the other to the other, no matter if the son is predeceased. However, whatever doubt there is should be removed. As, however, the law or the commentators have not made that point quite clear, it seems to me quite right that it has been found necessary by the Mover of this Bill to have the law settled down. What do I find in Mulla's " Law of Inheritance " ? On *Stridhan* under the Dayabhaga law, what Mulla's " Hindu Law " (page 159) (7th Edn.), says runs thus :

" *Stridhana* heirs in the second generation, that is, son's sons, daughters' sons, and daughters' daughters, take *per stirpes* and not *per capita*."

Then, there is an illustration which makes it quite plain even to a layman :

" A female Hindu dies leaving two sons by a daughter A, and three sons by another daughter B. Her *stridhan* will be divided into two parts, of which one will go to the two sons of A, and the other to the three sons of B. To divide it *per capita* would be to divide it into five equal parts, and to give one share to each of the five grandsons."

The only question remains : supposing, in this case where there were two grandsons through a son and two grandsons through a daughter, there had been one more grandson also from a predeceased son, what would happen ? If we take it that the principle is that succession will go *per stirpes*, the property will have to be divided into three shares, one going to the two grandsons by the son, one to the daughter's sons, and one to the son of the predeceased son.....

The Honourable Sir Bepin Behary Ghose : I am sorry to say that Mr. Navalrai is under some misapprehension ; it goes *per stirpes*, quite

[Sir Bepin Behary Ghose.]

true ; but if there is a grandson by a predeceased son and a grandson by a predeceased daughter, the grandson by the predeceased daughter succeeds first.

Mr. Lalchand Navalrai : Applying the general Hindu law, there also the principle is the same. Why should there be any difficulty to go beyond it ? No law has yet been pointed out about what the Honourable the Law Member says ; no authority has been yet quoted. However, as the Honourable the Law Member wants to have this point still cleared up, I have absolutely no objection to this Bill going for circulation.

Some Honourable Members : The question may now be put.

Mr. Amar Nath Dutt : I have nothing to say, Sir ; I accept the motion for circulation.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to remove doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag, be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

The motion was adopted.

THE AJMER-MERWARA JUVENILES SMOKING BILL.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara : General) : Sir, I beg to move :

"That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration."

My Bill is only restricted to Ajmer-Merwara. It is word for word taken from the Central Provinces Juvenile Smoking Act and I understand that the sympathetic and respected head of my Local Government does not oppose this Bill. I, therefore, move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration."

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, my Honourable friend, the Mover, just said that the Bill which he now wants to be taken into consideration is based word for word upon the Central Provinces legislation. The House might like to know that the experience of the operation of this measure in the Central Provinces is not such as to create much enthusiasm in Government or in administrators regarding the success of this measure. At the same time, Sir, we do not wish to stand between my friend, who has shown so much sympathy for juveniles and the measure which he has brought forward, and I would, therefore, like to say that the Government propose to remain neutral in this matter.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration."

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I should like to say.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member wish to speak ?

Mr. Amar Nath Dutt : Yes, Sir. I do not know what the condition is in the area from which my friend, the Mover of this Bill, hails, but I know it for certain that in my own province small children of labourers who are generally below 14 or 16 do smoke and thereby refresh themselves by smoking. Sir, the question is whether such a law is necessary at all. I am told by a friend of mine who sits behind me that the Ayurvedic Shastras also approve of smoking. I appeal to my friend, Diwan Bahadur Harbilas Sarda, who has great reverence for the Shastras, to respect the Shastras.....

Mr. G. Morgan (Bengal : European) : Is there not a local Bengal Act for the prevention of juvenile smoking ? I think I remember it.

Mr. Amar Nath Dutt : I don't think so. I have been at the bar for more than 30 years, and I have not come across even a single case at least in my own district under any such Act.

Mr. G. Morgan : Exactly not operating.

Mr. Amar Nath Dutt : My point was that my friend, before sponsoring this Bill, should have made himself sure that these boys, if they are prevented from smoking, will not take to something stronger than smoking, I mean the bottle. That is more dangerous than smoking. Sir, I am not for cigarette smoking. I would prefer the *hooka* and I would like to see people taking to it in preference to cigars or cigarettes. *Hooka* is available everywhere and it is very much cheaper. Even in Bengal, if I go to my Honourable friend, the Law Member's House, I shall get the *hooka* and not cigarettes which unfortunately is replacing the *hooka*. Formerly, we had only *hooka* and not cigarettes everyhere. But, as I said, I am not in favour of smoking cigarettes and cigars, but why prevent people from smoking *hooka*, unless this is very necessary. My friend, of course, knows the conditions in his own province, I mean the Ajmer-Merwara, and if he is sure that these people will not take to bottle, or if they have not already taken to it, I will leave it to his moral sense to see whether or not such a restriction, as he proposes, should be imposed. My friend talks so much about the freedom in every sphere of human activity. I appeal to him to see that bottles are not introduced in place of the *hooka* or other kind of smoking. If he associates the bottle also with tobacco, I have no objection but my fear is that, if you stop juvenile smoking, they will take to something stronger, which is far more deleterious. With these words, Sir, I oppose the Bill.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, I move that the question be now put.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I should like to say a few words on this motion. I am not a smoker. (*An Honourable Member* : "Question.") I must say that I abhor smoking, and I ma further say that I have not been contaminated by this vice even thoug I have travelled throughout the world including America where smokin is so very prevalent. Sir, I support this Bill very heartily. I cannc understand why there should be any objection to making a law to prohib

[Mr. Lalchand Navalrai.]

juvenile smoking. I would prefer that none should smoke, but if that is not possible, why not accept this legislation to prevent children from smoking ? Sir, the smell that comes out of smoking is really very horrible. Therefore, I submit that if it is contended that, if smoking is stopped, boys will take to other more harmful things, such as liquor, the plain reply to all that is this, that it will be our duty to bring forward a Bill to stop people from drinking liquor which is also a vice for children. Sir, I support this Bill very strongly.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Diwan Bahadur Harbilas Sarda : Sir, I move that the Bill be passed.

The motion was adopted.

THE UNTOUCHABILITY ABOLITION BILL.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, I beg to move.....

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to a point of order.

Rao Bahadur M. C. Rajah : What is the point of order ? I have not said anything yet.

Pandit Satyendra Nath Sen : I rise to a point of order, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the point of order ?

Pandit Satyendra Nath Sen : Sir, I beg to submit that this Bill for the abolition of untouchability among the Hindus is *ultra vires* of this Legislature. I take my stand on the notification of the Government of India under section.....

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Nothing has been moved so far. The point of order is premature.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, how can the Honourable Member raise a point of order at this stage ? The Honourable the Mover has not said anything so far.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair understands that Pandit Satyendra Nath Sen wants to raise a point of order that the Bill is *ultra vires* of this Legislature ; is that so ?

Pandit Satyendra Nath Sen : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : Let the Honourable Member, Mr. M. C. Rajah, move his motion first.

Rao Bahadur M. C. Rajah : Sir, I beg to move :

"That the Bill to provide for the abolition of untouchability among the Hindus be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddy, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghubir Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma 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, in so doing, I appeal to Honourable Members unanimously to co-operate in facilitating the progress.....

Pandit Satyendra Nath Sen : Sir, I rise to a point of order.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Let the Honourable Member finish.

Rao Bahadur M. C. Rajah : I appeal to Honourable Members unanimously to co-operate in facilitating the progress of this belated effort to do justice to the Depressed Classes. If I enter into an analysis of the acts of omission and commission on the part of my fellow Hindus that have produced the degradation to which my community is condemned and brought about the shame and humiliation of Hinduism itself before the world, it will take hours. I do not want to embitter feelings by recapitulating the past when I see that a great and welcome change has come over the Hindu mind as a whole. This Bill is based upon the principle that the law of no civilized country can recognise or give its support and assistance to an anti-social usage opposed to humanity as well as national interests.....

Pandit Satyendra Nath Sen : What is the procedure followed here, Sir ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member can raise his point of order after the Honourable Mr. Rajah has finished. He will not lose his right.

Rao Bahadur M. C. Rajah : That an inequity is old is no reason for a day's further delay in redress, but for greater speed in penitence and restitution. Such a measure, we expected, would be taken up by Government with alacrity seeing how much popular support has been wholeheartedly given to it, and how earnestly popular organisations plead for its enactment. I am inclined to press for a Select Committee, if not enactment of the measure in this Session itself, it being a non-controversial and belated recognition of a well-known principle of Jurisprudence as well as the barest negative justice to the oppressed Community that I represent. But as some Members desire circulation, I have no objection if the House desires to do so. I hope the Bill will in time receive support from all, and set right an intolerable wrong in the administration of the laws of our country.

Sir, the cause of the Depressed Classes combines in it the best of religion, the best of humanity and the best of nationalism. It is a cause worthy of the best energies and the most strenuous efforts of a large number of Indians who believe "life is a mission and duty its highest law", and the best fulfilment of that duty lies in the service of upliftmg of those whom human tyranny and prejudice have practically put out

[Rao Bahadur M. C. Rajah.]

of the pale of humanity. No sin is greater than that of attempting to keep human beings in a state of perpetual bondage. It is infamous beyond measure and galling to the very soul of men, to deliberately and persistently keep a section of the people—God's own children—and removing them by brute force or by religious and social duplicity to the level of beasts.

The vision of the future from the heights of legislation discloses the Hindu Race so rich in culture and philosophy, united and inseparable for all time with no more dividing walls between the two great sections of caste and no-caste.

Pandit Satyendra Nath Sen : Sir, I beg to submit that this Bill is *ultra vires* of this Legislature. As I said, I take my stand on the notification of the Government of India published in 1857 during the regimé of Lord Canning and on the Queen's Proclamation of 1858. I would only read out one sentence from each of these in order to remind Honourable Members of the contents of those documents. The Notification says :

" He emphatically proclaims that the Government of India entertains no desire to interfere with their religion or caste....."

And the Queen's Proclamation says :

" We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with religious beliefs and worship of Our Subjects on pain of Our highest displeasure."

This Bill, which is intended for the abolition of untouchability which is sanctioned by the Shastras as well as by customs, does interfere with our religion and caste. It does not require any eloquence to prove that it does interfere with our religion. I would draw the attention of Honourable Members to the implication and effect.....

An Honourable Member : Is he making a speech ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The powers of this Legislature are defined in the Government of India Act and not in the Queen's Proclamation, and if Honourable Members want to draw the attention of the Chair to the fact that, a certain Bill is *ultra vires* of the Indian Legislature, they must draw attention to the relevant portion of the Government of India Act in the first instance. The Chair would, therefore, ask the Honourable Member first to draw its attention to the section of the Government of India Act on which he relies.

Pandit Satyendra Nath Sen : Apart from this Notification and Proclamation, I rely on the Government of India Act,—last paragraph of sub-clause (*2*) of section 65, which runs as follows :

" The Indian Legislature has not power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom....."

It is a well known fact that orthodox Hindus owe their allegiance substantially on the ground that their religion and caste would be protected by the Crown. That is my ground.

Mr. President (The Honourable Sir Shanmukham Chetty) : The relevant portion of section 65 to which the Honourable gentleman has drawn the attention of the Chair does not apply in this present case, because the section clearly says that this Legislature has not power—

" to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom ".

If the Honourable gentleman wants to take shelter under the provision relating to allegiance to the Crown he must point out that this Bill contravenes some law or constitution of the United Kingdom of Great Britain and Ireland on which depends the allegiance to the Crown. The Queen's Proclamation is not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it is not covered by the section to which the Honourable Member has drawn the attention of the Chair. Therefore, the Chair holds that this Bill is quite *intra vires* of this Legislature.

Motion moved :

" That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddy, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghubir Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma 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 Chair is not sure whether it would be possible for the House to finish consideration of this motion today.

Mr. R. S. Sarma (Nominated Non-Official) : Mr. President, I move :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

I do not think the House expects a speech in support of this amendment of mine at the fag end of the day. I understand, the Honourable the Mover is willing to accept this motion for circulation, and I think that 30th June, 1934, is suitable for all parties concerned in this matter.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

Pandit Satyendra Nath Sen : Sir, I gave notice of a motion for circulation, but I am going to oppose the main motion. Am I entitled to this ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Is not the Honourable Member moving his own amendment ?

Pandit Satyendra Nath Sen : I am not prepared to move my amendment. I am opposing the Bill. Honourable Members will remember that I moved a motion for circulation of the previous Bill, namely, the Temple Entry Bill. There my language was that the Bill be circulated amongst the temple going Hindus only, but it was objected to by the Honourable the Home Member on the ground of practical difficulties. I, therefore, gave notice of a motion that this Bill be circulated amongst Hindus only. I now understand that the motion will not be accepted, because my Honourable friend, Mr. Sarma, has preceded me and in all probability his

[Pandit Satyendra Nath Sen.]

motion will be accepted. I, therefore, feel inclined to oppose the motion and that for two reasons at least, because the Government are inclined to go back upon the assurance which they have repeatedly given us and because this Bill is much more wide than the previous Bill and, therefore, much more obnoxious. At the very outset I may inform Honourable Members that the Bill is misconceived. In the Preamble it is stated " Whereas it is increasingly felt by the Hindu community ". I say that the reformers who are the sponsors of these Bills are no representatives of the Hindu community. They form not more than five per cent. of the entire Hindu community. It is only some of the English educated people who can sponsor Bills like this and, as this Bill is wider, it will include the Temple Entry Bill also. Not only that, it will create other difficulties. For example, when a caste Hindu is making his worship or eating his meals, an untouchable may touch him and there is no remedy against him to be obtained by the caste Hindu, because clause 2 states :

" Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus and no civil or criminal Court shall recognise any custom of untouchability or base its adjudication on such a custom."

We have a remedy against caste Shudras, but we have no remedy against an untouchable. Why this preferential treatment ? This will give rise to anomalies. When I am worshipping, if I am disturbed by a caste Shudra or an outcasted Hindu, I have a remedy against him, but not against an untouchable. I can sue the caste Shudra or the outcasted Hindu in a law Court, but not an untouchable. Why this differential treatment ? It is for this reason that I propose to oppose this Bill. But as I am sure that the motion for circulation will be passed, I will request the Honourable the Home Member to see that the Bill is not circulated in the ordinary manner, but is circulated " specially among the recognised religious institutions and associations of the community whose religion is sought to be affected by these Bills ". I take this language from the reply given by His Excellency the Viceroy to the deputation, that waited upon him, of the All-India Varnashrama Sangha, and there were other assurances also. I may refer to the Government communiqué from which I quoted and which the Honourable the Home Member also quoted on the last occasion. It is not at all an unreasonable request, because Mr. Gandhi is also of the same opinion. In reply to a communication addressed to him, Mr. Gandhi sent the following letter :

" I am quite convinced, however, that the interference from non-Hindus cannot be tolerated in a matter which is purely a religious issue and which is one essentially for the Hindus to settle among themselves."

Sir, this is another Bill to which His Excellency the Viceroy has accorded his sanction. I beg most respectfully to submit that we expected from His Excellency otherwise, because in reply to a deputation of the Marwari Association, His Excellency.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member cannot criticise the action of His Excellency here.

Pandit Satyendra Nath Sen : Sir, the Bill is before us. Am I not entitled to express my views regarding the sanction ? I am not criticising his conduct.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot criticise the action of the Viceroy on the floor of this House.

Pandit Satyendra Nath Sen : This Bill, like similar other Bills, is overdue in this Legislature, overdue not in the sense that they are at all proper, but that they are inevitable. Let me explain my point further. There is a set of English politicians who, since some years past, have been trying to kill the Brahminical culture which has maintained a peculiar sort of independence in spite of political subjugation. These politicians cannot endure this sort of independence on the part of Indians. The reformers are so many tools in their hands in achieving their end. These reformers, owing to their vicious culture, play into their hands for two reasons. By their culture they are always inclined to imitate the western ideals in words, thoughts and deeds, and secondly, being unable to make any headway in the matter of political reforms, they want to exhaust their energy in some other direction and, finding an easy outlet in religious matters, they want to fall upon the innocent Hindus in conformity with the principle contained in the Bengali adage that one who cannot make an impression outside comes home and beats his own wife.

Sir, as I have said, these reformers are not the representatives of the Hindus and they have no claim to speak in the name of the Hindu community. It is argued that we should accept this Bill on the ground of common sense. I said on a previous occasion that common sense is a thing which is as unstable as unsafe and I gave an illustration then. One other illustration comes to my mind on the present occasion. Mr. Gandhi says that image worship is not a sin, rather it is necessary. But another leader, who hails from Bengal, Dr. Robindra Nath Tagore, has clearly declared that image worship is a sin. Now, whom to follow in this crisis ?

5 P.M.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Do you worship an image ?

Pandit Satyendra Nath Sen : I do, although not in the sense in which they take it.

Sir Abdulla-al-Mámún Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : But Robindra Nath Tagore is a Brahmo.

Pandit Satyendra Nath Sen : But they are our leaders. Even Mr. Gandhi is not a Hindu in the literal sense of the term. Then, it is said that we should accept the principle of this Bill on the ground of humanity. Is there any prescribed standard of humanity ? Is there any border line of humanity which says that we should come up thus far and no further ? There would be other people who would, on the same ground of humanity, insist on going further. They would insist on inter-dining and inter-marriage as well as some of them have been actually doing. I want to show that these things are unstable and unsafe. All this fuss has been created by these reformers. This Bill is not even supported by the generality of the untouchables.

Mr. N. M. Joshi (Nominated Non-Official) : Who told you that ?

Pandit Satyendra Nath Sen : I can cite instances to that effect. On the last Harijan Day, the local leaders of Cuttack wanted to drag the untouchables into Kali's temple, but they refused to listen to them. I will cite one other instance which was reported in the *Ananda Bazar*

[Pandit Satyendra Nath Sen.]

Patrika which is an organ of the reformers. At Contai, which is a sub-division of the Midnapore district, when the reformers asked the untouchables to transgress their usual rights, they were beaten by them with broom-sticks. That is not my own invention ; it was reported in the *Ananda Bazar Patrika* which is a paper in support of these reformers. So, I beg to submit that in cases where common sense differs and where there is a difference of views, Shastras should be our only guide. If you do not abide by this dictum, you are quite at liberty to preach another religion as was done by the late Raja Ram Mohan Roy or the late Swami Dayanand. You cannot be allowed to take your seat on the broad breast of religion and society and commit outrage on them. Sir, that being so, I should ask the Hindus to abide by the Shastras only. Now, what do these Shastras tell us ? Honourable Members will remember the history of the origin of these untouchables which I gave them on the last occasion. In one short sentence I will remind them again of it.

Honourable Members : We remember all your speeches.

Pandit Satyendra Nath Sen : Sir, these untouchables owe their origin to serious violations of marital laws. Manu says that we should have no intimate dealings with these people. Samvartta and Atri are also of the same opinion. This is what they say :

"Chāndālam patitam sprishtwā shavam Antyajam eva cha
Udakyām sūtikām nārīm savāsāh snānam acharet."—Samvartta.

—If one touches a Chandala or a fallen man or a dead body or any [illegible] woman who has only recently delivered, he should take a bath.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I ask the learned Pandit whether he follows that *Shloka* ?

Pandit Satyendra Nath Sen : I do, and many other people do the same. It may be a news to my Honourable friend, because he knows nothing about the Hindu society, but this is a fact.

Mr. R. S. Sarma : May I ask a direction from you, Sir ? In view of the lateness of the hour, will you be pleased to direct that Pandit Sen's speech be taken as read and incorporated in the debates of the Assembly ?

Pandit Satyendra Nath Sen : How ? I beg to submit, Sir, that this is the only place where we can give full expression to our views, otherwise, outside this House we are even physically obstructed by the non-violent followers of Mr. Gandhi. I am sorry the Honourable the Law Member is not in his seat. He will bear me out when I say this, because he himself had some ugly experience at the hands of these so-called harbingers of democracy. That incident happened in Calcutta sometime ago. *Atri* says :

"Charmako rajako vainyo dhīvaro natakastathā
Etān sprishtvā dwijo mohāt āchāmet prayatopi san.
Etaih sprishto dwijo nityam ekarātram ghritam pibet."

Then, again :

"Yastu chchhāyām shwapākasya brāhmanastwadhigachchhati.
Sa cha snānan prakurvita ghritam prāshya vishuddhati."

—"If a Brahmin comes across even the shadow of a *Chandala,* he should perform a bath and drink *Ghee* for purification."

Manu says :

"Na taih samayam anwichchhet purusho dharmam ācharan.

—A religious man should have no dealings with these untouchables.

It is argued by some of the reformers that these texts do not occur in the Vedas, but that they occur only in the Smritis. We resent this sort of argument. It only betrays their ignorance. It is not only the Vedas that are authorities on our Dharma, but the Smritis also are authorities. The text is :

"Vedah smritih sadāchārah swasya cha priyam ātmanah
etat chaturvidham prāhuh sākshād dharmasya lakshanam."

The Vedas, the Smritis and good conduct and one's own complacence in matters of choice,—these are the authorities on Dharma. So the *Smriti* also is an authority on Dharma. However, to satisfy these captious critics, I will cite some texts from the Vedas which go to support that untouchability is recognised in the Vedas also. Honourable Members will remember the text I quoted the other day from the Chhandogya Upanishad which mentions the untouchables along with some of the lowest forms of creation as having their birth determined by their acts in their previous births.

An Honourable Member : Are Upanishads Vedas ?

Pandit Satyendra Nath Sen : The Upanishads are the essence of Vedas, they are Vedas *par excellence*. The Brihadaranyakopanishad also says :

"Na janam iyāt, nāntam iyāt."

A caste Hindu should not go to an untouchable or visit his habitation. The Sukla Yajur Veda, Chapter 30, makes mention of the four castes as well as some of the untouchable castes, namely : Dhevara, Kaivartta, Kirata, Nishada, and so forth.

It is not that these were later imaginations of the Smritikaras, but they do occur in the Vedas also. As a dissentient voice has been raised as to whether the Upanishads are the Vedas, I am prepared to cite some texts in order to satisfy these doubting friends. The Shukla Yajur Veda Samhita says :

"Shundhadhwam devayajyāyai yad vah ashuddhāh parājaghnah."

This is addressed to the sacrificial implements made of wood. They are told, " get yourselves purified by this sprinkling as you were made by unholy persons "—evidently referring to the carpenters, and so forth. Sir, I may inform my Honourable friends that it will be news to some of them and I invite the special attention of my Honourable friend, Diwan Bahadur Sarda, that in commenting on these passages from the Shukla Yajur Veda even the late Swami Dayanand Saraswati gives a reason for this view. He says that the company of the untouchables is to be avoided, because their touch or their breath may pollute others. This is what he says in the Bhashya of the text. Sir, we have

LEGISLATIVE ASSEMBLY.

Wednesday, 6th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

Racial Restrictions against Indians to buy Land in Kenya.

656. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of Government been drawn to an article in the *Tanganyika Opinion*, dated the 3rd February, 1933, at page 5 under the heading " Sub-divisions of Plots in Highlands " ?

(*b*) Is it a fact that there exists in Kenya Highlands a racial restriction against Indians to buy land even for non-agricultural purposes, and that this restriction affects the Indian interests prejudicially ? What steps have Government taken in the matter ?

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

(*b*) So far as the Government of India are aware the restriction is intended to apply to agricultural land only. As the Honourable Member probably knows the matter has been referred to a Select Committee of the Kenya Legislative Council. Government have asked for a copy of the Committee's report and, after considering it, will take suitable action, if necessary.

Mr. N. M. Joshi : In view of the fact that Government recognise that the Kenya Government, with the approval of the British Government, impose racial discrimination and restrictions against Indians, may I ask whether they will represent to the British Government that the Government of India should have similar powers in the future constitution for imposing restrictions upon the subjects of those colonies where restrictions are imposed upon Indians ?

Mr. G. S. Bajpai : My Honourable friend asked a similar question the other day and I informed him that the Joint Select Committee of Parliament and His Majesty's Government are now seized of the matter.

Mr. N. M. Joshi : May I ask whether the Government of India have considered paragraph 122 of the White Paper ?

Mr. G. S. Bajpai : I am not in a position to answer whether they have considered paragraph 122 or not.

Mr. N. M. Joshi : May I ask whether they will consider that paragraph 122 from the point of view of the facts that have arisen out of this question ?

Mr. G. S. Bajpai : The Honourable Member's suggestion will be conveyed to the proper quarter, Sir.

[Pandit Satyendra Nath Sen.]

fallen on evil times. We, Hindus, do not believe in the Shastras and the Arya Samajists also do not believe in the sayings of their Guru, Swami Dayanand Saraswati. Everybody is anxious to be guided by his own common sense.

An Honourable Member : What a calamity !

Pandit Satyendra Nath Sen : It is certainly a calamity. It should be remembered that ceremonial cleanliness is primarily a matter to be discussed in the Smriti works and not in the Vedas. Mr. Gandhi was very right when he said on the 4th November that " Sanatan Dharma is the vital faith based upon the Vedas and writings that followed them ". By the expression " writings that followed them ", Mr. Gandhi evidently meant Smritis. Just two months later, on the 4th January, he shifted his position. He gave a different definition of Sanatan Dharma. He says that " Sanatan Dharma is good conduct which people can reach ". Every intelligent person can see that this definition makes a lot of difference. If this definition is to be accepted, I do not see any difference between Sanatan Dharma and any other Dharma. Every Dharma will accept the principle that Dharma is good conduct which people can reach. So if we are to accept this definition given by Mr. Gandhi later on, I say that all distinction between Sanatan Dharma and all other Dharmas ceases to exist.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : May I appeal to the Honourable Member that, after a long day, he should allow us to take advantage of the open air on this beautiful day.

Pandit Satyendra Nath Sen : I am sorry I cannot oblige my Honourable friend. This is a vital thing. If the Honourable Member wishes to leave the House, he can do so with the leave of the Honourable the President.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I wish to refer to one thing as mentioned by my Honourable friend in his address which has set me shivering this afternoon. The Honourable Member has said that if the shadow of an untouchable falls upon a Hindu, he should take a bath immediately. Ever since he said that, I have been shivering, because I am wondering whether it should be a cold bath or a hot bath.

Pandit Satyendra Nath Sen : Cold bath for us, and hot bath for reformers.

Mr. B. V. Jadhav : May I know from the Honourable Member whether, as he daily comes near my Honourable friend, Mr. Rajah, he ever takes a bath ?

Pandit Satyendra Nath Sen : There are substitutes for baths also.

An Honourable Member : What are those substitutes ?

Pandit Satyendra Nath Sen : You complain that you are tired and you want to go home and, yet, you want further elucidation upon this point.

Mr. President (The Honourable Sir Shanmukham Chetty) : How long does the Honourable Member propose to take ? As this is the last

day for non-official Bills, the Chair would certainly have no objection to sit a little late, if it is the general desire of the House to finish the business now before the House. How long will the Honourable Member take to finish his speech ?

Several Honourable Members : No, we cannot sit.

Pandit Satyendra Nath Sen : I will take three-quarters of an hour more.

Mr. D. K. Lahiri Chaudhury : I want to speak on this motion. There are several other Members who also want to speak.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : There is a meeting of the Select Committee called for for this evening.

Mr. President (The Honourable Sir Shanmukham Chetty) : Our ual practice is to adjourn at a quarter to five every day. The Chair erstands that some important Select Committees have been summoned his evening, and, on an important Bill of this nature which certain of the House consider to be very vital to them, the Chair cannot discussion without giving an opportunity to every section of express itself. (Hear, hear.) If the Honourable Member, is going to take three-quarters of an hour more and if there so other Honourable Members to speak on the motion, it would not asonable to expect the House to sit much longer. Therefore, we t to adjourn the House just now.

The Assembly then adjourned till Eleven of the clock on Wednesday, e 6th September, 1933.

LEASES IN KENYA NATIVE RESERVES.

657. *Mr. Gaya Prasad Singh : (*a*) Has the attention of Government been drawn to an article in the *Tanganyika Opinion,* dated the 3rd February, 1933, at page 6 under the heading " Leases in Kenya Native Reserves " ?

(*b*) Is it a fact that leases of plots which have already been commercially developed by them, have been refused to Indian traders, and that in future there is a danger of that policy being more vigorously pursued ? If so, what steps have Government taken to safeguard the interests of the Indians ?

Mr. G. S. Bajpai : (*a*) and (*b*). Government have no information beyond what is contained in the newspaper report referred to by the Honourable Member and await the report of the Kenya Land Commission.

DISCRIMINATION AGAINST ASIATIC STAFF IN THE TANGANYIKA RAILWAYS.

658. *Mr. Gaya Prasad Singh : (*a*) Has the attention of Government been drawn to a leading article in the *Tanganyika Opinion,* dated the 10th February, 1933, at page 7 under the heading " Railway Methods ", and also to another leading article in the *Tanganyika Opinion,* dated the 14th July, 1933, at page 8 under the heading " The Asiatic in Railways ", relating to the severity with which discrimination against the Asiatic staff is practised in the Tanganyika Railways ?

(*b*) Will Government be pleased to state if they propose to take some steps to guarantee to the Indian staff on the Tanganyika Railways an equitable treatment as common subjects of His Majesty ?

(*c*) Has the attention of Government been drawn to a report in the *Tanganyika Opinion,* dated the 10th February, 1933, at page 12 under the heading " Mr. Gibb's Report on Railway Rates and Finance " ?

(*d*) Have Government received a copy of that report from the Colonial Office ? If so, have Government considered the recommendations made in the report and its effects on the Indian settlers in Tanganyika ? And if so, will Government be pleased to lay on the table of this House a statement showing the results of such consideration and examination, indicating how they affect the Indian settlers ?

Mr. G. S. Bajpai : (*a*) and (*c*). Yes.

(*b*) Government have made enquiries.

(*d*) Government have received and examined the report of Mr. Roger Gibb on railway rates and finance in Kenya, Uganda and Tanganyika Territory and propose to address the Secretary of State shortly. The Honourable Member will appreciate that while the matter is under correspondence with His Majesty's Government who are also awaiting the views of the Colonial Governments concerned, the Government of India cannot disclose the recommendations that they might make. A copy of the report has been placed in the Library.

Mr. Lalchand Navalrai : May I ask whether Indians are actually and, as a matter of fact, on the staff of the Tanganyika Railways ?

Mr. G. S. Bajpai : Yes, Sir ; Indians are on the staff of the Tanganyika Railways all right.

Mr. Lalchand Navalrai : Is it a large number, or only a few men have been taken ?

Mr. G. S. Bajpai : No, Sir. I said that the practice, so far as the railways in the whole of East Africa are concerned, for a long time, has been to recruit Indians for certain positions.

Mr. Gaya Prasad Singh : With regard to the answer to part (*b*) of my question, what is the result of the inquiries which Government say they have instituted ?

Mr. G. S. Bajpai : I have not yet had a reply from the Government of Tanganyika.

POSTAL UNION IN EAST AFRICA.

659. *Mr. Gaya Prasad Singh : (*a*) Has the attention of Government been drawn to the following :

(*i*) a leading article in the *Tanganyika Opinion,* dated the 17th February, 1933, at page 4 under the heading " Postal Union in Action " ;

(*ii*) a leading article in the *Tanganyika Opinion,* dated the 17th March, 1933, at page 9 under the heading " Postal Union in Limelight " ;

(*iii*) a leading article in the *Tanganyika Opinion,* dated the 24th March, 1933, at page 2 under the heading " Postal Union in Limelight II " ;

(*iv*) a leading article in the *Tanganyika Opinion,* dated the 28th April, 1933, at page 14 under the heading " Is It Mutual Agreement " ;

(*v*) a leading article in the *Tanganyika Opinion,* dated the 26th May, 1933, at page 7 under the heading " Some Aspects of Postal Union in Action " ;

(*vi*) a leading article in the *Tanganyika Opinion,* dated the 26th May, 1933, at page 10 under the heading " Postal Union Notions of False Economies " ;

(*vii*) a leading article in the *Tanganyika Opinion,* dated the 26th May, 1933, at page 11 under the heading " Postal Union Agreement a Hocus " ?

(*b*) Are Government aware that the Postal Union of East Africa has not proved an economic measure, and has been responsible for seriously undermining the status and service conditions of the Indian staff in Tanganyika and more particularly the finances of Tanganyika ?

(*c*) If the reply to part (*b*) be in the affirmative, are Government prepared to take adequate steps in the matter to safeguard the interests of the Indians ?

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

(*b*) and (*c*). In reply to the Honourable Member's question No. 342, I stated on the 20th February that Government's main concern is to ensure that the amalgamation of postal services does not differentially affect Indian interests, mainly as regards the employment of Indians.

They have had no evidence of this so far but the Honourable Member may rest assured that they will watch the situation carefully with a view to safeguarding Indian interests.

AMELIORATION OF THE CONDITION OF INDIAN EDUCATION IN BRITISH GUIANA.

660. *Mr. Gaya Prasad Singh: (*a*) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 10th March, 1933, at page 2 under the heading " Indians in British Guiana " ?

(*b*) Will Government be pleased to state what steps have been taken to ameliorate the condition of Indian education in that colony ?

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

(*b*) The question of educational reform in British Guiana was comprehensively reviewed by the British Guiana Commission who made important recommendations in the matter. The Government of India are not aware what action has been taken in regard to those recommendations but are making inquiries.

SAFEGUARDING THE LEGITIMATE INTERESTS OF INDIANS IN FIJI.

661. *Mr. Gaya Prasad Singh: (*a*) Has the attention of Governmen been drawn to the news items published in the *Tanganyika Opinion*, dated the 26th May, 1933, at page 13 under the heading " Indians in Fiji ", and dated the 14th July, 1933, at page 3 under the heading " Fiji M. L. C. Resigns His Seat ", relating to the serious state of affairs in Fiji about the status of Indians in that colony ?

(*b*) Will Government be pleased to state what steps have they so far taken to assist the Indian community of that colony to safeguard their legitimate interests ?

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

(*b*) I have nothing to add to the Government of India, Department of Education, Health and Lands Resolution, dated the 12th January, 1927, and to the reply given to part (*e*) of the Honourable Member's question No. 634 on the 22nd September, 1931, and the connected supplementaries.

MAIZE POOL SCHEME IN KENYA.

662. *Mr. Gaya Prasad Singh: (*a*) Has the attention of Government been drawn to an article published in the *Tanganyika Opinion*, dated the 16th June, 1933, at page 2 under the heading " Kenya Maize Pool Scheme " ?

(*b*) Are Government aware of the resolutions of the Federation of Indian Chambers of Commerce and Industry on the subject of the Maize Pool Scheme in Kenya and its dangers to the Indian interest ?

(*c*) What steps do Government propose to take in the matter to afford protection to the Indian interests in that colony ?

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

(*b*) Government have seen the resolutions.

(*c*) It is understood that the Maize Pool Scheme which was put forward by the Kenya Farmers' Association was referred to a Sub-Committee of the Board of Agriculture. The Sub-Committee has agreed that it cannot recommend the scheme.

AGITATION OF THE WHITE SETTLERS IN KENYA AGAINST INCOME-TAX.

663. *Mr. Gaya Prasad Singh: (*a*) Has the attention of Government been drawn to the leading article in the *Tanganyika Opinion*, dated the 23rd June, 1933, at page 2 under the heading " No More Income-tax " ?

(*b*) Are Government aware that the East African Indian community will be hard hit by the decision of the Secretary of State for Colonies to withdraw the income-tax proposals on account of the agitation of the white settlers in Kenya against income-tax ?

(*c*) Do Government propose to consider the question of making representations to the Imperial Government against the decision referred to above ?

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

(*b*) and (*c*). The scheme of taxation alternative to the income-tax was recommended by a Commitee on which the Indian community had two representatives. It was agreed to by the Indian members, subject to a reservation by one of them in regard to the graduated male non-native poll-tax. The Secretary of State for the Colonies has suggested for consideration that the existing rate of this tax, which is 30s. per annum, should remain unaltered for persons with yearly incomes not exceeding £100, and this is designed to meet the objection of the Indian representative, referred to, that a minimum rate of 40s., which increases the present poll-tax by one-third, will bear harshly on the poorer Indians. Since these proposals were published in Kenya, the Government of India have received no representations against them and have no reason, therefore, to suppose that their help is required.

AMELIORATION OF THE CONDITION OF INDIANS IN THE LAKE PROVINCE IN TANGANYIKA.

664. *Mr. Gaya Prasad Singh: (*a*) Has the attention of Government been drawn to a leading article in the *Tanganyika Opinion*, dated the 7th July, 1933, at page 6 under the heading " Misfortunes of the Lake Province " ?

(*b*) Are Government aware of the great amount of Indian interest in jeopardy in the Lake Province of the Tanganyika Territory, as a result of the Marketing (Amendment) Ordinance, 1932, of the Government of Tanganyika ?

(*c*) Do Government propose to consider the question of making necessary representations to the proper authorities for the amelioration of the Indian condition in that Province ?

Mr. G. S. Bajpai: (*a*), (*b*) and (*c*). Government have seen the article referred to by the Honourable Member. They have not received any representation on the subject from the Indian community in Tanganyika but are making inquiries as to what the exact position is.

Mr. Gaya Prasad Singh : Am I to understand that the result of that inquiry will be communicated to the House ?

Mr. G. S. Bajpai : It depends upon the importance of the result.

DEMAND OF WHITE SETTLERS FOR THE CONTROL OVER THE FINANCES OF KENYA.

665. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of Government been drawn :

(*i*) to an article in the *Tanganyika Opinion*, dated the 28th July, 1933, at page 2 under the heading " Kenya Plunged into Political Controversies " ;

(*ii*) to a leading article in the *Tanganyika Opinion*, dated the 28th July, 1933, at page 3 under the heading " Kenya Politics " ;

(*iii*) to an article in the *Tanganyika Opinion*, dated the 28th July, 1933, at page 8 under the heading " Writing on the Wall— A Call to Tanganyika " ?

(*b*) Are Government aware of the text of the resolutions of the Executive Committee of the East African Indian National Congress as a sequel to the white settlers' demand for control over the finance of the Kenya colony, and of the unanimous opinion of the Indian press of Kenya opposing the demands of the Kenya whites ?

(*c*) Will Government be pleased to state what steps, if any, have been taken in the matter ?

Mr. G. S. Bajpai : (*a*) and (*b*). Yes.

(*c*) The attention of the Honourable Member is invited to the Press Note on the subject issued on the 11th August, 1933.

CONSTRUCTION OF A BRIDGE ON A CANAL BETWEEN MOGHALPURA AND LAHORE ON THE NORTH WESTERN RAILWAY.

666. ***Mr. Gaya Prasad Singh** (on behalf of Sardar Sant Singh) : Is it a fact that a bridge is being constructed on a canal on the North Western Railway line, between Moghalpura and Lahore station ? If so, will Government be pleased to furnish detailed information about the bridge on the following points :

(*i*) width of the canal, (*ii*) date when the work was started, (*iii*) estimated cost, (*iv*) cost actually incurred, (*v*) date when the bridge is likely to be completed ?

Mr. P. R. Rau : The bridge in question is called the Bari Doab Canal bridge :

(*i*) The width of the canal is 47 ft. but the Railway crosses it at an angle and so the length of the bridge is very much greater than the width of the canal.

(*ii*) The work was started in March, 1933.

(*iii*) The estimated cost is Rs. 1,55,000.

(*iv*) The expenditure incurred to date is about Rs. 1,65,000 but credits amounting to about Rs. 40,000 will accrue on completion of the work.

(*v*) The bridge is expected to be completed within a month from now.

Mr. Lalchand Navalrai : May I know if new constructions are undertaken by the Railways nowadays ?

Mr. P. R. Rau : That hardly arises out of this question, but I can assure my Honourable friend that the question of new constructions is being carefully considered by Government as was explained in the Budget speech of the Honourable Member for Railways.

Mr. Lalchand Navalrai : With regard to this bridge, may I know whether it is a new construction or only repairs to an old bridge ?

Mr. P. R. Rau : I should like to have notice of that question.

Mr. B. V. Jadhav : In consideration of the fact that the rates of labour and material have fallen down, why should there be an excess over the estimates ?

Mr. P. R. Rau : The estimate was not exceeded, Sir.

Mr. Gaya Prasad Singh : The Honourable Member answered the question, but does he not know whether it is a new bridge or an old bridge that is being repaired ?

Mr. P. R. Rau : I have answered all the questions put on the paper. This was not on the paper and I am not aware as to what is happening on the North Western Railway.

Mr. Gaya Prasad Singh : My question is whether this bridge, of which mention is made in this question, is a new bridge or an old bridge which is repaired ?

Mr. P. R. Rau : If the Honourable Member will put down a question, I shall be glad to give him a reply.

Mr. Lalchand Navalrai : Does the Honourable Member get only half replies to these questions from the Agents of the Railways ?

Mr. P. R. Rau : I get full replies to all questions that are put down on the paper.

Mr. Lalchand Navalrai : There is a difference of opinion on that. But when the Honourable Member got information about the construction of this bridge, was he not informed whether it is a new bridge or an old bridge which is being repaired ?

Mr. P. R. Rau : I may point out that it is not a question of difference of opinion, but a question of fact. I have replied to every question that has been put on the paper.

Mr. Gaya Prasad Singh : The question was, if it is a fact that a bridge is being constructed on a canal on the North Western Railway line, between Moghalpura and Lahore station ?

Mr. P. R. Rau : And the answer is in the affirmative.

Mr. Gaya Prasad Singh : And the supplementary question was whether it is a new bridge which is being constructed or an old bridge which is being repaired.

Mr. P. R. Rau : For that I shall have to consult the North Western Railway and if my Honourable friend desires to have the information, he should put down a question on the paper.

Mr. Lalchand Navalrai : Does not the Honourable Member think that if it was an old bridge, which is being repaired, they would not have used the word " constructed ", but they would have said " repaired " ? In view of that, does not the Honourable Member think that this is a new construction ?

Mr. P. R. Rau : That is a question of difference of opinion about the meaning of the word " constructed ".

THREE DECIPHERABLE CURRENCY NOTES OF THE LAHORE CIRCLE.

667. ***Mr. Gaya Prasad Singh** (on behalf of Sardar Sant Singh) : (*a*) Are Government aware that three notes of hundred rupees each of Lahore Circle (Currency Office) were sent to the Lahore Office by Messrs. Khushiram Behari Lal through the Allahabad Bank, Limited, Lyallpur Branch, for being cashed ? If so, with what result ?

(*b*) Is it not a fact that the said notes were cut into two halves each by a cutting machine and when joined together numbers and letters were easily decipherable ? If so, why do Government regard such notes as unidentifiable ?

(*c*) Will Government be pleased to lay the rules on the table ?

(*d*) Has the said firm of Messrs. Khushi Ram Behari Lal served Government with a notice of their claim, as prescribed by Section 80, C. P. C. ? If so, have Government consulted their legal advisers ? If so, with what result ?

(*e*) Are Government aware that such acts of avoiding payment of these notes on technical grounds go to affect the credit of Government in the commercial world ?

The Honourable Sir George Schuster : (*a*), (*b*) and (*d*). Government have no information regarding the case to which the Honourable Member refers.

(*c*) The Honourable Member will find a copy of the rules in the Library of this House.

(*e*) No.

MANAGEMENT OF THE HINDU REFRESHMENT ROOM AT LAHORE RAILWAY STATION.

668. ***Mr. Gaya Prasad Singh** (on behalf of Sardar Sant Singh) : (*a*) Will Government be pleased to state since how long the Hindu Refreshment room at Lahore Railway station has been in existence ?

(*b*) Who has been running the Hindu Refreshment room at Lahore Railway station during the last ten years ?

(*c*) Who has been given the contract now and since when ?

Mr. P. R. Rau : (*a*) About 30 years.

(*b*) S. Tara Singh, prior to December, 1925, and S. Prabh Singh from December, 1925 to 31st July, 1933.

(*c*) Mehta Bishan Dass from 1st August, 1933.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he is prepared to advise the Agent to consult the advisory committee when giving these contracts for refreshments ? Does it arise out of this question or not ?

Mr. P. R. Rau : Is that question addressed to me or to the President ?

Mr. Lalchand Navalrai : It is addressed to the Honourable Member.

Mr. P. R. Rau : May I know what is the question ?

Mr. Lalchand Navalrai : I hope my voice is loud enough to be heard even perhaps outside the House. Will the Honourable Member be pleased to advise the Agent that in giving contracts of this nature the advisory committee of the railway should be consulted ?

Mr. P. R. Rau : No. These are purely executive matters.

Mr. Lalchand Navalrai : I cannot understand the reply : whether it is an executive matter or any other, we are entitled to know from the Honourable Member whether he is going to give advice or not. I want an answer in a cool manner without putting on any air.

Mr. P. R. Rau : I have already given an answer to the Honourable Member. I said this was a purely executive matter and not the function of the advisory committee.

Mr. Lalchand Navalrai : Will the Honourable Member please tell me what are the duties of an advisory committee ?

Mr. P. R. Rau : I think the duties of the advisory committee are contained in a publication which is in the Library of the House.

Mr. Lalchand Navalrai : May I know whether the Honourable Member does not know them ?

Mr. P. R. Rau : They are rather long and I cannot burden my memory with the whole list of their duties.

Mr. Lalchand Navalrai : Yet, the Honourable Member says that this is not the business of the advisory committee : may I know from the Honourable Member if that is correct ?

Mr. P. R. Rau : I am really afraid I cannot understand my Honourable friend's question.

Mr. Lalchand Navalrai : I think I have made it very plain : I have asked whether the Honourable Member, without knowing the rules, knows that this is not a matter for the advisory committee ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Question time ought to be utilised for eliciting information from Government and not to subject Members of Government to cross-examination.

Mr. Lalchand Navalrai : With all deference to your ruling, I submit that when questions are being answered in a manner which is absolutely not satisfactory, I think the only way of getting a reply is by cross-examination.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

MANAGEMENT OF THE HINDU REFRESHMENT ROOM AT LAHORE RAILWAY STATION.

669. *Mr. Gaya Prasad Singh (on behalf of Sardar Sant Singh) : (a) Are Government aware that the Sikhs have religious scruples in taking meat other than Jhatka ?

(b) If the reply to part (a) above be in the affirmative, are Government aware that Jhatka meat is sold at higher rates than the other kinds of meats ?

(c) Is it a fact that a Hindu has been given the management of the Hindu refreshment room at Lahore Railway station ?

(d) Are Government aware that strong representations have been made by the whole Sikh community, as well as Sikh press, against granting the management of the Hindu Refreshment room at Lahore Railway station to a Hindu on the ground that the Sikhs cannot be certain of the kind of meat prepared therein ?

(e) Has the attention of Government been drawn to the resolution passed by S. G. P. C., the Chief Khalsa Diwan and a number of other Sikh institutions on this subject ?

(f) Is it a fact that a deputation waited upon the Agent, North Western Railway, on behalf of the Sikh Central Youth League, Lahore ? If so, will Government be pleased to state what representations were made by the members of the deputation and what was the reply given to their representation ?

(g) Is it a fact that retired military officers have expressed their resentment at the action of Government in granting the management of the refreshment room to a Hindu ? If so, do Government propose to consider the question of remedying the evil thus done ?

Mr. P. R. Rau : (a) Yes.

(b) I understand that no change has been made in the tariff rates with the change of contractors.

(c) Yes. The Agent, North Western Railway, reports that the previous Sikh Contractor had been warned several times for unsatisfactory work and as there was no improvement he was constrained to withdraw his licence.

(d) and (e). Certain representations were made to the North Western Railway Administration regarding the termination of the previous contract. The matter was discussed by the Chief Commercial Manager with certain leading Sikhs of Lahore and Amritsar, and the subject was discussed informally also at a meeting of the Lahore Advisory Committee. It was decided that wherever practicable Hindu Refreshment Room Contractors would purvey Jhatka meat only, as such meat was said to be acceptable to others using the Hindu Refreshment Rooms. Instructions to this effect have been issued and no complaints have since been received.

(f) No deputation was received by the Agent ; the matter was discussed as stated in parts (d) and (e) of my reply.

(g) Certain retired Sikh officers had made a representation. Government do not consider that any necessity has arisen for their intervention in his matter.

Mr. Gaya Prasad Singh : May I know if a change in the tariff rates had been made, the local advisory committee would have been consulted ?

Mr. P. R. Rau : I understand that no change has been made.

Mr. Lalchand Navalrai : Will they be consulted if there is a change ?

Mr. P. R. Rau : That is a hypothetical question, Sir.

MEMORIAL SUBMITTED BY ASSISTANT WAY INSPECTORS, NORTH WESTERN RAILWAY, FOR MODIFICATION IN THEIR CONDITION OF SERVICE.

670. *Mr. Gaya Prasad Singh (on behalf of Sardar Sant Singh) : (a) Is it a fact that a memorial was recently submitted by Assistant Way Inspectors, grade I, asking for certain modification in their conditions of service ? If so, what action has been taken in the matter ?

(b) Are Government aware of the training given in T-10 course to Assistant Way Inspectors, grade I, equivalent to that given to the Apprentice Permanent Way Inspectors in the same school ? If so, is it a fact that preferential treatment is given to the latter, over-ruling the seniority, experience, and the qualifications attained by the former ? If so, why ?

(c) Are the Assistant Way Inspectors, grade I, after qualifying themselves in T-10 course, considered fit to hold charge as Permanent Way Inspectors ? If so, how many such men are available on the North Western Railway ?

(d) Is a sufficient number of such class of men who have passed the course of T-10 available, and if so, will Government be pleased to state what is the necessity of incurring a lot of expenditure in recruiting inexperienced outsiders ?

(e) During the period of the last five years how many Assistant Way Inspectors, grade I, and grade II, *i.e.*, Apprentice Permanent Way Inspectors, were promoted and confirmed as Permanent Way Inspectors respectively ? What is the percentage of each class ?

(f) Is it a fact that a number of Assistant Way Inspectors, grade I, without passing the Walton Training School have been promoted to Permanent Way Inspectors' post ? If so, why are the Assistant Way Inspectors, grade I, after qualifying themselves again in the school left behind the Apprentice Permanent Way Inspectors ? Is it a fact that a smaller percentage is fixed for Assistant Way Inspectors, grade I, for promotion to Permanent Way Inspectors' job ?

(g) Is the pay of the Assistant Way Inspector, grade I, Rs. 60—2—90—2½—110 and of grade II, *i.e.*, Apprentice Permanent Way Inspectors Rs. 65, 80, 95, 125 *plus* 5 to 155 ? If so, why is such a big difference in pay being maintained ?

Mr. P. R. Rau : No memorial has been received by the Railway Board. The matter seems to be within the competence of the Agent, North Western Railway, to deal with ; and I am sending a copy of this question to him for any action that he may consider necessary.

Mr. Lalchand Navalrai : Does the Honourable Member get any replies to the questions that are sent to the Agent ?

Mr. P. R. Rau : Not unless a reply is asked for.

Mr. Lalchand Navalrai : Does the Honourable Member generally ask for a reply ?

Mr. P. R. Rau : No ; if the question is within the competence of the Agent to decide, I do not ask for a reply.

COMMUNAL COMPOSITION OF THE CLERICAL STAFF IN THE MILITARY GRASS AND DAIRY FARMS.

671. ***Mr. Gaya Prasad Singh** (on behalf of Sardar Sant Singh) : Will Government please state the total clerical strength of the Military Grass and Dairy Farms, and the number of Sikhs in each as compared to Muslims and Hindus ?

Mr. G. R. F. Tottenham : I place on the table a statement giving the information desired by the Honourable Member.

Statement showing the Communal Composition of the Clerical Staff in the Military Grass and Dairy Farms.

	Sanctioned establishment.	Actual.				
		Hindus.	Muslims	Sikhs.	Others.	Total.
Military Dairy Farms—						
Clerks	93	76	10	5	2	93
Military Grass Farms—						
Clerks	116	77	30	4	5	116
Total ..	209	153	40	9	7	209

EXAMINATION FOR RECRUITMENT OF AUDITORS IN THE SUBORDINATE RAILWAY AUDIT SERVICE AND CLERKS IN THE OFFICES OF THE CHIEF AUDITORS AND STATE RAILWAYS.

672. ***Mr. Gaya Prasad Singh** (on behalf of Sardar Sant Singh) : (*a*) Is it a fact that an All-India competitive examination was held by the Director of Railway Audit in February, 1930, for recruitment of Auditors in the Subordinate Railway Audit Service and of clerks in the offices of the Chief Auditors and State Railways ?

(*b*) Is it a fact that successful candidates were given jobs as Auditors and clerks ?

(*c*) Is it a fact that in the office of the Chief Auditor, North Western Railway, three of the successful candidates were posted as Auditors and three as clerks ?

(*d*) Is it a fact that these successful candidates were exempted from appearing in Part I examination and were to qualify themselves by appearing in Part II examination ?

(*e*) Is it a fact that when retrenchment was carried out two of the clerks thus appointed were brought under reduction ? If so, is it due to the orders of the Government of India to the effect that retrenchment should be carried on according to the length of service ? Was no distinction made on account of the qualifications of the persons retrenched ? Is it a fact that in future recruitment, the Railway Board had issued a circular that the retrenched men should be provided first ? If so, is it a fact that in March, 1933, four supernumeraries were created in North Western Railway and one in the Attached office ? If so, is it also a fact that one of these posts has been given to an outsider ? If so, why ?

(*f*) Do Government propose to issue instructions to the Chief Auditor, North Western Railway, to make further recruitment from amongst the retrenched hands, according to their departmental qualifications and seniority ?

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

RETRENCHMENT OF INDIANS EMPLOYED IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

673. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state the number of the Indians employed in the office of the High Commissioner for India in London ?

(*b*) Will Government be pleased to state whether a retrenchment committee was appointed in London to recommend retrenchment in the office of the High Commissioner for India in London ?

(*c*) If so, when was it appointed and by whom was it appointed ?

(*d*) Will Government be pleased to state the number of members appointed on the said committee and the number of Indians and Europeans separately appointed as members of the said committee ?

(*e*) Will Government be pleased to state how many I. C. S. and other Indian Imperial Service men retired or otherwise were appointed as members of the said committee ?

(*f*) Will Government be pleased to state the total number of men showing separately the number of officers and other subordinate staff working at present in the High Commissioner's office and their respective numbers before the said retrenchment committee was appointed ?

(*g*) Will Government be pleased to state separately the number of Indians employed as officers and other subordinate staff in the office of the High Commissioner's office before the retrenchment ?

(*h*) Will Government be pleased to state separately the number of Indians employed as officers and other subordinate staff in the High Commissioner's office after the retrenchment ?

(*i*) Will Government be pleased to state separately the number of Indians, officers and other subordinate staff, who have been retrenched by the retrenchment committee ?

The Honourable Sir Joseph Bhore : Information is being collected and will be furnished to the House in due course.

EMPLOYMENT OF INDIANS IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

674. ***Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (*a*) Will Government be pleased to state separately the number of Indians now unemployed in London and all other places of the United Kingdom taken together ?

(*b*) Is it a fact that out of a total number of 350 officers and subordinate staff employed in the High Commissioner's office before the last retrenchment, there were only 13 Indians employed in that office ?

(*c*) Is it a fact that out of the 13 Indians so employed, nine were retrenched as a result of recommendation of the last retrenchment committee appointed for the office of the High Commissioner for India in London ?

(*d*) Do Government propose to reserve all the posts in the High Commissioner's office for employment of Indians ?

(*e*) If not, will they be pleased to state the reasons ?

(*f*) Are Government aware that a large number of Indians well qualified in all branches of Engineering and other technical qualifications required for holding the posts of officers and possessing other subordinate ranks in the office of the High Commissioner for India in London, are always available there ? If not, have they ever enquired into the matter ? If not, why not ?

(*g*) Will Government be pleased to state whether the posts of officers, when vacant, are advertised by the High Commissioner's office before being filled up ? If not, why not ?

(*h*) Do Government propose to do so in future ? If not, why not ?

The Honourable Sir Joseph Bhore : The information is being collected as far as is possible and when complete will be laid on the table.

IMPORT OF COPPER SULPHATE INTO BRITISH INDIA.

675. ***Dr. F. X. DeSouza :** (*a*) Will Government be pleased to state (*i*) what quantities of copper sulphate were imported into British India during the last three years ; and (*ii*) what is the scale of customs duty levied on copper sulphate ?

(*b*) Are Government aware that 90 per cent. of the imported copper sulphate is used as a germicide for making up spraying mixtures and for other agricultural purposes ? If so, are Government prepared to see their way to remit the customs duty on copper sulphate used for agricultural purposes ?

The Honourable Sir Joseph Bhore :

(*a*) (*i*)

	Cwts.
1930-31	18,110
1931-32	17,648
1932-33	22,739

(*ii*)

Standard	Preferential.	
	U. K.	Colonies.
30 p.c.	20 p.c.	20 p.c.
Ad val.	*Ad val.*	*Ad. val.*

(*b*) Government are aware that imported copper sulphate is used for spraying purposes but they have no information as to the exact proportion of the imports so used. Representations urging the remission of the duty on copper sulphate have been received by Government, and they are receiving consideration.

Dr. F. X. DeSouza : If the facts are, as stated in the question, namely, 90 per cent. of the imported stuff is being used for agricultural purposes, and only 10 per cent. for industrial purposes, are Government in a position to state whether they will remit this customs duty on imported copper sulphate ?

The Honourable Sir Joseph Bhore : I think if my Honourable friend had listened to the concluding portion of my reply, it would have been unnecessary for him to put me this question : I said that representations had been received and were under the consideration of Government.

Dr. F. X. DeSouza : I did listen carefully to the last part of the Honourable Member's answer : but I put a hypothetical case : if the facts stated by me are true, will Government remit the customs duty ?

The Honourable Sir Joseph Bhore : On his own admission, my Honourable friend has put me a hypothetical question and I must decline to answer it.

Dr. F. X. DeSouza : Are Government aware that according to the report of the Director of Agriculture in Mysore, the use of copper sulphate is highly beneficial to agriculture, and that in many cases it raises the profit of agriculture by as much as Rs. 50 per acre ?

The Honourable Sir Joseph Bhore : I am not aware of the report my Honourable friend refers to : but I have no reason to doubt that what is stated there is correct.

Dr. F. X. DeSouza : If that is so, will Government not take steps to remit this taxation considering it is a heavy duty against agriculture ?

The Honourable Sir Joseph Bhore : I really cannot waste the time of the House further. I can only repeat what I have already said, that the matter is under consideration.

Mr. F. E. James : May I ask two supplementary questions ? The first is, are Government aware that copper sulphate is imported into other coffee-producing countries free of customs duty ? Secondly, in view of the fact that this matter has been before the Imperial Council of Agricultural Research for more than a year, will Government be pleased to expedite the consideration of the application made ?

The Honourable Sir Joseph Bhore : It is a little difficult to answer two questions at the same time. As regards the first part of my Honourable friend's question, I am grateful for the information conveyed. As regards the second, I am afraid I am not responsible for the operations of the Imperial Council of Agricultural Research ; but I shall pass on my Honourable friend's question to the authorities concerned.

IMPORT OF RUBBER HOSE INTO BRITISH INDIA.

676. ***Dr. F. X. DeSouza :** (*a*) Will Government be pleased to state :

(*i*) what quantities of rubber hose were imported into British India during the last three years ; and

(*ii*) what is the customs duty levied thereon ?

(*b*) Are Government aware that about 80 per cent. of the imported article is used for spraying machines ? If so, are Government prepared to consider the question of exempting this from customs duty ?

The Honourable Sir Joseph Bhore : (*a*) (*i*) Imports of rubber hose are not separately recorded in the Trade Accounts.

(*ii*) Ordinarily rubber hose is assessable to duty at 20 per cent. (preferential) and 30 per cent. (standard) *ad valorem* as manufactures of rubber not otherwise specified. When, however, it has been given some special shape or quality peculiar to its use as a component part of machinery, it is assessable at 10 per cent. *ad valorem*. If of canvas impregnated with rubber, it is assessable at 25 per cent. *ad valorem*.

(*b*) Government have no information as to the extent to which hose for spraying machines figures in the total imports. It is understood, however, that a large proportion of spraying machines are used for non-agricultural purposes. The latter part of the question does not arise.

Dr. F. X. DeSouza : Will Government inquire and find out what proportion of rubber hose which is imported is used for agricultural purposes as parts of Spraying Machinery ?

The Honourable Sir Joseph Bhore : I am afraid, Sir, it would be almost impossible to get accurate information on that point.

Mr. F. E. James : Arising out of that answer, would it not be possible for the new organization in regard to Statistical Research to obtain some figures from the agricultural interests concerned as to the amount, for example, of copper sulphate used for agricultural purposes and the amount of rubber hose used for agricultural purposes ? If he cannot give an answer, I would suggest to the Honourable Member in charge that he should obtain this information from the interests concerned.

The Honourable Sir Joseph Bhore : I cannot say straight off whether it is possible to get information along the lines suggested by my friend, but I will certainly pass on the suggestion that he has made to the proper quarters.

FREIGHT ON MANURES AND FERTILISERS ON THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAYS.

677. ***Dr. F. X. DeSouza :** (*a*) Will Government be pleased to state what is the scale of railway freight per ton charged on manures and fertilisers on the Madras and Southern Mahratta and South Indian Railways ?

(*b*) What is the freight charged on lime ?

(*c*) Are Government aware that a considerable proportion of lime transported by railway is used for manurial purposes ? If so, are Government prepared to direct the Railway authorities in the matter of assessing the freight to accept the certificate of firms of repute that a particular consignment of lime is intended to be used as a manure ?

Mr. P. R. Rau : (*a*) and (*b*). I lay a statement on the table giving the required information.

(*c*) Government have no information as to the first part of the question, but I am sending a copy of the question to the Railway Administrations concerned so that the suggestion may be examined.

Statement showing the freight charged on Manures, etc., on certain Railways.

(*a*) On the Madras and Southern Mahratta and South Indian Railways manure is charged at the C/FF Schedule rate, *i.e.*, at a flat rate of $\frac{1}{10}$ pie per maund per mile

(*b*) Lime is charged on the Madras and Southern Mahratta and South Indian Railways at the following rates :

Madras and Southern Mahratta Railway.—At the C./M Schedule, *viz.* :

Miles.	Pie per maund per mile.
1—75	·380
76—300	·200
301 & over	·100

Various station-to-station rates are also quoted for this commodity in local booking.

South Indian Railway :—

(*i*) When declared that the commodity is for manurial purposes for inland use only ..... $\frac{1}{10}$ pie per maund per mile.

(*ii*) When used for other than manurial purposes—At C/N Schedule, *i.e.* :

Miles.	Pie per maund per mile.
1—75	·333
76—150	·200
151—300	·170
301—400	·125
401 & over	·100

REPRESENTATION OF THE TRAVELLING PUBLIC AT THE RAIL-ROAD CONFERENCE HELD AT SIMLA.

678. ***Mr. Rahimtoola M. Chinoy :** (*a*) Will Government be pleased to state whether any delegate to represent the views of the travelling public was invited to the Road-Rail Conference held at Simla in April, 1933 ? If not, why not ?

(*b*) Are Government aware of the existence, in Bombay, of an organisation called the Passengers' and Traffic Relief Association which has been working for about 18 years past in the interests of the travelling public ?

(*c*) Will Government be pleased to state whether it is a fact that this organisation requested Government for its representation at the Conference to enable it to place the point of view of the travelling public before the Conference ?

(*d*) If the answer to part (*c*) be in the affirmative, will Government be pleased to state the reasons why such representation was not accorded to such an old institution ?

(*e*) Will Government be pleased to state what action, if any,

(*i*) they have taken so far,

(*ii*) they propose to take,

to give effect to the resolutions adopted at the Road-Rail Conference held in Simla in April, 1933 ?

The Honourable Sir Frank Noyce : (*a*) No delegate to represent the views of the travelling public was invited to the Road-Rail Conference. Government did not overlook the importance of the interests of the travelling public but did not find it possible to arrange for direct representation of those interests as they did not appear to be as yet sufficiently organised while such organisations as existed appeared to be upon a provincial or even more local basis. It is, I think, clear that there would have been great difficulty in selecting a delegate who would be fully representative of those interests for the purpose of a Conference of this nature. I would, however, point out that it was and is open to such interests to represent their views to Local Governments and that any representations they may make will be given the fullest consideration.

(*b*) and (*c*). The replies are in the affirmative.

(*d*) The reasons are given in the reply to part (*a*) of the question.

(*e*) Local Governments have been addressed in respect of the action to be taken on Resolutions Nos. 1—4 and 6 and 7, while Resolutions Nos. 5 and 8 are still under consideration by the Government of India.

Mr. Lalchand Navalrai : May I know, Sir, whether this Passengers' and Traffic Relief Association was consulted in these matters as a matter of course ?

The Honourable Sir Frank Noyce : No, Sir.

Mr. Lalchand Navalrai : Do the Government admit that this Association is in existence to look after the convenience of the travelling public and that they represent the views of the public ? Why are they not consulted then ?

The Honourable Sir Frank Noyce : I have explained in my reply that it is open to this Association to represent their views to the Local Governments, and those views will be given the fullest consideration.

Mr. Lalchand Navalrai : I was merely asking, why were they not consulted on this question beforehand ?

The Honourable Sir Frank Noyce : There seemed no necessity for such previous consultation in matters of this kind.

Mr. Lalchand Navalrai : What are the reasons for saying that there is no necessity ? The point is that this Association is in existence to look to the convenience of the passengers, and the Association knows the actual wants and difficulties of the travelling public, and, if it is consulted beforehand, I don't think there will be any harm done to any one.

The Honourable Sir Frank Noyce : I would point out to the Honourable Member that, in any case, the Conference is now over, and also that it was concerned with a specific issue, the competition of motors transport with railways. I am not very certain how the Passengers' and Traffic Relief Association would be in a position to offer any opinion of real value on that particular issue. On the question of railway amenities, I

admit that it might be desirable that they should be consulted, but that was not the issue with which the Conference was concerned.

Mr. N. M. Joshi : May I know, Sir, whether the passengers will not be affected in any way by the decisions of the Rail-Road Conference ?

The Honourable Sir Frank Noyce : That is obviously so, but in a very indirect manner.

Mr. Gaya Prasad Singh : Is this the only Association of its kind in this country ?

The Honourable Sir Frank Noyce : No, Sir ; I believe there is one in Madras and one in Sangli.

Mr. M. Maswood Ahmad : Question No. 679 has already been answered on a short notice question, Sir, and so I shall not put it.

REDUCTION IN THE INCOME OF THE COMMISSIONERS FOR THE PORT OF CALCUTTA.

680. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) whether there has been recently an appreciable reduction in the income of the Commissioners for the Port of Calcutta due to decline of trade and other causes ;

(*b*) whether the work of the Port Trust has not thereby decreased appreciably ;

(*c*) if the reply to part (*b*) be in the affirmative, whether Government contemplate retrenchment in the Port Trust Office by discharging some officials who draw high salaries ;

(*d*) if so, the names of such officials together with their designations and monthly salaries ;

(*e*) the total income that the Port Trust of Calcutta earned during 1929-30, 1930-31 and 1931-32 ?

The Honourable Sir Joseph Bhore : Information is being called for and a complete reply will be laid on the table in due course.

AMOUNT SPENT BY THE CALCUTTA PORT TRUST ON THE PURCHASE OF MATERIALS IN INDIA.

681. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) the amounts (to be shown year by year) that the Calcutta Port Trust has expended on the purchase of materials in India during 1929-30, 1930-31 and 1931-32 ;

(*b*) the amounts that the Calcutta Port Trust has disbursed for payment to Messrs. Bird and Company, Calcutta, under the head 'Supply of Labour' during 1929-30, 1930-31 and 1931-32 ;

(*c*) who were the chairman and the secretary, respectively, of the Port Commissioners when the labour contract was first given to Messrs. Bird and Company ?

The Honourable Sir Joseph Bhore : (*a*) The Honourable Member is presumably referring to the purchase of stores by the Calcutta Port Trust. If so, the figures are approximately as follows :

	Rs.
1929-30	34.46 lakhs.
1930-31	25.75 lakhs.
1931-32	15.80 lakhs.

These are exclusive of the value of stores and equipment purchased by the Engineering Department of the Port Trust, of which the figures are not available.

(*b*) The attention of the Honourable Member is invited to the reply given by me on the 1st September, 1933, to Mr. Gaya Prasad Singh's starred question No. 375.

(*c*) The information asked for is being obtained and will, when received, be laid on the table.

TECHNICAL APPRENTICES IN THE CALCUTTA PORT TRUST WORKSHOPS.

682. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) the number of technical apprentices that the Calcutta Port Trust had in their Workshops in 1929-30, 1930-31, 1931-32 and 1932-33 ;

(*b*) how many of such apprentices were (*i*) Indians, (*ii*) Anglo-Indians, (*iii*) Europeans ;

(*c*) how many of the apprentices were taken from outside the Technical Institutions or the Engineering Colleges meant specially for specialised training ;

(*d*) whether every facility and assistance was afforded to those apprentices to learn their work ;

(*e*) whether the different departmental Heads have from time to time supervised the work of these technical apprentices and tested their practical knowledge ;

(*f*) if so, the names of departmental Heads and the names of apprentices whose work was so supervised and knowledge tested ;

(*g*) whether any of those technical students from outside has been absorbed in the service of the Port Trust ;

(*h*) whether it is a fact that some non-Indian hands retrenched in one department have been appointed in another, either temporarily or permanently ?

The Honourable Sir Joseph Bhore : The information asked for is being obtained and will, when received, be laid on the table.

MEERUT CONSPIRACY CASE.

683. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) the total amount that has been spent on prosecution in the Meerut Conspiracy Case from start to finish ;

(*b*) the full duration (in years, months and days) of the trial in (*i*) the Lower Court, (*ii*) the High Court ;

(*c*) the names of prosecuting Counsels who had the charge of the case during the different periods ;

(*d*) the amounts that were received by each of them ;

(*e*) the number of accused that were originally sent up for trial ;

(*f*) how many of such accused dropped off (*i*) by death, (*ii*) by discharge or acquittal during the trial ;

(*g*) (*i*) how many of them were sentenced, (*ii*) how many were acquitted at the end of the trial ;

(*h*) the names of the accused who were sentenced, together with the nature of the sentence on such ;

(*i*) the names of the accused who had their sentences reduced or modified or entirely removed on appeal by the High Court, together with the kind of sentence each received after its modification or reduction ;

(*j*) the names of accused who have been acquitted by the High Court ;

(*k*) whether their attention has been drawn to the criticisms that the *Manchester Guardian*, the *Daily Herald*, the *Morning Post*, and the *Observer* have expressed on the trial ;

(*l*) whether their attention has been drawn to the leader of the *Statesman* of the 13th August last, regarding Law's Delays ;

(*m*) if so, whether they contemplate altering the Criminal Procedure Code on the lines suggested by the *Statesman* ?

The Honourable Sir Harry Haig : (*a*) Rs. 18½ lakhs approximately.

(*b*) The trial in the Lower Court including the preliminary enquiry in the Magistrate's Court, lasted about 3½ years, *i.e.*, from 12th June, 1929 to 14th January, 1933. The hearing of the appeal in the High Court was concluded in ten days.

(*c*) Two Counsels were employed on the case. These were originally the late Mr. J. Langford James and Mr. J. P. Mitter. On Mr. Langford James' death Mr. Kemp replaced him.

(*d*) The total expenditure on the fees, etc., paid to Counsels was approximately 13 lakhs. Separate figures are not readily available.

(*e*) to (*j*). I lay a statement on the table giving the information required.

(*k*) to (*m*). Government are aware of the criticisms on the length of the trial, on which the High Court has also commented. These comments will receive the careful attention of Government.

Statement giving particulars of the 31 accused in the Meerut Conspiracy Case who were committed for trial by the Additional District Magistrate, Meerut.

Serial No.	Name of accused.	Sentence awarded by the Sessions Judge.	Result of appeal to the High Court.	Remarks.
1	Muzaffar Ahmad	Transportation for life.	3 years' imprisonment.	
2	Sripad Amrit Dange ..	Transportation for 12 years.	Do.	
3	Philip Spratt	Do. ..	2 years' imprisonment.	
4	Sachhidanand Vishnu Ghate ..	Do. ..	1 year's imprisonment.	
5	Keshav Nilkanth Joglekar ..	Do. ..	Do.	
6	Raghunath Shivaram Nimbkar	Do. ..	Do.	
7	Benjamin Francis Bradley ..	Transportation for 10 years.	Do.	
8	Shanta Ram Suvlaram Mirajkar	Do. ..	Do.	
9	Shaukat Usmani	Do. ..	3 years' imprisonment.	
10	Sohan Singh Josh	Transportation for 7 years.	1 year's imprisonment.	
11	Mir Abdul Majid	Do. ..	Do.	
12	Dharami Kanta Goswami ..	Do. ..	Do.	
13	Ajodhya Prasad	Transportation for 5 years.	Period already undergone in jail.	
14	Gangadhar Adhikari ..	Do. ..	Do.	
15	Puran Chandra Joshi ..	Do. ..	Do.	
16	Motiram Gajanan Desai ..	Do. ..	Acquitted.	
17	Gopendra Chakravarty ..	4 years' rigorous imprisonment.	7 months' rigorous imprisonment.	
18	Gopal Chandra Basak ..	Do. ..	Period already undergone in jail.	
19	Hugh Lester Hutchinson ..	Do. ..	Acquitted.	
20	Radha Raman Mitra ..	Do. ..	Do.	
21	Shiavaksh Hormasji Jhabwala	Do. ..	Do.	
22	Kedar Nath Sehgal	Do. ..	Do.	
23	Shamsul Huda	3 years' rigorous imprisonment.	Period already undergone in jail.	
24	Arjun Atmaram Alve ..	Do. ..	Acquitted.	
25	Gobind Ramchandra Kasle ..	Do. ..	Do.	
26	Gauri Shankar	Do. ..	Do.	
27	Lakshman Rao Kadam *alias* Lakshmi Narain Kadam.	Do. ..	Do.	

Serial No.	Name of accused.	Sentence awarded by the Sessions Judge.	Result of appeal to the High Court.	Remarks.
28	Vishwa Nath Mukharji *alias* Biswanath Mukherjee.	Acquitted.		
29	Shib Nath Banerji	Do.		
30	Kishori Lal Ghosh	Do.		
31	Dhondi Raj Thengdi ..	..	..	Died during the Session trial.

CONTINGENT ALLOWANCE SANCTIONED FOR CERTAIN POSTAL OFFICIALS.

684. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

(*a*) whether a contingent allowance is sanctioned for Superintendents of Post Offices in India at a universal rate of Rs. 10 per month ;

(*b*) whether the same formula is applied to first class head offices in sanctioning contingent allowance ; if not, why not ;

(*c*) whether a first class Postmaster is required to do enquiry and inspection work, as done by the Superintendent of Post Offices ;

(*d*) whether it is a fact that a contingent allowance at a universal rate of Rs. 3 is sanctioned for the Inspector of Post Offices in India ? If so, whether the same amount is also sanctioned for the Town Inspector of Post Offices attached to first class head offices ? If not, why not ;

(*e*) if the replies to parts (*b*) and (*d*) be in the negative, the reasons for the differential treatment meted out to the first class Postmasters, and whether they are prepared to remove this grievance by introducing the same formula as is applied in the case of Divisional Superintendent of Post Offices ?

The Honourable Sir Frank Noyce : (*a*) The facts are not as stated by the Honourable Member. In offices of Superintendents of Post Offices in India the contingent allowance is fixed at rates ranging from Rs. 10 to Rs. 13 according to the number of clerks in each office.

(*b*) No. The contingent allowance of post offices including first class head offices is regulated according to the actual requirements of each office and at the discretion of the Head of the Postal Circle concerned.

(*c*) Yes, in respect of town sub and branch post offices under his control.

(*d*) A contingent allowance at Rs. 3 a month each is sanctioned generally for those Inspectors of Post Offices who are in charge of postal

sub-divisions on the ground that they have to maintain their own offices. Town Inspectors form part of the establishment of the head post offices to which they are attached and for which contingent allowances are sanctioned. The necessity for the grant to them of a separate contingent allowance does not, therefore, exist.

(*c*) The principles on which the contingent allowances of the offices of Superintendents of Post Offices in India and of first class post offices are fixed have been arrived at after taking into account the difference in the work performed. It would not be possible to devise a common formula suitable for both classes of offices.

Khan Bahadur Haji Wajihuddin : With regard to answer to part (*a*), may I ask what are the real facts ?

The Honourable Sir Frank Noyce : The real facts are as stated in my reply to the question as a whole.

SPECIAL PAY SANCTIONED FOR THE TOWN INSPECTORS OF POST OFFICES.

685. ***Khan Bahadur Haji Wajihuddin** : Will Government be pleased to state whether special pay at Rs. 30 and Rs. 20 is sanctioned for the Town Inspectors attached to first and second class head post offices, respectively ? If so, will Government be pleased to state whether the duties and responsibilities of the Town Inspectors attached to first class head offices are greater than the ones attached to the 2nd class head offices ? If so, in what respect, and if not, why is a different rate of pay sanctioned for the Town Inspectors attached to first class head offices ?

The Honourable Sir Frank Noyce : Replies to the first and second parts of the question are in the affirmative. As regards the last part, Town Inspectors attached to offices with a numerous delivery staff and required to perform their duties in large centres of population have greater responsibilities and more arduous conditions of duty than those working in less important places and attached to smaller offices.

SPECIAL PAY SANCTIONED FOR POST OFFICE ACCOUNTANTS.

686. ***Khan Bahadur Haji Wajihuddin** : Will Government be pleased to state the rate of special pay sanctioned for the Accountants of first and second class Head Post Offices ? If the rates are the same for these offices, are Government prepared to sanction the special pay for the Accountants attached to the first class head offices at Rs. 30 per mensem ?

The Honourable Sir Frank Noyce : Ordinary time-scale clerks of the Post Office who have passed the qualifying departmental examination for posts of Postal Accountants while actually holding the posts of Accountants or Assistant Accountants designated as such in Head Post Offices, either first class or second class, are entitled to draw special pay at Rs. 10 per mensem for those on pay below Rs. 70 and Rs. 15 per mensem for those on pay of Rs. 70 and above. For future incumbents the rate of special pay will be Rs. 10 per mensem for all. As regards the last portion of the question, Government do not propose to make any change in the existing arrangements.

DIFFERENTIAL TREATMENT IN SANCTIONING SPECIAL PAY FOR TOWN INSPECTORS AND ACCOUNTANTS OF POST OFFICES.

687. ***Khan Bahadur Haji Wajihuddin** : (*a*) Will Government be pleased to state whether it is necessary to pass any examination for appointment as (*i*) Town Inspectors, and (*ii*) Accountants ?

(*b*) If the reply regarding the Town Inspector's post is in the negative, and for the Accountants in the affirmative, will Government be pleased to state the reasons for this differential treatment in sanctioning the special pay for the appointments of the Town Inspectors and Accountants ?

(*c*) Will Government be pleased to state whether the responsibilities and duties of the Town Inspectors are greater than those of the Accountants attached to first class head offices ; if not, why the same rate of special pay is not sanctioned for the Accountants of the first class Head Offices ?

The Honourable Sir Frank Noyce : (*a*) The Honourable Member presumably refers to Town Inspectors and Accountants in the ordinary clerical time-scale of pay attached to Head Post Offices. The posts of Accountants are filled generally by officials who have passed a departmental examination, while no such examination is prescribed for posts of Town Inspectors.

(*b*) The special pay of Accountants and Town Inspectors has been sanctioned in consideration of the nature of the duties and responsibilities which they have to discharge.

(*c*) The duties and responsibilities of Accountants and Town Inspectors are entirely different and no comparison between them is possible.

Mr. Lalchand Navalrai : May I know from the Honourable Member if outsiders are directly taken for the post of Inspector or Accountant for the departmental examination ?

The Honourable Sir Frank Noyce : I am afraid I must ask for notice of that question. My acquaintance with these details is distinctly limited.

REVISION OF THE SCALE OF PAY OF ACCOUNTANTS ATTACHED TO CERTAIN POST OFFICES.

688. ***Khan Bahadur Haji Wajihuddin** : Will Government be pleased to state whether the Accountants sanctioned for the Divisional Engineering Telegraph offices are in the scale of Rs. 200—20—360 while the Accountants of first class head offices are on the time-scale of Rs. 45—145 with a small special allowance of Rs. 10 or Rs. 15 per mensem ? If so, will Government be pleased to state the reasons for this differential treatment and whether the duties and responsibilities of the Accountants attached to Divisional Engineering Telegraphs offices and Postal Audit offices are greater than those of the Accountants in first class Head Offices ; and if not, whether Government are prepared to consider the matter and revise the scales of pay of the Accountants attached to the first class Head Offices, so as to make them similar to that sanctioned for the Accountants in other Departments or Divisional Engineering Telegraph offices, or above the time-scale clerks of the Post offices ?

The Honourable Sir Frank Noyce : Accountants in the offices of Divisional Engineers, Telegraphs, draw pay on scales varying from Rs. 120—270 to Rs. 220—380, while in first class Head Post Offices, accountants are either in the selection grades on scales of pay of Rs. 160—250 and Rs. 250—350 or in the ordinary time-scale on scales of pay which vary, according to locality, from 35—135 to Rs. 70—170 *plus* the special pay referred to by the Honourable Member. The responsibilities of Accountants in the offices of Divisional Engineers are greater than those of Accountants in Head Post Offices, and the difference in the rates of pay correspond to this fact. The last part of the question does not arise.

EXAMINATION PAPERS OF THE POST OFFICE ACCOUNTANTS.

689. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state whether the examination papers of the Accountants are dealt with by the Audit office, while the Accountantship papers of the Superintendents of Post Offices and Inspectors and Head Clerks are dealt with by the departmental officers ? If so, are Government prepared to order the conduct of the papers of the Accountantship examination by departmental officers ?

The Honourable Sir Frank Noyce : It is the case that the examination papers of Post Office Accountants are dealt with by the Accounts Officers.

There is no Accountantship Examination for Superintendents, Inspectors and Superintendents' Head Clerks, but the papers set in the examinations which these officers have to pass contain questions relating to accounts ; these papers are dealt with by the departmental officers.

The conditions of the different examinations have been prescribed with due regard to the particular requirements of the Department in each case and Government see no need to make the change suggested by the Honourable Member.

RETRENCHMENT IN THE UNITED PROVINCES POSTAL CIRCLE.

690. ***Khan Bahadur Haji Wajihuddin :** Is it a fact that the officials in the United Provinces Postal Circle, who have got 30 years' service, but are below 55 years of age, are retrenched while the selection grade officials and gazetted officers who have got more than 30 years' service are retained in the Department ? If so, do Government propose to retire the officials of the selection grade and gazetted posts who have 30 years or more service in order to create vacancies for abolition or conversion of the time-scale clerks in chain of arrangements ?

The Honourable Sir Frank Noyce : Government have no precise information but for the purposes of retrenchment, officials in the ordinary time-scale and in the selection grades are treated as in one category, while gazetted officers are treated as belonging to another category. Within a given category retrenchment is carried out by selection, and it is therefore possible that cases such as those alluded to by the Honourable Member may have occurred. Government are not however prepared to treat officials in the gazetted and non-gazetted cadres as of one category for purposes of retrenchment and therefore regret that they are unable to accept the Honourable Members's suggestion.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether persons over 55 years of age or, who are 55 years of age, are yet retained in service and given extension ?

The Honourable Sir Frank Noyce : I rather think there is another question on the paper relating to that which will be answered later.

RETIREMENT OF OFFICIALS HAVING THIRTY YEARS' SERVICE IN POSTAL CIRCLE OFFICES.

691. ***Khan Bahadur Haji Wajihuddin :** (*a*) Is it a fact that under his letter No. E.S.-227-1|32, dated 3rd September, 1932, the Director General, Posts and Telegraphs, has ordered, in order to obtain the full complement of Lower Division clerks, that it is not intended that indiscriminate retrenchment should be effected amongst the time-scale clerks, but that conversion of ordinary time-scale posts into posts in the Lower Division should be effected (*i*) gradually as vacancies occur in the former class in the ordinary course, (*ii*) by the acceptance of offers of voluntary retirement from the ordinary time-scale clerks, (*iii*) by the compulsory retirement of such of them whose record of service has been consistently unsatisfactory, and (*iv*) by the compulsory retirement under Fundamental Rule 56, *i.e.*, on attaining 55 years of age ?

(*b*) Is it a fact that officials in the Circle office with 30 years or more service are allowed to continue to work while the Post office officials of the same service are retrenched ? If so, do Government propose to order retirement of the officials who have 30 years' service at their credit in Circle offices, and to provide the officials of the post offices in their places, resultant vacancies to be utilised for the conversion and abolition of the time-scale posts in the Post Offices ?

The Honourable Sir Frank Noyce : (*a*) The reply is in the affirmative.

(*b*) As regards the first part Government have no precise information. I may, however, state that as the Circle Office staff forms a cadre distinct from that of the Post Office and has accordingly been treated separately in carrying out retrenchments, it is possible that such cases as those alluded to by the Honourable Member may have occurred.

As regards the second part, Government are not prepared to treat the two different cadres as one for purposes of retrenchment as suggested by the Honourable Member.

GRANT OF COMPENSATORY ALLOWANCE TO TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

692. ***Khan Bahadur Haji Wajihuddin :** With reference to reply to question No. 488 (*c*), dated 25th February, 1933, in this House, will Government be pleased to state :

(*a*) whether the sanction of revised rates of allowances to the old Travelling Ticket Inspectors has compensated them in respect of Provident Fund, leave-salary and retiring gratuity, a loss which they incurred on the abolition of mileage allowance ;

(*b*) if not, whether they are prepared to consider the question of compensating the Travelling Ticket Examiners for the loss

incurred by them on this account and which they are still continuing to suffer ?

Mr. P. R. Rau : I would refer the Honourable Member to the reply given to question No. 476, by Sardar Sant Singh on the 4th September, 1933.

CONSOLIDATED ALLOWANCE OF TRAVELLING TICKET INSPECTORS AND THEIR DIVISIONAL INSPECTORS ON THE EAST INDIAN RAILWAY.

693. ***Khan Bahadur Haji Wajihuddin** : (*a*) Will Government be pleased to state why the revised rates of consolidated allowance have been denied to those Travelling Ticket Inspectors and their Divisional Inspectors who are working on station duty and as Inspectors and who, like their colleagues, now working as Travelling Ticket Examiners, drew a mileage allowance in their substantive capacity ?

(*b*) Is this not in contravention to the decision of the Railway Board as communicated in this House on 25th February, 1933 ?

(*c*) Are Government prepared to see that the orders of the Railway Board are carried out in respect of the staff mentioned in part (*a*) above ?

Mr. P. R. Rau : (*a*), (*b*) and (*c*). I am obtaining certain information and will lay a reply on the table in due course.

CONSOLIDATED ALLOWANCE OF TRAVELLING TICKET INSPECTORS AND THEIR DIVISIONAL INSPECTORS ON THE EAST INDIAN RAILWAY.

694. ***Khan Bahadur Haji Wajihuddin** : (*a*) Will Government be pleased to state if it is a fact that the old Travelling Ticket Inspectors and their Divisional Inspectors' mileage allowance was replaced by consolidated allowance and travelling daily allowance from 1st June, 1931 ?

(*b*) Is it a fact that special rates of allowances have been sanctioned from 1st December, 1932, by way of compensation ?

(*c*) Has any consideration been made for the loss the said staff incurred between 1st June, 1931, and 1st December, 1932 ? If not, why not ?

(*d*) Are Government prepared to consider the necessity for compensating them for the period between 1st June, 1931, and 1st December, 1932 ?

Mr. P. R. Rau : (*a*) Yes.

(*b*), (*c*) and (*d*). As I have already explained, consolidated travelling allowances sanctioned from the 1st December, 1932, were purely *ex-gratia* and Government are not prepared to give retrospective effect to them.

EXPULSION OF CERTAIN CHETTIARS FROM INDO-CHINA.

695. ***Mr. Gaya Prasad Singh** : (*a*) Will Government be pleased to make a statement relating to the expulsion of Chettiars from Indo-China, indicating the latest development, if any, on the subject, particularly since the 1st June ?

(*b*) Is it not a fact that some Chettiars have been compelled to sign up with the Long Term Credit Office ? Are Government aware that this action is prejudicial to the interests of the Chettiars there ?

(*c*) Is it a fact that even the British Consul in Saigon has proposed that the co-operation of the French Administration should be invited in sending out a small Committee of Indians for local enquiry and individual settlement of all the Chettiar accounts with the Long Term Credit Office ?

(*d*) Do Government propose to open direct negotiations with Saigon, for speedier settlement of this question, in the same manner in which they did with the Union of South Africa in 1925 ?

(*e*) Is it a fact that some Chettiars have sent up a petition to the Governor General of Indo-China requesting him to intervene ?

Mr. B. J. Glancy : (*a*) As a result of the representations made by His Majesty's Government on behalf of the Government of India, the Governor General of Indo-China has rescinded the expulsion orders issued against two of the Indian bankers who had not yet left the country. (Cheers.) Negotiations between the Government of Indo-China and the Indian bankers are continuing and it is hoped that they will result in an amicable arrangement. The latest reports from Saigon indicate that the French authorities while unwilling for the present to rescind the expulsion orders passed against the four Chettiars who have actually been deported are prepared to allow them to return to Cochin China on safe conduct and to resume their business.

(*b*) Government understand that the Chettiars have accepted the cancellation of a portion of their loans which were demanded of them and have also declared that they are disposed to adopt in other questions of litigation the same attitude as European Bankers and financiers. Government have no further information.

(*c*) Government have no information.

(*d*) Since the negotiation in progress have already been largely successful in achieving their object, Government do not propose to adopt any other course than that so far followed.

(*e*) Government have no information.

Mr. Gaya Prasad Singh : With regard to part (*c*) of the question, have the Government of India been in communication with the British Consul at Saigon with regard to the statement which is referred to in that part of the question ?

Mr. B. J. Glancy : Government have received no further information either from the British Consul in Saigon or from any one else on the subject.

Mr. Gaya Prasad Singh : Have the Government of India written to the British Consul in Saigon in order to obtain the information which is contained in part (*b*) of the question ?

Mr. B. J. Glancy : Government have not put forward any suggestion that a small committee of Indians should go out, because this is a delicate matter. It is a question of dealing with a foreign Government, and although Government have got every sympathy with the Chettiars and are trying to do what they can to assist them, they have to be careful in what they do.

Mr. Gaya Prasad Singh : Have the Government of India enquired from the British Consul in Saigon whether he has actually made a proposal that a small committee should visit ?

Mr. B. J. Glancy : Not as far as I am aware.

Mr. F. E. James : Is it a fact that two of the four Chettiars, who were originally expelled under the French Government's expulsion order, have, in fact, returned to Saigon under safe conduct ?

Mr. B. J. Glancy : Government have no information on that point.

Mr. F. E. James : Are Government aware of the widespread apprehension that the continued existence of the expulsion order against the four Chettiars is being used by the Government of Indo-China as a weapon with which to enforce discriminatory terms against the settled Chettiar community there ?

Mr. B. J. Glancy : No.

Mr. F. E. James : Will Government continue to request His Majesty's Government to represent to the French Government that the expulsion order against the four Chettiars should be promptly rescinded as being discriminatory and unjustified and that its withdrawal should not be dependent upon the settlement of the debt question ?

Mr. B. J. Glancy : Yes. Government will continue to do all they can.

TRANSFER OF THE CONTROL OF THE BADRINATH TEMPLE TO THE RULER OF THE TEHRI ESTATE.

696. ***Mr. Gaya Prasad Singh** : Will Government be pleased to state if the question of the proposed transfer of Badri Nath Temple, in the District of Garhwal (United Provinces) has yet come up before them ? If so, has any decision been arrived at ? What is the recommendation, if any, of the United Provinces Government on the subject ?

Mr. B. J. Glancy : I would refer the Honourable Member to the answer given on the 22nd August, 1933, to unstarred question No. 2, on the same subject.

Pandit Satyendra Nath Sen : Are Government aware that the orthodox opinion is against the proposed transfer ?

Mr. B. J. Glancy : The views that have been expressed have already been passed on to the Government of the United Provinces under whose consideration the matter now is.

Pandit Satyendra Nath Sen : May I know whether this proposal first came from the U. P. Government or from the Tehri Durbar ?

Mr. B. J. Glancy : I regret I have no information on that point.

Mr. Lalchand Navalrai : May I know whether the pilgrims or those interested in this temple have made representation one way or the other ?

Mr. B. J. Glancy : I have seen no representation, but it is possible they may have made one to the Government of the United Provinces.

Mr. Gaya Prasad Singh : Do I take it that the question has not yet come up before the Government ?

Mr. B. J. Glancy : No, Sir. Government will not consider until they have received the views of the Government of the United Provinces.

Pandit Satyendra Nath Sen : May I know when this question will be finally settled by the U. P. Government ?

Mr. B. J. Glancy : The Government of India will no doubt be consulted. In fact they have got to be consulted.

Mr. Lalchand Navalrai : Can the Government inform us whether there have been any difficulties in keeping Badrinath where it is, I mean not transferring it ?

Mr. B. J. Glancy : I am not aware of any precise difficulty, but the question will be easier to answer when the views of the U. P. Government have been received.

Mr. Gaya Prasad Singh : Will the Hindu community at large be given an opportunity to express their views on this question before it is finally decided by the Government of India ?

Mr. B. J. Glancy : I take it that the U. P. Government will, in the first instance, ascertain what Hindu opinion is.

Pandit Satyendra Nath Sen : Are Government aware that an inquiry commission was appointed in June last by the All-India Varnashrama Swarajya Sangha to examine the question of transfer and that they have submitted their report against the transfer ?

Mr. B. J. Glancy : I am quite prepared to take the Honourable Member's word for it and I trust that this committee has passed on what it has got to say to the Government of the United Provinces who will no doubt consider it.

Mr. S. C. Mitra : Are Government aware that the temple of Badrinath is not a concern of the Hindus of the U. P. alone ?

Mr. B. J. Glancy : I think that Government are no doubt aware of that, but primarily I should imagine that it is the concern of the U. P.

Mr. S. C. Mitra : Will the Honourable Member take it from the Hindu Members on this side that this Badrinath temple is a big temple and that it is the concern of the Hindus throughout India and not of the U. P. alone ?

Mr. B. J. Glancy : I did not mean to suggest that it is the concern of the Hindus of the United Provinces only. I merely intended to suggest that they are the people who are probably principally interested in it.

Mr. S. C. Mitra : Will the Honourable Member also take it from us that this temple is the concern of the Hindus in general, because it is a temple which is revered and respected and held in high esteem by Hindus of all parts of India. It is not a local temple of a particular place ?

Mr. B. J. Glancy : I should be very glad to take it from the Honourable Member.

Mr. S. C. Mitra : Will the Honourable Member take into consideration the fact that this is not the view of the orthodox people only, but also of people of advanced view, that this temple should not be transferred to a Native State without consulting the public opinion of Hindus in general.

Mr. B. J. Glancy : Yes, Sir.

Mr. Gaya Prasad Singh : I want to make one point clear without prejudicing the question of the transfer of the Badrinath temple. I should like to know whether any opportunity will be given by the Government of India to the Hindu community to express their opinion before any decision is arrived at—either this House or the Hindu community in general ?

Mr. B. J. Glancy : Government will certainly do their very best to ascertain the views of the Hindu community.

Mr. K. P. Thampan : May I ask whether the Government of India will be pleased to send a copy of these questions and the answers to the U. P. Government ?

Mr. B. J. Glancy : Yes, Sir. The Government of the United Provinces have already been informed of the previous question and the answer given.

AIR BOMBING ON THE NORTH-WEST FRONTIER OF INDIA.

697. ***Maulvi Muhammad Shafee Daoodi** : (*a*) Are Government aware that there is a very strong feeling in the country against aerial bombing at Kotkai and other places on the border of the North-West Frontier Province ?

(*b*) Do Government contemplate any change in their policy in regard to the territory belonging to the independent tribes on the border ?

(*c*) Will Government be pleased to state the reasons for the recent trouble on the border ?

(*d*) Are Government prepared to allay the public feeling in this matter and declare that the aforesaid bombing was the last of its kind ?

Mr. G. R. F. Tottenham : (*a*) No.

(*b*) No.

(*c*) and (*d*). Government have nothing to add to the statements that have already been made on this subject.

NEW TEN-RUPEE AND FIVE-RUPEE CURRENCY NOTES.

698. ***Mr. M. Maswood Ahmad** : (*a*) Are Government aware that the new ten-rupee and five-rupee notes are disliked by the people ?

(*b*) Is it a fact that the paper used in printing these notes is of an inferior quality than the paper which was used previously ?

(*c*) Do Government propose to stop the printing of notes on paper of such an inferior quality ?

The Honourable Sir George Schuster : With your permission, Sir, I shall reply both the questions Nos. 698 and 699 together.

The attention of the Honourable Member is invited to the replies given to starred questions Nos. 338 and 339 asked by Mr. Badri Lal Rastogi on the 1st September.

Mr. M. Maswood Ahmad : Do Government propose to print the numbers on five rupee notes at more than one place ?

The Honourable Sir George Schuster : No, Sir.

Mr. M. Maswood Ahmad : May I know why they do not propose to do so ?

The Honourable Sir George Schuster : Because it is considered desirable in the public interest to print it in one place only.

Mr. M. Maswood Ahmad : By printing in one place, it will be difficult to recognise the number if it is torn. In the past the numbers were printed in four places.

The Honourable Sir George Schuster : Government have taken that into account.

Mr. M. Maswood Ahmad : Still, Government do not propose to do it ?

The Honourable Sir George Schuster : I repeat " No ".

NEW TEN-RUPEE AND FIVE-RUPEE CURRENCY NOTES.

†699. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the numbers on the old ten-rupee and five-rupee notes were found at more than one place ?

(*b*) Is it a fact that the number on the new ten-rupee and five-rupee notes is at one place only ?

(*c*) Do Government propose to print the number in future on the ten-rupee and five-rupee notes at more than one place ?

APPLICATION FROM JAMIAT-UL-ULEMA FOR GIVING EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE.

700. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether they, or the Chief Commissioner, or the Reforms Office, had received any application, in connection with giving evidence before the Joint Parliamentary Committee, from the Jamiat-ul-Ulema ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to lay on the table a copy of the letter or letters and a copy of the reply ?

The Honourable Sir Joseph Bhore : (*a*) An application from the Jamiat-ul-Ulema-i-Hind that witnesses should be sent on their behalf to give evidence before the Joint Select Committee was received in the Reforms Office on the 7th June, 1933.

(*b*) Government do not propose to lay a copy of the correspondence on the table.

Mr. M. Maswood Ahmad : Is the correspondence a confidential one ?

The Honourable Sir Joseph Bhore : I should not think so, but I would like to have notice of that question.

Mr. M. Maswood Ahmad : Will Government be pleased to state the reasons for not placing it on the table ?

The Honourable Sir Joseph Bhore : No, Sir.

†For answer to this question, *see* answer to question No. 698.

RELEASE OF KHAN ABDUL GHAFFAR KHAN.

701. *Mr. M. Maswood Ahmad : Will Government be pleased to state when Khan Abdul Gaffar Khan, the frontier Gandhi, will be released ?

The Honourable Sir Harry Haig : He will be released when Government are satisfied that his detention is no longer essential in the public interests.

ILLNESS OF KHAN ABDUL GHAFFAR KHAN'S BROTHER.

702. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to state whether it is a fact that they were in correspondence with the North-West Frontier Province Government about Khan Abdul Gaffar Khan's brother's serious illness ?

(*b*) Will Government be pleased to state the condition of his health ?

The Honourable Sir Harry Haig : (*a*) and (*b*). There has been no such correspondence. If the Honourable Member is referring to Khan Abdul Ghaffar Khan's brother, Dr. Khan Sahib, who is a State Prisoner in Hazaribagh Jail, I may inform him that he is in good health.

Mr. M. Maswood Ahmad : Has the Honourable Member received any representation at Delhi in regard to this gentleman and was there an undertaking given that this matter would be taken up with the N. W. F. Government ?

The Honourable Sir Harry Haig : I think the Honourable Member must have in mind some other member of Khan Abdul Ghaffar Khan's family or relative, certainly not his brother.

Mr. M. Maswood Ahmad : Will Government inform us who is the other member referred to by my Honourable friend ?

The Honourable Sir Harry Haig : If the Honourable Member will give me the reference, I shall be glad to give him an answer.

PROVISION OF CERTAIN NECESSITIES TO KALANAUR, DISTRICT GURDASPUR.

703. *Shaikh Sadiq Hasan : (*a*) Are Government aware that (*i*) in the town of Kalanaur, District Gurdaspur, the Emperor Akbar was crowned ; (*ii*) at one time it was a big city ; (*iii*) now it has declined on account of lack of communications ?

(*b*) Are Government aware that there is neither a railway station, nor a telegraph office, in Kalanaur ?

(*c*) Are Government prepared to take steps to provide Kalanaur with the above-mentioned necessities ?

The Honourable Sir Frank Noyce : (*a*) (*i*). Yes.

(*a*) (*ii*) and (*iii*). Government are not in possession of precise information on these points.

(*b*) Yes.

(*c*) As regards railway communications I have ascertained that an investigation was made in 1928 of the financial prospects of a line, Dera Baba Nanak—Gurdaspur, which would have served Kalanaur but that it

was found that this would not be remunerative ; a short branch line terminating at Kalanaur would be even less likely to pay. As regards telegraph communication enquiry is being made as to the need for this and whether it would pay to provide it.

WORKING OF THE OIL-PRESS IN JAILS.

704. *Pandit Satyendra Nath Sen : (*a*) Is there any jail rule directing that convicts punished with rigorous imprisonment should generally be employed in working the oil-press during the first month of their imprisonment ? If so, why ?

(*b*) Are Government aware that the working of the oil-press is regarded as a very severe punishment ? If so, why is it not postponed till the appeal period is over ? Do Government propose to issue such instructions to Jail authorities ?

The Honourable Sir Harry Haig : (*a*) I am aware of no such rule. The ordinary rule is that jail labour is divided into three main classes, hard, medium and light, and a convict is only employed on labour of the class for which the Medical Officer has certified him to be fit. The oil-press is ordinarily classed as hard labour.

(*b*) Does not arise.

Mr. Lalchand Navalrai : May I know if it is harder than the *chakki* ?

The Honourable Sir Harry Haig : I should not imagine so. I should imagine that both are classed as hard labour.

ALLOTMENT OF QUARTERS IN NEW DELHI.

705. *Pandit Satyendra Nath Sen : (*a*) Will Government be pleased to state if it is a fact that applications for allotment of quarters at New Delhi were called for by the Estate Officer so as to reach him on or before the 15th March, 1933, instead of by 1st July as in previous years ?

(*b*) Is it a fact that this early date was fixed in order to enable the Estate Officer to make the allotment of Delhi quarters in good time before the move takes place ?

(*c*) Is it a fact that a provisional allotment for non-lien holders only was made by the Estate Officer about the first week in August last ?

(*d*) Will Government be pleased to state if this provisional allotment was after about one week modified by the Estate Officer by deleting certain names of Government of India men ? If so, why ?

(*e*) Will Government be pleased to state if this was done in order to provide quarters to men employed in the New Delhi Municipality ?

(*f*) Are Government aware that there is already a shortage of quarters for the migratory staff of the Government of India ?

(*g*) If the reply to part (*f*) be in the negative, will Government please state the percentage of men moving from Simla for winter who succeeded in getting quarters at Delhi ? Why was the idea to provide quarters to men employed in the New Delhi Municipal Committee not postponed pending the construction of more quarters, which is under contemplation ?

(*h*) Will Government be pleased to state why no final allotment of quarters at Delhi has taken place so far ?

(*i*) Are Government aware that this delay in the allotment is responsible for hardships to the staff of the Government of India who are unable to make private arrangements for quarters in the absence of any definite knowledge regarding the allotment ? If the reply be in the affirmative, what steps do Government propose to take to prevent a recurrence ?

(*j*) Will Government please state how many times from the commencement of the present Simla season the Estate Officer and his staff have visited Simla, and on what business ? Will Government please state the amount of expenditure incurred on account of travelling and daily allowances in this connection ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Yes.

(*c*) No provisional allotment was made. A purely provisional list of probable allottees was communicated to Departments to enable those who were not likely to get quarters to make other arrangements.

(*d*) No. Some changes were made in the provisional list after three weeks, because certain quarters are occupied by the staff of the New Delhi Municipal Committeee and the Government had under consideration the question whether or not this staff should continue in occupation during the ensuing winter season.

(*e*) Yes.

(*f*) Yes. There is a shortage of quarters for both migratory and non-migratory staff.

(*g*) The first part of the question does not arise. As regards the other part, some of the staff of the Committee are employed on very essential services and in the interests of efficiency, it is necessary that they should be provided with accommodation close to their work as hitherto.

(*h*) The final allotments have recently issued. They could not issue earlier because, as a consequence of the revised rules, Government have had to deal with several representations received from employees of various Departments from time to time and allotments had to be withheld pending issue of the final orders thereon.

(*i*) There may have been some inconvenience this year, but this was unavoidable.

(*j*) The Estate Officer and his staff visited Simla three times during the current Simla season and their visits, as usual, were in connection with the allotment of bungalows and quarters in Delhi and in Simla. The amount of expenditure incurred in this connection was Rs. 891.

Sir Cowasji Jehangir : Will the Honourable Member kindly inform the House for whom the Western Hostel was constructed at Delhi ?

The Honourable Sir Frank Noyce : I venture to think that that hardly arises out of this question, but I believe it was constructed mainly for the benefit of the Members of the Legislature.

Sir Cowasji Jehangir : Is the Honourable Member aware that a major portion of it is occupied by those who are not Members either of this Assembly or of the Council of State ?

The Honourable Sir Frank Noyce : I understand, to the best of my recollection, that there are a certain number of rooms which are reserved for the Members of this Assembly and of the Council of State, but I am not quite sure what the rules are.

Sir Cowasji Jehangir : Is the Honourable Member aware that the accommodation reserved for the Members of this Assembly and perhaps for the Members of the Council of State is not sufficient for the purpose for which the Western Hostel was constructed and that sometimes there is a scarcity of accommodation in the Western Hostel, although the major portion of it is occupied by non-Members of the Assembly ?

The Honourable Sir Frank Noyce : No, Sir, I am not aware of that but I shall be glad to look into the matter.

Sir Cowasji Jehangir : If the Honourable Member will look into the matter next year, he will be conferring a great benefit on the Members of the Assembly.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would suggest that this question might be examined by the House Committee which can go into details.

TEST OF RED SEAL BRAND METAL POLISH AND SILVER POLISH BY THE ALIPORE TEST HOUSE.

706. ***Pandit Satyendra Nath Sen** : (*a*) Are Government aware that Messrs. Sett and Dass Company are the manufacturers of Red Seal Brand metal polish and silver polish ?

(*b*) Is it a fact that the Alipore Test House gave Messrs. Sett and Dass Company a Test Report on that polish originally on receipt of a fee of Rs. 48 from them just at the time of Tender for 1932, which was challenged by Messrs. Sett and Dass Company as wrong ?

(*c*) Is it a fact that the Test Report satisfying the Indian Stores Department Specifications was granted to Messrs. Sett and Dass Company after the challenge without receipt of any further fee of Rs. 48 ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) The first report of the Government Test House on a sample of Red Seal metal polish was issued on the 20th June, 1931. The accuracy of the analysis was subsequently challenged by the firm.

(*c*) No. No sample satisfying the specification has yet been received from the firm.

TEST OF RED SEAL BRAND METAL POLISH AND SILVER POLISH BY THE ALIPORE TEST HOUSE.

707. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that the Alipore Test House originally obtained the result of an analysis of Red Seal metal polish by heating the article, which spoilt the original quality of the goods ?

(*b*) Is it a fact that Messrs. Sett and Dass Company pointed out to the Indian Stores Department that the said method of analysis was wrong ?

(*c*) Is it also a fact that Messrs. Sett and Dass Company brought to the notice of the Chief Controller of Stores the great difference in the analysis made by the Alipore Test House and that of Dr. H. K. Sen of the Science College, Calcutta, whereupon the Chief Controller of Stores ordered re-test of Messrs. Sett and Dass Company's metal polish free of charge ?

(*d*) If the answer to part (*c*) be in the affirmative, is it a fact that on re-test, it was found to satisfy the Indian Stores Department Specifications and to agree almost with Dr. H. K. Sen's report ? If so, what action, if any, was taken to prevent such wrong analysis in future with respect to Indian products ?

(*e*) Is it a fact that Mr. Sen of Alipore Test House at first remarked " Insufficient Sample " in the Tender Sample Receipt ? Is it a fact that one pound (1 lb.) nett was submitted to them by Messrs. Sett and Dass Company, as per terms of the Tender, and that afterwards on their protest the Test House amended the same ?

The Honourable Sir Frank Noyce : (*a*) The analysis was carried out by the usual method. This involved heating the metal polish. This process has no adverse effect on metal polish satisfying the specification. In the case of a metal polish, such as that mentioned, containing ingredients not authorised by the specification, decomposition may have occurred. This was impossible to verify, since, by the time the point was raised by the firm, the metal polish had all been consumed.

(*b*) It is a fact that Messrs. Sett and Dass Company claimed that the method of analysis was wrong.

(*c*) Yes.

(*d*) It is not a fact that on re-test a sample was found to satisfy the specification, neither did the result agree with that obtained on another sample by Dr. H. K. Sen.

(*e*) As far as the officer concerned can recollect, the firm at first submitted two tins which were thought insufficient and the firm therefore sent a further two tins to make a sufficient sample.

REJECTION BY THE ALIPORE TEST HOUSE OF A TENDER SAMPLE OF MESSRS. SETT AND DASS COMPANY.

708. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that the Tender Sample given by Messrs. Sett and Dass Company for 1933-34 was rejected by the Alipore Test House on the ground of formation of " Hard Cake " which necessitated cutting open the tin containers for analysis ?

(*b*) Is it a fact that Messrs. Sett and Dass Company submitted to the Indian Stores Department a Test Report from Messrs. R. V. Briggs and Company, who gave their report after retention of the same sample for a period of 27 days, during which the aforesaid formation of " Hard Cake " was proved to be impossible ?

(*c*) Is it a fact that Messrs. Sett and Dass Company also submitted a sealed sample along with the Tender for 1933-34 to the Indian Stores Department and, after the report by Messrs. R. V. Briggs and Company, requested for the same being sent to an impartial chemist in Calcutta for analysis ?

(*d*) Is it a fact that instead of sending that sealed sample to another chemist the Indian Stores Department sent it to the Alipore Test House against whom Messrs. Sett and Dass Company had complained ?

(*e*) Is it a fact that the Superintendent of the Alipore Test House asked Mr. Sett of Messrs. Sett and Dass Company, twice by phone, to inspect and open the sample within the Alipore Test House Chamber on condition that no outsider should be allowed there ?

(*f*) Is it a fact that Messrs. Sett and Dass Company wanted to open the said sample in the presence of a Notary Public and a chemist from the Science College, which request was refused by the Alipore Test House ?

(*g*) If the reply to part (*f*) be in the affirmative, why was the request for such inspection in the presence of a Notary Public refused by the Indian Stores Department also ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) Messrs. Sett and Dass Company submitted a report by Messrs. R. V. Briggs and Company showing that a sample tested by them did not form a hard cake.

(*c*) Yes.

(*d*) Yes.

(*e*) The Superintendent (once, not twice) asked Mr. Sett on the telephone to be present when the sample was opened. Mr. Sett wished to bring two outsiders to which the Superintendent did not agree. The Superintendent then asked Mr. Sett to come to discuss the matter. Mr. Sett agreed, but failed to keep the appointment.

(*f*) Yes.

(*g*) The offer was made to open the tin in the presence of Mr. Sett and any of his staff whom he wished to bring with him. This offer was refused, and as the general procedure followed in the Government Test House does not permit outside parties to be present during examination and tests, no further action was possible.

REJECTION BY THE ALIPORE TEST HOUSE OF A TENDER SAMPLE OF MESSRS. SETT AND DASS COMPANY.

709. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that Messrs. Sett and Dass Company quoted prices in the Tender for 1933-34 which, if accepted, would have saved a good deal of Government money ?

(*b*) Was there any enquiry made into the allegation of Messrs. Sett and Dass Company ? If so, were they requested to withdraw the allegation ?

(*c*) Was any request made by Messrs. Sett and Dass Company to the Chief Controller of Stores to reconsider the opinion of the Alipore Test House by opening their sealed tender sample in their presence accompanied by a chemist from the Science College ? If so, why was this request refused ?

(*d*) Is it a fact that Messrs. Sett and Dass Company informed the Indian Stores Department of the last successful Test Report which they submitted along with the Tender for 1933-34, as per Tender terms, and that no consideration was given to such Test Report, which was very recently submitted to Messrs. Sett and Dass Company ?

The Honourable Sir Frank Noyce : (*a*) The sample submitted by the firm was unacceptable and therefore the question of savings does not arise.

(*b*) Yes.

(*c*) Yes, the attention of the Honourable Member is invited to answer given to part (*g*) of question No. 708.

(*d*) When forwarding their tender for 1933-34 requirements, Messrs. Sett and Dass Company referred to test report No. 1897|C., dated the 12th October, 1931, which showed their sample to be unacceptable. Before deciding the tenders for 1933-34 the reports on the examination of samples submitted in accordance with the tender conditions were also considered, but the sample submitted by the firm again showed that the quality of their material was unacceptable.

COLLIERIES WORKING IN BENGAL AND BIHAR COAL-FIELDS.

710. ***Mr. K. C. Neogy :** Will Government be pleased to state :

(*a*) the total number of collieries working in Bengal and Bihar coal-fields in the year 1923 ;

(*b*) the number of those owned and managed by Indians and by Europeans ;

(*c*) the total number of coal mines owned and managed by Indians, which have stopped working during the period January, 1923 to December 1932 ;

(*d*) the total number of collieries owned and managed by Europeans which have stopped working during the period January, 1923, to December, 1932 ?

The Honourable Sir Frank Noyce : Enquiries are being made and such information as is available will be laid on the table in due course.

COAL RAISED IN INDIA.

711. ***Mr. K. C. Neogy :** Will Government be pleased to state :

(*a*) the total quantity of coal raised in India during the calendar years 1930, 1931, and 1932 ;

(*b*) the total amount of despatches of coal in railway wagons during the calendar years 1930, 1931 and 1932 ;

(*c*) the total quantity raised and despatched, respectively, during each of the above three years in the Bengal and Bihar and Orissa coal-fields ?

The Honourable Sir Frank Noyce : (*a*), (*b*) and (*c*). A statement is laid on the table giving the figures for all three years in respect of (*a*) and (*b*) and for 1930 and 1931 in respect of (*c*). Particulars for 1932 in respect of (*c*) are being obtained and will be laid on the table in due course.

Statement showing the total quantity of coal raised and despatched from mines regulated by the Indian Mines Act, 1923.

	1930.	1931.	1932.
(*a*) Raisings—(tons)	22,683,861	20,514,597	18,719,587
(*b*) Despatches—(tons)	20,018,525	17,681,474	16,152,757
(*c*) Raisings—(tons)	21,311,535	19,198,967	..
Despatches (tons)	18,731,303	16,441,473	..

RESTRICTION OF RAISINGS OF COLLIERIES OWNED BY RAILWAYS.

712. ***Mr. K. C. Neogy :** (*a*) Do Government contemplate further restriction of raisings of collieries owned by State Railways as well as Company-managed railways ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government please state the extent to which such restriction will be made ?

(*c*) Are Government aware that smaller collieries have been the hardest hit by the depression in the coal trade, and do Government propose to purchase the quantity thus released and made available for purchase from market, mainly from small collieries whose average raisings are below 50,000 tons per year ?

Mr. P. R. Rau : (*a*) and (*b*). A proposal made by the Indian Mining Association is under consideration at present, but Government have not come to any conclusions, even tentative, in the matter and I am unable to make any statement about it at present.

(*c*) This suggestion which was also made by the Indian Mining Federation will also be considered along with the main question.

EXPORT OF BENGAL AND BIHAR COAL.

713. ***Mr. K. C. Neogy :** Is it a fact that the export of Bengal and Bihar coal is mainly restricted to a small number of collieries commanding big output and mainly owned and managed by Europeans ?

The Honourable Sir Joseph Bhore : Inquiries are being made and the result will be furnished to the House in due course.

WITHDRAWAL OF SURCHARGE ON COAL.

714. ***Mr. K. C. Neogy :** (*a*) Is it a fact that the Indian Mining Association and the Indian Mining Federation made representations to the Railway Board for abolition of the 15 per cent. surcharge on despatches of coal introduced in January 1932 ?

(*b*) Do Government propose to consider the withdrawal of the surcharge ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government please state how soon they would come to a decision on the point ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) The representation is under consideration.

(*c*) As soon as certain statistical information which is awaited from the East Indian Railway is received, I think Government will be in a position to arrive at a final decision.

LOWER SCALE OF RAILWAY FREIGHT ON COAL FROM PENCH AND CHANDA VALLEY COLLIERIES.

715. ***Mr. K. C. Neogy :** (*a*) Is it a fact that the Great Indian Peninsula Railway Administration introduced in 1923, a lower scale of railway freight for coal from Pench and Chanda Valley collieries than that applicable for coal from the Bengal and Bihar coal-fields in order to facilitate free movement of coal from the former, which, for want of market for their output, were likely to close down ?

(*b*) Is the same scale still operating ?

(*c*) Are Government aware that the Indian Mining Federation made repeated representations to the Railway Board for abolition of this discrimination against Bengal and Bihar coal ?

(*d*) Are Government aware that Bengal and Bihar coal has lost its custom to Pench and Chanda Valley cost at stations on the Great Indian Peninsula and Bombay, Baroda and Central India Railways ?

(*e*) Do Government contemplate abolition of the above discriminatory rates of freight ?

(*f*) If the answer to part (*e*) be in the negative, will Government please state the reason why ?

Mr. P. R. Rau : (*a*), (*b*) and (*c*). Yes.

(*d*) Government have no reliable information in their possession which can definitely show whether this is the case, but are making enquiries.

(*e*) and (*f*). The question is under consideration.

APPLICATIONS FOR REGISTRATION OF FIRMS RECEIVED BY THE INCOME-TAX OFFICER IN KARACHI.

716 ***Seth Haji Abdoola Haroon :** Will Government be pleased to lay on the table of this House a statement showing for each of the three years 1930-31, 1931-32 and 1932-33 (*a*) the number of applications for registration of firms received by the Income-tax Officers in Karachi ; (*b*) the number of cases in which registration was refused ; and (*c*) the number of applications which appertained to partnerships between members of Muhammadan families ?

The Honourable Sir George Schuster : (*a*) 260 in 1930-31, 301 in 1931-32 and 331 in 1932-33.

(*b*) 4 in 1930-31, 9 in 1931-32 and 7 in 1932-33.

(*c*) Information is not available.

AGE OF COMPULSORY RETIREMENT IN RAILWAY BOARD'S OFFICE.

717. ***Mr. M. Maswood Ahmad :** Is it a fact that Government issued certain orders last year that the age of compulsory retirement on Railways in India shall be 55 and no extensions beyond that age should be granted to Railway servants ? If so, does that order apply to the Railway Board's office ? If not, why not ?

Mr. P. R. Rau : Orders were issued to the State-managed Railways in September, 1932, that for the present in units in which there is a surplus or a likelihood of it or in which there is a waiting list, extensions of service after the age of 55 should not as a rule be granted to railway employees.

These instructions do not apply to the office of the Railway Board.

Mr. Lalchand Navalrai : May I know, Sir, if there are persons in the Railway Board who are enjoying extensions after the age of 55 ?

Mr. P. R. Rau : I do not think so, but I should like to have notice of that question.

Mr. M. Maswood Ahmad : Is it a fact that the Railway Board has extended the age of superannuation from 55 to 56 years ?

Mr. P. R. Rau : Yes, Sir, recently as a temporary measure.

Mr. M. Maswood Ahmad : Is the Honourable Member aware that in reply to my question the Home Member said the other day that the question of increasing the age of superannuation is not under the consideration of the Government ?

Mr. P. R. Rau : The age of superannuation for the clerical staff is 60, and not 55.

Mr. M. Maswood Ahmad : Will the Honourable the Home Member say whether the reply he gave before was in respect of clerical staff only or was it for officers as well ?

The Honourable Sir Harry Haig : I have no recollection of the particular reply which the Honourable Member is referring to.

Mr. M. Maswood Ahmad : Will the Honourable the Financial Commissioner for Railways say whether the Railway Board consulted the Home Department when they increased the age of superannuation from 55 to 56 ?

Mr. P. R. Rau : No, Sir. It was unnecessary, because the rules lay down the age of superannuation for the clerical staff at 60 and each Department is competent to reduce it to the extent required above 55.

Mr. M. Maswood Ahmad : May I take it, then, that the increase in the age of superannuation from 55 to 56 was made without consulting the Home Department ?

Mr. P. R. Rau : I have already told my Honourable friend that this relates to the clerical staff only.

Mr. M. Maswood Ahmad : For whom the age of superannuation is 55 ?

Statement.

Name of Association.	Year of recognition.
*Association of the uncovenanted service of the Government of India (Headquarters)	1922
Indian Police Association	1922
Indian Civil Service Central Association	1922
Punjab and Frontier Association of European Government Servants	1923
Indian Officers' Association	1923
The High Court Association, Calcutta	1925
Government of India Attached and Subordinate Offices Association	1925
Imperial Secretariat Record Sorters and Daftaries Association	1926
All-India Association of European Government Servants	1927
Imperial Secretariat Jemadars' and Peons' Association	1932
Government of India attached and subordinate offices Record Sorters (including Record Lifters) and Daftaries Association (non-migratory)	1933
Survey of India (Class II) Association, Calcutta	1923
Survey of India Lower Subordinate Association, Dehra Dun	1924
Central Association of *European Officers* of the Indian Agricultural Service, Bombay	1923
All-India Association of *Indian Officers* of the Indian Agricultural Service, Coimbatore	1926
Indian Veterinary Service Association, Calcutta	1923
Imperial Department of Agriculture (Pussa) Association	1930
Civil Engineers' Association, India	1923
Indian College Engineers' Association	1924
All-India Specialists' Association	1924
India-recruited European Engineers' Association	1925
Meteorological Department Clerks' Association (now designated as the Meteorological Department Non-Gazetted Officers' Association)	1928
All-India (including Burma) Postal and R. M. S. Union, Delhi	1922
All-India Burma Postmasters' Association, Bombay	1922
The Postal Officers' Association, India, Calcutta	1922
The Telegraph Engineers' Association, Delhi	1922
Indian Telegraph Association, Limited, Calcutta	1923
All-India Telegraph Union, Calcutta	1924
All-India Postal and Telegraph (including R. M. S.) Administrative Offices Association, Lucknow	1925
All-India R. M. S. Inspectors' Association, Delhi	1925
All-India (including Burma) Postmen and Lower Grade Staff Union, Bombay	1925
The Association of the All-India Postal Town Inspectors, Calcutta	1928

*This Association subsequently changed its name to "Imperial Secretariat Assoc
n".

Name of Association.	Year of recognition.
All-India (including Burma) Postal Accountants' Association, Poona	1929
The Telephone Service Association of India and Burma, New Delhi	1929
Indian Audit and Accounts Service Association	1923
Customs Service Association of All-India and Burma, Calcutta	*1923
Imperial Opium Officers' Association	1923
N. I. S. R. Department Officers' Association, Sambhar	1924
Bengal Income-tax Association, Calcutta	1925
Income-tax Department Ministerial Officers' Association, B. and O., Ranchi	1926
Association of the Gazetted Officers of the Income-tax Department, Bombay	1927
Clerks Association of the Income-tax Department, Punjab, N. W. F. P. and Delhi Province, Lahore	1927
Central Board of Revenue Ministerial Officers' Union, Bombay	1928
Income-tax Officers' Association, United Provinces	1928
Income-tax (Gazetted) Service Association, Bengal	1928
Income-tax Ministerial Officers' Association, United Provinces	1928
N. I. S. R. Department Clerks Association	1928
Government Peons Union, Bombay	1928
Income-tax Department Non-Gazetted Officers' Association, Central Provinces and Berar, Nagpur	1929
Income-tax Inspectors' Association, Punjab, N. W. F. P. and Delhi Province, Lahore	1930
Income-tax Officers' Association, Punjab, N. W. F. and Delhi Provinces, Lahore	1930
Income-tax Department Non-Gazetted Officers' Association, Madras	1930
Income-tax (Gazetted) Service Association, Bihar and Orissa	1931
Association of the Non-Gazetted Superior Staff of the Income-tax Department in Sind	1931
Currency Association, Calcutta	1922
Currency Association, Cawnpore	1927
Currency Association, Lahore	1924
Currency Association, Bombay	1923
Currency Association, Madras	1923
Currency Association, Karachi	1925
Currency Association, Rangoon	1922
All-India (including Burma) Currency Offices Union	1925
Non-Gazetted Civil Accounts Brotherhood, United Provinces	1922
Civil Accounts Association, Punjab	1922
Non-Gazetted Civil Accounts Association, Burma	1922
Accounts Offices Association, Bengal	1922
Non-Gazetted Civil Accounts Office Association, Madras	1923

*Recognition was withdrawn in 1926 but restored in June, 1928.

Name of Association.	Year of recognition.
Delhi Posts and Telegraphs Audit Clerks' Union	1923
Civil Accounts Association, Bombay	1923
Non-Gazetted Postal Accounts Offices Association, Nagpur ..	1923
Madras Postal Audit Clerks Association	1922
Accountants Association, Rangoon	1922
Civil Accounts Office Association, Nagpur	1924
Civil Accounts Association, Assam	1924
Public Works Accountants Association, U. P.	1924
Bombay Public Works Accountants Association	1925
Civil Accounts Association (A. G. C. R.), Delhi	1926
Public Works Divisional Accountants Association, Punjab ..	1926
Madras Divisional Accountants Association	1930
Burma Railways Statutory Audit Office Clerks' Association, Rangoon	1930
Railway Audit Accountants Association, Rangoon	1930
Railway Auditors Association, Bombay	1930
Bengal Divisional Accountants Association	1931
Stores Audit Association, New Delhi	1931
Great Indian Peninsula Railway Statutory Audit Office Clerks' Association	1931
North Western Railway Auditors Association, Lahore ..	1932
Subordinate Statutory Railway Auditors' Association, Madras ..	1931
Railway Auditors Association, Calcutta	1932
Divisional Accountants Association, Assam	1932
North Western Railway Audit Clerks' Union	1932
Frontier Civil Accounts Association, Peshawar	1933
Government Audit Clerks Association, Bengal Nagpur Railway ..	1933
Foreman's Association of India	1919
Civilian Clerks' Association (M. E. S.), North-West Frontier Province, Peshawar	1922
All-India Arsenal Clerks' Association	1922
Army and Royal Air Force Headquarters Association ..	1923
All-India Association of Clerks of Ordnance Factories ..	1924
Indian Ordnance Civilian Gazetted Officers' Association ..	1926
Association of the All-India Royal Air Force Units' Clerks ..	1927
*Harness and Saddlery Factory Labour Union	1928
Cordite Factory Labour Union	1928
Indian Army Service Corps Civilian Association	1928
Gun Carriage Factory Labour Union	1931
Association of Storekeepers and Storemen of the Indian Army Ordnance Corps	1932
All-India Association of the Supervising Staff of Ordnance and Clothing Factories	1932

*Recognition withdrawn on the 8th February, 1933.

Name of Association.	Year of recognition.
Military Accounts Association, Poona	1921
Military Accounts Association, Calcutta	1926
Military Accounts Association, Maymyo	1926

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 619 asked by Mr. K. P. Thampan on the 4th March, 1932 ;

(*ii*) the information promised in reply to starred question No. 1067 asked by Sardar Sant Singh on the 1st April, 1933 ;

(*iii*) the information promised in reply to starred questions Nos. 1075, 1076 and 1077 asked by Mr. D. K. Lahiri Chaudhury on the 1st April, 1933 ; and

(*iv*) the information promised in reply to starred question No. 1205 asked by Maulvi Sayyid Murtuza Sahib Bahadur on the 10th April, 1933.

MEMORIALS FROM ENGINEERING SUPERVISORS, TELEGRAPHS.

*619. (*a*) Yes, except that the memorials were received before August, 1931.

(*b*) The case of the memorialists and of other Engineering Supervisors, General, who were appointed to their posts on a substantive basis after 4½ years' service as Telegraphists and three years' service as temporary Engineering Supervisors has been reviewed by the Director-General in consultation with Government. The number of officials affected is 57. The review has revealed that most of the memorialists had more than one chance to qualify for promotion to the grade of Deputy Assistant Engineer, Telegraphs, prior to the discontinuance of the old system of training. Further, of the memorialists and other Engineering Supervisors, many were over age, some did not possess the requisite qualifications for selection for training and others had had at least three opportunities.

Government consider that those who were over age, those who did not possess the prescribed qualifications and those who had had three opportunities but did not take advantage of them have no legitimate grievance and that therefore the cases of 16 Engineering Supervisors only require special consideration. Of these 16 eleven had two opportunities, four had one opportunity and the remaining one had no opportunity to qualify. It is impossible to give any of them further chances of qualifying under the old system as that system has been abolished, but it has been decided that the eleven officials who had two opportunities to qualify will be given one more chance, the four officials who had one opportunity to qualify will be afforded two more chances, and the remaining official who had no opportunities to qualify will be given three chances. For this purpose, they will be given a special course of training in the Electrical Engineer-in-Chief's Office, subject to their passing an entrance examination. Thus all Engineering Supervisors who had the requisite qualifications will have had at least three chances to qualify for promotion to the grade of Deputy Assistant Engineers whether or not they took advantage of their opportunities prior to 1920.

(*c*) The reply to the first part is in the negative. The second and third parts are covered by the answer to part (*b*).

(*d*) Yes. Recruitment was previously made partly from telegraphists of not less than 4½ years' service who were not required to pass any examination ; and partly from telegraphists who had undergone a special training for 2½ years and had successfully passed an examination at the end of it. Under the orders of 1927, which had effect from the 1st January, 1929, these methods were replaced by a new system of recruitment partly from within, and partly from outside the Department, designed to obtain men with better educational qualifications. As regards seniority those Supervisors who had completed a nine months' course of training for promotion to the grade of Deputy Assistant Engineer in 1927 were ranked for seniority after those who had already passed that course ; the Supervisors who passed that course in 1928 were

classed for the purposes of promotion to the grade of Deputy Assistant Engineers with the men who completed the 2½ years' course of training in 1925, and their relative seniority was fixed according to the percentage of marks obtained in the examinations. In cases where the marks are identical, seniority was decided according to the length of service. These arrangements were decided on in consideration of various factors including allowances for the ages and experience of the different batches of passed staff.

PAINTS USED BY THE EASTERN BENGAL RAILWAY FOR PAINTING THEIR WAGON.

*1067. (*a*) The numbers of the Specifications mentioned by the Honourable Member are not correct. Specification No. G|O.P.-121 and G|O.P.-121|1 are presumably meant. Specification No. G|O.P.-121 for black paint requires the pigment to be equal in staining power and tone to the standard which contains 20 per cent. of lamp black. The pigment will not necessarily itself contain 20 per cent. of lamp black, but may contain more or less according to the grade of lamp black used. Specification No. G|O.P.-121|1 for black paint second quality requires the pigment to be equal in staining power and similar in tone to the standard which contains 3 per cent. of carbon black.

(*b*) No. In addition to the specifications for black paint mentioned in reply to part (*a*) there is another specification No. G|O.P.-122 for bone black paint.

(*c*) Presumably Muraco special black paint is referred to. This is a paint of an altogether different type from paints made to comply with specifications described in replies to (*a*) and (*b*). It is not known how much carbon black, if any, it contains. The loss on ignition of the pigment is about 80 per cent.

TENDER CALLED FOR BY THE INDIAN STORES DEPARTMENT FOR ENAMEL NAVY GREEN.

*1075. (*a*) The Indian Stores Department called for tenders for 6,400 gallons of enamel Navy green on the 29th May, 1929.

(*b*) Yes.

(*c*) *1st Part.*—Yes. 300 gallons were purchased in June, 1929, and 3,700 gallons in August, 1929. The price in both cases was Rs. 11-4-0 per gallon.

2nd Part.—It is not practicable to purchase enamels for railway use on the results of analytical tests. Such enamels are chosen on the basis of actual exposure tests, as in the analogous case of railway varnishes. This is well-known to paint manufacturers. At the time of this particular order the results of exposure tests were not available. The Government Test House therefore recommended that an order for a part of the quantity of enamel required should be placed with Messrs. Jenson and Nicholson (India), Limited. This recommendation, which was accepted by the Chief Controller of Stores, was made on the strength of the results obtained on the exposure tests carried out on varnishes manufactured by the firm which showed them to compare favourably with other varnishes tested practically by the Government Test House. As varnishes form the most important ingredient of enamels, it was considered that the firm's enamel would also give good results. That this reasoning was valid is shown by the fact that when the practical tests had been completed the enamel was found to be satisfactory.

(*d*) No complaints have been received from the Railway Administration concerned and, as stated in the answer to part (*c*), the enamel gave satisfactory results in the exposure tests carried out at the Government Test House.

(*e*) *First part.*—The firm named quoted Rs. 6-4-0 per gallon.

Second part.—The composition of the pigment of the sample submitted by Messrs. Murarka Paint and Varnish Works, Limited, conformed to the specification for green enamel. The exposure tests on the varnish manufactured by this firm had, however, proved very unsatisfactory and the firm's offer was therefore not accepted. When the results of exposure tests on the enamels were completed, this firm's enamel was found to be unsatisfactory.

(*f*) No. Messrs. Murarka Paint and Varnish Works' varnish gave a much less glossy film than that of Messrs. Jenson and Nicholson (India), Limited.

TESTING OF SAMPLES OF ENAMEL NAVY GREEN BY THE GOVERNMENT TEST HOUSE, ALIPORE.

*1076. (*a*) *First part.*—Yes.

Second part.—No report was submitted as no sample was received from Messrs. Jenson and Nicholson.

(*b*) Does not arise.

(*c*) The Government do not propose to place a copy of the report referred to on the table of the House. The report was prepared for the information of the Chief Controller of Stores. If any manufacturer requires a report on the tests and analyses of any of his products, it can be obtained from the Government Test House, Alipore, after the examination of samples of the product and on payment of the prescribed fees.

(*d*) *First part.*—Out of the 4,000 gallons of enamel, Navy Green, purchased from Messrs. Jenson and Nicholson (India), Limited, in 1929, 3,700 gallons were purchased on the recommendation of the Government Test House, Alipore.

Second part.—The attention of the Honourable Member is invited to the answer given to part (*c*) of question No. 1075.

SUPPLY OF ENAMEL PURPLE BROWN TO THE EASTERN BENGAL RAILWAY THROUGH THE INDIAN STORES DEPARTMENT.

*1077. (*a*) Yes.

(*b*) No.

(*c*) Enamel Purple Brown was purchased at the price named from Messrs. Jenson and Nicholson while the Rate Contract with Messrs. Hoyle, Robson and Barnett for Enamel Purple Brown to E. B. R. shade was in force, but it was not the same stuff as that covered by the Rate Contract with Messrs. Hoyle, Robson and Barnett.

(*d*) The difference between Rs. 40 per cwt. and Rs. 9-8-0 per gallon amounts to Rs. 61-5-4 per cwt., but the material on contract with Messrs. Hoyle, Robson and Barnett was inferior to that purchased from Messrs. Jenson and Nicholson and was not suitable for the particular purpose for which it was required by the E. B. Railway.

(*e*) *First part.*—3,010 gallons.

Second part.—The question of loss does not arise, for, as already explained in the answers to parts (*c*) and (*d*), the two materials are not comparable.

(*f*) The Government are already aware of the reasons for which the purchase was made. These have been explained in the answer to part (*d*).

(*g*) The purchase was made by the Controller of Purchase, Calcutta, and, as already explained in parts (*c*) and (*d*), the two materials are entirely different, and the question of loss does not therefore arise.

RENT OF GOVERNMENT QUARTERS PAID BY THE STAFF OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

*1205. (*a*) to (*f*). The clerks concerned are entitled to pay rent under Fundamental Rule 45A. They are not however entitled to have Government quarters allotted to them in Old Delhi or in New Delhi, because they are not required to reside in either place on duty with the Government of India. But this does not affect the question of the payment of rent by them, and the circular of the Deputy Accountant General calling on them to express readiness to pay rent under Fundamental Rule 45B will be cancelled.

(*g*) The substantive pay of the officer is below Rs. 600 per mensem. He is therefore eligible for clerks' quarters and has been given 'B' Class quarters as there are no 'A' class orthodox quarters in Old Delhi.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 375 asked by Seth Haji Abdoola Haroon on the 20th February, 1933 ;

(*ii*) the information promised in reply to parts (*b*), (*c*), (*d*) and (*e*) of starred question No. 845 asked by Pandit Satyendra Nath Sen on the 21st March, 1933 ; and

(*iii*) the information promised in reply to unstarred question No. 109, asked by Pandit Satyendra Nath Sen on the 22nd March, 1933.

PASS SECTION OF THE NORTH WESTERN RAILWAY.

*375. (*a*) The Agent, North Western Railway, reports that prior to the 1st May, 1930, the strength of the Pass Section was six consisting of one Head Clerk and five clerks but that it was increased with effect from the 1st May, 1930 to eight, consisting of one Head Clerk and seven Clerks. The increase was necessitated on account of considerable increase in work which will be apparent from the figures given below :

No. of passes issued in 1928	25,280
No. of passes issued in 1929	29,622
No. of letters received for the Pass Section :—	
In 1926	12,021
In 1929	16,779
Suburban tickets issued in 1928	735
Suburban tickets issued in 1929	840

(*b*), (*c*) and (*d*). No.

(*e*) It has been decided to continue the present arrangements. Attention is drawn to the reply to the question referred to which has since been laid on the table.

PROMOTION OF CLERKS IN THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

*845. (*b*) Yes.

(*c*) Yes.

(*d*) (*i*) 25.

(*ii*) 3.

(*e*) Government do not propose at this distance of time to cancel the 22 irregular promotions which were made as a result of misunderstanding of the rule.

RETRENCHMENT IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

109. (*a*) and (*b*). I understand that six clerks who had been retained out of turn under misunderstanding were not included in the list laid on the table of the House in reply to starred question No. 461 (*c*) and (*d*), dated 23rd February, 1933.

(*c*) These six clerks, who had held permanent appointments on the Eastern Bengal and Bombay, Baroda and Central India Railways, came over to the Railway Clearing Accounts Office along with their work, and owing to a misapprehension, the Director considered that, irrespective of their total length of service, these clerks were not to be brought under retrenchment.

I am informed, however, that the men with longer service who were discharged as a result of the irregular retention of these six men have since been either re-entertained or offered posts, in the Railway Clearing Accounts Office.

BILLS PASSED BY THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, in accordance with the provisions of rule 25 of the Indian Legislative Rules, I lay on the table the following Bills which were passed by the Council of State on the 5th September, 1933 :

1. A Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose ; and
2. A Bill further to amend the Cantonments (House Accommodation) Act, 1923, for a certain purpose.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 5th September, 1933, agreed without any amendments to the Bill further to amend the Workmen's Compensation Act, 1923, which was passed by the Legislative Assembly, at its meeting held on the 28th August, 1933."

THE COTTON TEXTILE INDUSTRY PROTECTION (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the motion that the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, be taken into consideration.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : On behalf of the agriculturists and the hand loom weavers of India (Applause), I warmly support the Bill before the House. (Laughter.) I do not know what my friends are laughing about ; with the possible exception of my Honourable friend, Mr. Lahiri Chaudhury, I claim to be as stout a champion of these interests as anyone in this House. I shall never, I hope, be found in this House coming forward for relief to any interests which I represent if it was found that such relief could only be given at the expense of some other interest. As was so admirably put by my Honourable friend, Mr. Ranga Iyer, yesterday, a proper balance has to be struck in these matters, and every measure has got to be considered on its merits, and with reference to its implications, not only as regards the particular industry concerned, but every other industry as well. One of these days, though I feel it rather a difficult task, I hope to convince some of my Honourable friends here, that those like me, who are fighting for the rights of industries, are trying at the same time to serve the best interests of the masses.

With these preliminary observations, I shall now attempt, as briefly as I can, to answer some of the points raised in the debate, and I shall impose the same restraint on myself as was observed by my Honourable friend, the Commerce Member. My Honourable friend, Mr. Raju, on the first day of the debate, spoke for the hand loom weavers. I respect that attitude, but I want to point out to him that he is altogether wrong in thinking that any measure calculated to advance the interests of the textile industry constitutes a threat to the hand loom weaver. It is true that the

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hand loom industry today is in a rather deplorable condition, as is every other industry, whether conducted by hand or by power. What are the causes ? To a certain extent it is true that the competition of the power factories has affected the fortunes of the hand loom industry ; that is bound to happen. But we have this consolation that unlike almost any other country or any other industry that I know of, the hand loom industry has survived in this country for centuries, and has withstood the competition of power factories for the last 70 years more or less successfully, and today it holds almost the same position in the economy of this country as it has ever held. In that I see a gleam of hope, but what I would like to point out to my Honourable friend is that one reason why that industry has suffered is because of the cheap imports from foreign countries, and if we in this House fight for adequate protection for our interests, we are at the same time fighting for the best interests of the hand loom weavers. The duty on cloth has helped the hand loom weaver just as much as it has helped those who are conducting the industry in factories.

An Honourable Member : What about the duty on yarn ?

Mr. H. P. Mody : My Honourable friend asks, how about the duty on yarn. I shall answer that question as well. The duty on yarn has not affected the hand loom industry to anything like the extent which my friends imagine, basing their arguments perhaps on what has been said in a recent communiqué of the Madras Government. My Honourable friends must know that there are today a great many mills which are switching over from the production of yarn for sale to the production of cloth. Why are they doing that ? They are doing that for the simple reason that there is no economic price to be obtained for yarn. I am giving this as a positive fact, you can verify it by the figures of mills in India today which are engaged in the manufacture of yarn for sale and which find it increasingly necessary to switch over to the production of cloth, because there is no market for yarn at an economic price. If it happens, as it is bound to happen some day, that all mills in India turn their attention to the production of cloth, then the dependence of the hand loom weaver would be more or less on the imported yarn and he is going to get very little shrift or mercy from the exporters of such yarn. It may be that today he is enjoying the benefit of cheap imports, but tomorrow he may find that the foreigner has established himself firmly in this country and that he is able to exact his own price with the elimination of the competition of the mills. Now, I hope, that is a sufficient answer to my Honourable friend. I recognise that my Honourable friend is not opposing this measure, but he has put forward a point of view which is perfectly legitimate and which I have tried to answer to the best of my ability. I turn now to my Honourable friend, Mr. B. Das. My Honourable friend's democratic sympathies and vivid imagination embrace the whole of Indian humanity ; he said he spoke for the 350 millions of India.

An Honourable Member : *Minus* the millowners.

Mr. H. P. Mody : I am sorry for the 350 millions *minus* the millowners. Now, Sir, what was his argument when he presented himself to this House as the champion of these 350 millions ? He said there would be retaliation on the part of Japan, and that there had been actual retaliation in 1927. I am afraid, my Honourable friend is rather careless in his handling of facts.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Not at all.

Mr. H. P. Mody : There was a retaliation on the part of Japan in the matter of pig iron at a time when there was no question of increasing the duties on textiles. The duties on pig iron were put up by as much as 250 per cent. at one stroke what time the industry had not obtained the measure of relief it has now got. As regards cotton, my Honourable friend, with that delightful incoherence which he exhibits, contradicted himself. He said Japan was retaliating in the matter of cotton, and, in the next breath, he said that within the next five years Japan will grow as much cotton as she wants in Manchuria and other places. If Japan is anyhow going to do that some day, then where comes the question of retaliation ? I do not want, Sir, to strike a controversial note upon this question in view of the very important negotiations which are going to take place in the next few months. But I will say this that if there is going to be a threat to the interests of the agriculturists in India, the proper answer is not whining impotence, but adequate counter measures which I hope this House will most heartily endorse. But I do hope that that unhappy eventuality will be avoided, that, as a result of the Conference which is going to take place, we shall be able to reach an agreement which will ensure friendship between the two countries, and that there will be no more talk of boycott or countermeasures of reprisals.

Now, Sir, Mr. Das, again with the same carelessness with regard to facts, talked of bloated profits. I do not know whether he is still living in the hectic days of 1920. The answer to his imaginings is to be found in an Associated Press message today which says that another few thousand employees have been turned out of their jobs in Bombay mills on account of depression and on account of Japanese competition. Since April, 15 thousand hands have been thrown out of employment in addition to the many thousands who had been thrown out in previous years. But it may be said that this is the position in regard to the Bombay mills only. It is by no means so. Mills at Indore, mills in the Central Provinces and mills in other places are feeling the draught almost as acutely, and there is widespread unemployment everywhere.

Then, my Honourable friend talked of mismanagement of Bombay mills, and in this connection he is rather fond of quoting my Honourable friend, the Member for Industries and Labour. Sir, in spite of my Honourable friend, Sir Frank Noyce's free trade proclivities, I have a warm regard for him, and I have always said that his report in 1927 was a most valuable contribution to the literature on the subject, and was full of suggestions for the amelioration of the industry. But I want to know, in what part of that report does my Honourable friend find support for his theory that there has been gross mismanagement in Bombay mills ? It is true that Sir Frank Noyce has made valuable suggestions for the improvement of the industry, but that is very different altogether from saying that the industry is mismanaged. This continual talk of mismanagement which is being heard, and which no amount of facts and figures can manage to scotch, will, at any rate I hope, be scotched when the Report of the last Tariff Board, a Board which was competent to judge, is published. And if from no other point of view, at least from this particular standpoint, I am anxious that that Report should be released to the public at the earliest possible moment. I hope that Report will give a positive lie to the statements which are being recklessly flung about with regard to the mismanagement of the Bombay

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mills. (Interruption by Mr. B. Das.) After all, the Report must be based upon evidence; I know what evidence has been laid before the Board, and I say that unless they ignore altogether the facts placed before them, they could not come to the conclusion that the industry is suffering from mismanagement. Sir, the real trouble with my Honourable friend, Mr. Das, is not that he does not understand exactly what he is talking about,—though it is sometimes rather difficult to believe that he does understand (Laughter)—he has got enough experience as a politician and as a publicist; he is a man of affairs, he knows trade and industry; but the trouble with him is that Mr. Das is a capitalist at heart. (Laughter.) Now, Sir, the capitalist unfortunately today has gone a bit out of fashion, and it does not do for any good patriot to come forward and say that he is an exponent of either capitalist or industrial interests. And, therefore, it is that my friend, Mr. Das, who at heart is as bad a capitalist as any one of us, comes forward to prate about the woes of the agriculturist; I doubt very much whether he has been within a hundred miles of any village (Laughter) or whether his acquaintance with the agricultural problem goes very much beyond the purchase of a few mangoes or bananas. (Laughter.)

Now, Sir, I will deal briefly with my Honourable friend, Mr. Joshi. In spite of the fact that we always argue against each other, we are great friends. Mr. Joshi propounded a very novel doctrine, that whenever the textile industry came up for some measure of relief, that must be an occasion for imposing on the industry certain conditions with regard to the welfare of labour. Surely these questions are entirely apart. Whether you give protection to the industry or not, a certain standard of life is to be maintained and enforced with regard to labour, all those ameliorative measures, which flow from the Government of India with their increasing labour sympathies, have been designed to improve the lot of labour irrespective of whether the industry has received adequate protection or not. Does my friend require a double dose of protection, namely, industrial legislation proceeding at a rapid pace, irrespective of Protection, and again when the industry comes up for some measure of relief? That, I say, Sir, is a wholly untenable proposition and I hope it will not be supported anywhere.

I said that I would be very brief; I have only a few words more to say. My Honourable friend, Mr. Das, speaking on behalf of the Democratic Party, said that they were going to oppose this measure. I hope it is not correct; I hope at any rate the Democratic Party will reconsider their attitude. What would happen, supposing a large section of the House, a majority section in this House, were of the same opinion? One of two things would happen. The Tariff Board's Report and the Government of India's decision on that report would have to be immediately published and brought up before the House, and some fresh measure of protection recommended. That I say is obviously out of the question for the simple reason that negotiations are on foot, and it does not do, when the Lancashire deputation and the Japanese deputation are on their way, to present them with a measure of protection at the same time that profess yourself willing to come to a settlement with them. That would be one way of dealing with the matter. The other way would be to do away with protection altogether and to leave the industry to the tender mercies of foreigners. Is that the position which the Democratic Party propose to take up in this House, namely, that the industry should have no protection at all? Whose interests would they be serving thereby except the interests of the foreigner? I respectfully ask them whether they have realised the implications of such an attitude. I am sure that no other section in the House will support it. I am not merely concerned with getting votes, not merely concerned with getting this measure through: I want that every Member of this House, realising his responsibiliy, will whole-heartedly support the measure which has been put forward by my Honourable friend, the Commerce Member.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I must at the outset congratulate my friend from Bombay on the able way in which he began espousing the cause of the agriculturists. I am sure the Honourable Member from Bombay is very receptive, and he probably felt that he was considerably misunderstood yesterday and took the earliest opportunity to clear the misunderstanding and define the position that he has consistently taken up as an old Congressman following the footsteps of Sir Pherozeshah Mehta before the Congress changed its policy. As every millowner in this country has proved by his action, there is a close contact between the agricultural and industrial interests, as evidenced by the fact that the largest quantity of short staple cotton produced in this country is consumed by the millowners themselves. There is no use for supporters of agricultural interests to ignore this essential fact that between agriculture and industries there is an unbreakable connection. It is good to build upon the connection and I welcome, therefore, the observation of the champion of industrial and tariff interests in Bombay. I must say a word in defence of my friend, Mr. B. Das, once upon a time the champion of the Nationalist Party and its most industrious whip. When Mr. B. Das said that he was going to oppose this Bill, I think he governed it with a condition, till the publication of the Tariff Board Report.....

Mr. B. Das: Quite so.

Mr. C. S. Ranga Iyer: .....and I suppose it was only his vigorous way of putting that the Tariff Board Report must be published, and not that this Bill should be opposed, for even Mr. Scott has not chosen to oppose this Bill. What Mr. Scott stated in his usually eloquent and almost convincing and seductive style was this, that the Government of India's policy was more or less typical of "Wait-and see Japanese policy". That was quite a dignified way of concealing some of his apprehensions, because he did not want on an occasion like this to express them, for each and every one in this House is anxious to strengthen the hands of the Commerce Member in the great and important negotiations that are opening before us. In this particular matter and during this debate it is well for us from the Opposition Benches to make clear to the Japanese representatives who are coming to this country that the Leader of this House has the confidence of the House as a whole. (Cheers.) When the Leader of the House denounced the Indo-Japanese Convention in April last, we gave him united and unanimous support, because our agricultural and industrial interests called for such action; and I, standing on this side of the House, very clearly stated then that the denunciation of the Convention was but the beginning of negotiations leading to a better understanding and better amity and better agreement with Japan in the light of new conditions.

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Therefore, we ought to give every support to the Honourable the Commerce Member who is animated not by any hostility towards Japan—on the contrary, as he very clearly stated in his lucid and convincing speech, he is anxious once again to revive those fair traditions and conditions of industrial rapprochment which had united India and Japan. We also join him in giving a welcome, a cordial welcome to the Japanese delegates, because as he very clearly stated, Japan is one of our important customers, the principal buyer, as an outside nation, of our short staple cotton. We want to keep Japan as our friend and we hope that Japan will view the debate that has taken place in this House with sympathy and understanding and realise that our Commerce Member enters into negotiations with the fullest support that a leader of a democratic House in a self-governing country can have. (Cheers.) I have only to add that the agricultural interests are watching developments with great interest, and I welcome the Honourable the Commerce Member's observations in regard to their representation in whatever negotiations concerning those interests that might take place. On this two-clause Bill, if we take into consideration the short title also, we have had a two days' discussion. I think it is sufficient that we have taken over two days on this matter, and time that we gave a vote of confidence to the Commerce Member by passing this Bill unanimously and without any opposition, especially in the light of the fact that we are entering into important negotiations in view of which it is better that the protection is extended for the limited period prescribed. (Cheers.)

Lala Hari Raj Swarup (United Provinces : Landholders) : Mr. President, the sincerity of Mr. Mody and even of Mr. Das may be doubted in voicing the feelings of agriculturists, but my sincerity cannot be doubted, because I represent the landholders of the United Provinces and I have got a large number of tenants under me who grow cotton and I grow cotton myself. I give my wholehearted support to this measure of protection, because I feel that there is nothing in this Bill which is injurious to the interests of the agriculturists. On the other hand, by attaching too much importance to this argument in our speeches on Monday and today, we are playing into the hands of the Japanese delegation which is about to come out to India. I understand from reliable sources that the Japanese have sent out men in cotton growing districts instigating cotton growers and to put up their demands that their interests are in danger, in order to impress the importance of their so-called boycott of Indian cotton. Sir, if you look into the figures, you will find that they have placed orders for Indian cotton much in advance. For instance, in July, 1931, they purchased cotton for Rs. 425 lakhs. In 1932, they purchased cotton for Rs. 168 lakhs ; in July 1933, their purchases went up to Rs. 571 lakhs. Before announcing the boycott, they placed orders in advance so that they could hold their own for six months at least to come. Secondly, there is nothing in this argument of boycott, because, as we know, most of the Japanese machinery is adapted for short staple cotton, especially cotton produced in India. By resorting to this boycott and by sticking to it, do we take it that they will throw away crores of their capital into the sea and go in for more machinery ? It is a futile argument. Thirdly, if we look into the exports, we find that the exports of Indian cotton have actually been falling in the Japanese markets ; so it means that the time will

come when we will have to depend upon our own market or find other markets in other parts of the world. I have always thought, Sir, from the very beginning that this short Bill should have been passed without much discussion or argument, because this is a time when, instead of weakening the hands of my Honourable friends, the Industries Member and the Commerce Member, we should strengthen their hands by giving our whole-hearted support to this measure, and I take this opportunity from this place in this House to convey to the Japanese delegation that we Indians will not be afraid of their tactics of dealing in international negotiations. You are well aware, Sir, how difficult it is to deal with the Japanese. You have had the privilege of dealing with these people in International Conference in other parts of the world. Therefore, Sir, on behalf of the agriculturists and on behalf of the cotton growers, I wholeheartedly support this Bill, and I would ask every Honourable Member here to accord his full support to the Honourable the Commerce Member.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, the scale of duty that is now proposed to be imposed upon cotton textiles has been in existence for some time, and I would like to know what the Government have done during all the time. It is now nearly six months since the rate has been enhanced, and I should like to ask the Government why they have not cared to send out some experts to find out from Japan why the Japanese people are able to dump their goods into this country and how they are able to sell their produce at such low rates ? I do not think, Sir, that the rate of exchange of the yen alone helps the Japanese to do this. My own opinion is that the Government have not done their duty in this matter, and, in asking us to vote for a measure of this kind, Government are asking us to take a leap in the dark as all light, all the relevant data are withheld from us.

Sir, there are several interests involved in this measure. There are the cotton growers, there are the hand loom weavers, there are the millowners, and finally there are the consumers. It is our desire to hold the balance evenly among all these classes. If we can protect the millowners without injuring the interests of other classes of people, we will be the first to do it, because, we know, Sir, there are more than eight lakhs of people who are engaged as labourers in this industry, and it is our earnest desire that they should not be thrown out of employment and that the capitalist should also get a fair return on his investment. Therefore, Sir, if the Democratic Party decided to oppose this measure, it was because the Government had not published the Report of the Tariff Board which we consider would be the most impartial and equitable one, and we naturally thought that, without getting sufficient data on this question, we would not be discharging our duty properly. We refused to allow ourselves to be a party to a measure if it would injure the interests of the agriculturists and other classes of people. The only relevant data that the Government have got on the subject is contained in the Report of the Tariff Board, and that for their own reasons, they have not cared to supply us.

Sir, personally speaking, though I am an agriculturist and a landowner, I do not grow cotton, as you are doubtless aware, but my

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sympathies as an agriculturist are entirely with the cotton growers, and as there are other Members in this House who can speak for cotton growers much better than I can do, I leave the matter to them. But, Sir, there are thousands of hand loom weavers in places, like Tellicherry, Cannanore and throughout the villages in Malabar. There are also weaving factories where beautiful checks and other suitings are manufactured, and a very large number of people depend upon that industry, and, as their spokesman in this House, unless I am convinced that that industry will not be adversely affected by this measure, I cannot lend my support to this Bill.

Sir, not only Malabar, there are other districts also, for instance, the place from which you come, Coimbatore, Salem, Madura, and Tanjore in South India, where there are thousands of hand loom weavers manufacturing very fine *saris*, and other cloths. Their products are said to be very fine, and I am told,—I have not got the figures with me just at the moment,—that cloth worth about 1½ crores of rupees is sent out to foreign places from the Madras Presidency over and above what is sent to several parts of this country. On the last occasion when I went to Lahore, I was delighted to find that the cloth stalls of some merchants there were filled with Cannanore checks and other cloths. This is the condition of this industry in my part of the country and as one, representing the hand loom weavers also, I feel I must think twice before I lend my support to a measure of this kind.

With regard to the consumer, Sir, I may say that I am a consumer myself of cotton goods, and personally I am willing to put up with higher prices for the cloths I purchase for a time if it will assist the producers, but I cannot be expected for all time to put up with higher prices. Why should I not take advantage of the cheaper world prices, why should I be prevented from enjoying the benefits of a cheaper value as the result of more efficient and scientific manufacture and organisation? Sir, an industry that asks for support always is not worth the name, and the fundamental principle in giving protection to any industry is that it should be given only for a limited period of time, before which the industry concerned is expected to turn the corner. You cannot give protection for all time.

Then, Sir, a good deal was said by my Honourable friend, Mr. Mody, about the alleged mismanagement of the mills. I do not know about the nature of mismanagement in the mills, but I know, Sir,—and I have recently read enough of literature on the subject—of the abuses of the managing agency system that obtains in many of the Bombay mills. Sir, it is an unfortunate thing that the Indian Companies Act is so drafted that any kind of abuse on the part of the managing agents is held to be legal. They get a commission for every purchase they make, they get a commission for the sales they effect, they get a commission for keeping of the office, for repairs, building of houses and for every conceivable thing connected with the mills. Whether the mills lose or gain, the profits of the managing agents are ensured. It is the poor shareholder who loses. The system has become almost a scandal. Until and unless the managing agency system is modified, there is no chance of success or hope for these mills. It may be a matter connected with the amendment of the Indian Companies Act, but whatever it is, I hope, Sir, that Government will see their way to enquire into the prevailing system of managing agencies and eradicate the evils thereof. I am told, Sir, that there is also a good deal of inefficiency in the mills in Bombay and other places. Their plant is said to be antidiluvian and their expenses of production are also very excessive.....

Mr. H. P. Mody: Why don't you wait for the Report before passing judgment? Wait for the Report and see what it says.

Mr. K. P. Thampan: In this connection I would invite the attention of the House to certain portions of a letter which appeared in the *Indian Finance* (Industries Supplement) of the 31st August. The letter is from the Bombay Correspondent of that paper, and it is very relevant to this question, and with your indulgence, Sir, I will read certain portions. The Correspondent refers to the opinion of one Mr. Sasakura, a Japanese, who is associated with the Toyo Poddar Cotton Mill of Bombay. He says :

"In his opinion, the sorry plight of Bombay cotton mills is due to three causes :

(1) Accumulated stock due to overproduction in India and heavy increase of imported cloth in 1932.

(2) Higher cost of production of Bombay mills in comparison with upcountry mills and foreign mills.

(3) Lack of control against reckless competition among Bombay Mills.

In 1932, Indian mill production increased by 20 per cent. There was also an increase of 58 per cent. in imported cloth. The result is that 1932 supplies were higher by 500 million yards over 1931 supplies. This will be equal to 10 per cent. of India's consuming capacity. If the situation is to be remedied, Indian mills should close down for a month and a half, or imports of cloth should cease for a half-year."

That means that these mills are producing more than the requirements of this country and hence the trouble :

"As regards production cost, Indian mills incur higher expenditure on wages, power, stores and miscellaneous (such as taxes)."

It is interesting to see from this letter what the average spinning charges per spindle per day is for Bombay mills and for Japanese mills :

	Bombay Mills.	Japanese Mills.
Wages	5.04 pies.	1.57 pies.
Power	1.87 pies.	1.09 pies.
Store	1.16 pies.	0.44 pies.
Miscellaneous ..	1.90 pies.	1.28 pies.
Total ..	9.97 pies.	4.38 pies.

With regard to the average weaving charges per 100 looms per day, we find the following :

	Bombay Mills. Rs.	Japanese Mills Rs.
Wages	165	43
Power	34	6
Store	36	18
Miscellaneous ..	29	27
Total ..	264	94

An Honourable Member : What about inefficiency ?

Mr. K. P. Thampan : I am coming to that. What a contrast in regard to the cost of spinning and weaving !

"The following description of Mr. Sasakura in regard to comparative efficiency of labour is interesting :

> "It requires 19 hands in Bombay Mills for a bale of 20*s.* against 11 in Japan ; and one Japanese weaving girl can attend 8 looms while a stout Indian male weaver generally handles two looms and recently three or four looms are given to him in a few mills. In a Japanese automatic loom shed, it is not strange to see a girl attending forty looms with comfort, and in spinning, generally a piecing girl attends 1,200 spindles for 40*s.* against 360 to 400 spindles in Bombay '."

In the face of such vast difference between the cost of production and efficiency of Bombay mills and those of Japan, I do not really know at what time salvation will come for Bombay mills. It cannot be, my Honourable friend, Mr. Mody, wants us to continue this system of protection for years to come, and it is too much to expect us to vote for such a proposition.

Mr. H. P. Mody : Ask Mr. Joshi.

Mr. K. P. Thampan : Sir, before I sit down, I will read one more extract from that letter. It says :

"An additional handicap of Bombay Mills has been the anti-diluvian nature of machinery in most mills. Lack of capital and lack of *himat* or enterprise is responsible for the continued use of old machinery instead of their being replaced by new. Ahmedabad presents quite a different state of affairs."

It is heartening to find that in Ahmedabad at least things are better.

I must also say something about the imprudent way in which the profits of these mills were distributed during the time when they were making large profits. I was myself a shareholder in one or two mills in south India. Will you believe me when I say that I got some time as much as 60 per cent. dividend ? The Managing Directors thought it prudent to distribute 60 per cent. dividend. Why could they not reserve a certain portion against rainy days ? They never do that. The Company Law must be so altered that these shareholders ought not to be given more than 12 per cent. If it is the duty of the Legislature to protect the industrialist of the country, it is equally the duty of the industrialist to submit himself to the control of the Legislature. It is mutual. When the shareholders get a good dividend, they are jolly over it, but they approach us with a begging bowl in bad days. That is a mentality to which I object.

These are the various factors connected with this problem, and, without giving adequate consideration to all these aspects, I for one cannot lend my support to this Bill, and, if I may speak for them, that is also the attitude of the Democratic Party.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : This is a small Bill with one clause of perhaps five or six lines and it has been under discussion in this House for two days.

Sir, the object of this Bill is very simple. It extends the period of protection to the end of March, 1934, instead of the end of October 1933. We have heard of sincere and insincere sympathies expressed by each other—the agriculturist for the industrialist, and the industrialist for the agriculturist, but I do not find anything in this Bill which pertains

either to the workers, *i.e.*, hand loom weavers or to the cultivators of this country. My Honourable friend, Lala Hari Raj Swarup, talked of the benefits of this Bill to the cultivators. Neither in this Bill nor in the original Bill of 1930 anything was said to be done to extend the advantages of the measures to the poor cultivators of India. It is a great pity that the great field of co-operation which was a great blessing at one time to the whole country has been sent away bag and baggage to the provinces. The protection of cultivators could be considered only in the department of co-operation. Sir, the cultivators of India were getting money through these co-operative societies, but, to our great consternation and regret, we find today that their interests are being neglected in the provinces now, although the Industries and Commerce Departments here have joined hands to help the millowners and Japan. The real interest of the cultivators is in the extension of the hand loom industry, by which they can support themselves and their families. It is the hand loom or cottage industry which supplies funds to the cultivators in their hours of leisure for paying land revenue and land rent which they owe to the Government or to the zamindars. I know that there is the Central Cotton Committee and the co-operative societies, but it is really a matter of great regret that in these days of floods and depression nothing is being done here for the interest of those who work on land or on the hand looms. By extending this protection, you will indeed help the Indian mills, but, so far as the cultivator is concerned, there is not a word in this Act or anywhere to say that the cultivators or their hand looms will be helped in any way. Unless and until these cultivators are supplied with money, cattle and seeds in all the provinces now, I do not see how these industries or these workers can be helped in any way. It is very necessary that we here should now find means to help the cultivators and the manufacturers of these hand loom cloths, whether they are for export or for use in India itself. I need not say much on this subject. Every one of the Members here has expressed great sympathies for the cultivator and I know that the Japanese delegation too is coming and, if the Honourable the Commerce Member will take it into his head to do something—at least to his level best—to help the cultivator, that will be the best method of helping the Indian industries too.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I rise to support that the Bill be enacted into law. As stated by my friend, Mr. Scott, I also wish that the Bill was more comprehensive. I also regret that this Bill should have at all aroused any controversy in this House. The position is this. The present Act expires towards the end of October and we are now being asked to extend it up to the end of March. When this Act was passed, there was a hue and cry in the country that we were faced with a national menace in the shape of the Japanese dumping their goods on our markets. Now, it is considered expedient that before we take any further steps in this matter, we might open negotiations with the Japanese representatives and come to some sort of amicable understanding by which the ill feelings which are now being created between the two countries may be removed. Under these circumstances, my humble submission is that there should have been no controversy whatsoever about this Bill. We should have simply told the Leader of the House "Certainly, extend the provisions of this Bill up to the end of March, but

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do your best to safeguard the interests of the country". I am sorry to say that a note of discord has been sounded in some parts of this House. The pleadings of Mr. Raju for the agriculturists, supplemented by the appeal of Mr. Das and the homily of Mr. Joshi, I submit, were entirely irrelevant so far as the issue before the House is concerned. We have got our domestic problems and also the foreign problems. The foreign problem now confronting us is, how are we going to fight this foreign competition. The domestic problem is, how the millowners are going to behave towards the agriculturists. What is going to be in the future the relationship between the producers of cotton and the consumers of cotton is another domestic problem. I dare say, we shall have plenty of time to discuss the domestic problems later on. I am sorry that several defects in the working of our mills have been proclaimed. We really do not know how far these statements or charges are correct, but I think it would be much better if at this juncture nothing is said about the weaknesses in our own system of working the mills. We should at this time, with a united voice, send our representatives to the Conference and ask them to safeguard our interests. Much has been made of the fact that the Report of the Tariff Board has not been published and put into the hands of Honourable Members. I really do not know what is the actual cause of the non-publication of the report, but, after the compliments paid by Mr. Ranga Iyer to the shrewdness and sincerity of the Leader of the House, I am inclined to think that it must be some matter of great expediency. The Leader of the House at the very outset of his speech said that we have got to be very cautious and tactful at this particular moment and we should take care that nothing escapes our lips which might do incalculable harm to our cause. I submit that, taking that advice into consideration, we should proceed with this matter. We need not waste any more time of this House in connection with this Bill and we should all express our wish that this Bill may be passed into law immediately.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, had it been the last measure of its kind, I would certainly have no objection to support it, but, I am sure, at the Delhi Session, there will be another Bill to give more protection. Government are wanting money and by these means Government want to secure more money. That is my view and, for that reason, I oppose any idea of protection. I have said on several occasions that such protection is given to industries and millowners. There is no sort of protection to Bengal and Bihar agriculturists. Rather you will find that, on account of export duties and other things, the interests of the agriculturists as a whole have always been overlooked.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : What about the import duty on wheat ?

Mr. M. Maswood Ahmad : It is true that on wheat there is some duty, but Bihar and Bengal are not wheat growing provinces and, on that occasion also, I said that there was a large body of men, who were thousand times more than these millowners, that is the consumers. They are now purchasing wheat at a very high cost, also iron and other

things and they have not sufficient money. The rate of rice and jute is very low.

I would ask my Honourable friend not to overlook the interests of the consumers when he discusses this matter with the Japanese delegation. The consumers have given their last drop of blood to the millowners and if my Honourable friend from Bombay is not still satisfied, we cannot help it. If my Honourable friend, Mr. Mody, wants that this protection should go on for an unlimited period, we cannot share that idea. With these words, I do not support this measure.

(Some Honourable Members rose to speak.)

Mr. President (The Honourable Sir Shanmukham Chetty) : If it is the general desire on the part of the House to carry on the debate considerably longer, the Chair has no objection, but 15 Members have already taken part in the debate. Does the Honourable Mr. Amar Nath Dutt want to speak ?

1 P.M.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Yes, Sir.

Mr. President : Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : Sir, when I got a copy of this small Bill and went through the Statement of Objects and Reasons, I had a shrewd suspicion in my mind that the Government had got more than one favourite wife. Sir, it was a Lieutenant Governor of a certain province, more than a quarter of a century ago, who laid down the theory of a favourite wife. As you know, India is a land of polygamy and it is no wonder that our Christian rulers, in spite of their ideas of monogamy, have taken to polygamy here. I was aware of only one favourite wife of the Government of India till recently on whom all sorts of favours have been showered up to this time including the Communal Award and the Poona Pact. But that subject is not at the present moment before the House for discussion. The Honourable the Commerce Member hails from the Presidency of Bombay and he is himself a Christian and I thought that he will not be a party to any theory of a favourite wife, but I find that he has also got a favourite wife, namely, the Bombay millowners.

Sir, this Bill was first enacted in the year 1927 in the interests of the Bombay millowners. A docile Assembly came to the help of this small community who are our countrymen.

Mr. B. Das : It was not docile in 1927.

Mr. Amar Nath Dutt : I think in these matters of tariff the Assembly was as docile then as the Government could desire though not in matters of politics and constitutional advance. That is, however, another matter. This Bill was given an extension of life for another three years after its expiry in the year 1930. I think my Honourable friend, Mr. Das, will agree with me that when it was given an extension of life, certainly the House was very docile, because it consisted of men like him and me only to the exclusion of firebrands. Sir, we thought then that this would be the last attempt on the part of the millowners to ask us to open our pockets for their benefit, but that was not to be. The Honourable the Commerce Member again came over to this Assembly a few months ago and the Act was extended to 31st October, 1933. Now,

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it is proposed to extend it till March 1934. So, Sir, if I make bold to say that the Government of India have got a soft corner in their heart for the Bombay millowners, I do not think I shall be wrong. To what this is due to, it is not necessary for us to attempt to analyse. It may be that at the present moment the Government of India from the highest to the (*Mr. G. Morgan* : " Lowest ") lowest has got a preponderance of Bombay officials or who have served in Bombay and, therefore, have friendship with the Bombay cotton magnates. It may be due to that or it may be due to their great solicitude for the interests of the.....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, it is a very serious charge that the Honourable Member is making on the Members from Bombay. I would really ask him to substantiate this charge. The allegation that the Honourable Member has made is that the Government Benches from the highest to the lowest consist of Bombay men.

Mr. Amar Nath Dutt : No, no : that word " lowest " was put into my mouth by Mr. Morgan.

Sir Cowasji Jehangir : At any rate, the allegation is that at least the highest officials are from Bombay and that this Bill is introduced on account of their illegitimate sympathies with Bombay. I think the Honourable Member ought to withdraw that remark.

Mr. President (The Honourable Sir Shanmukham Chetty) : It is no defamation to call a person a " Bombay man ". (Laughter.)

Sir Cowasji Jehangir : But I cannot see a single Bombay man ; that is my point.

Mr. Amar Nath Dutt : I thank you, Sir, for the kind help which has been rendered to a meek individual who cannot hold his own against such valiant and fierce Knights like Sir Cowasji Jehangir. We expected the Government to show the same keen solicitude for the welfare of the teeming millions of India's population who are at the present moment almost starving, as they showed to the handful of Bombay millowners. Sir, the condition of the country is surely grave. If anyone would care to take note of the conditions of the agricultural population of this country, he will not stop at merely saying that the conditions have become grave, but will try to exert himself to the best of his ability and ask the Government to give relief. That ought to be the first and foremost duty of every Indian in this House before supporting the Government in legislation on matters of this kind which will benefit a handful of millowners. Sir, there have been speeches by landowners and agriculturists. I find that one of them at least pleaded the cause of agriculturists and another gentleman, though pleading the cause of agriculturist, has been hand in glove with the millowners also.

An Honourable Member : I do not own a single share in the sugar factory.

Mr. Amar Nath Dutt : But I know that you are also an industrialist. Sir, it pained me very much when I found that there was no attempt by the Government to bring any relief and to ameliorate the distressed condition of the agriculturists. There has been no attempt

to give them any relief in their present dire distress. I think that we, the representatives of the people, should stay our hands and take up the question of agricultural distress before the distress, if any, of the Bombay millowners. An economist friend of mine handed over to me a book for my study a few days ago and I recommend that a copy of this book may be kept in the Library of the House and I also suggest that the Honourable Member for Commerce should have a copy of this book, for he will find very valuable material therein. The book is entitled " Indian Tariff Problem in relation to Industry and Taxation " by Dr. Dey. I was presented with this copy. When I went through this book, I found that the help which the millowners of Bombay ask us to give them is not warranted at all. With your permission, I shall read a few extracts from the book. On page 112, we find as follows :

" If the millowners of Bombay had followed a cautious policy of dividend distribution and built up a stable reserve fund, they could have continued to give a reasonable dividend to the shareholders and at the same time succeeded in maintaining a strong financial position."

Sir, instead of doing that, they gave dividend at such a high percentage which will stagger, I do not say, humanity, but which will stagger every Member in this House. The percentage of dividend that has been given will be found in the same book in a foot-note on page 113 which runs thus :

" The extravagant financial management of the Bombay mills will be apparent from the following instance. In 1920, two mills paid dividends of over 200 per cent."

An Honourable Member : Name them.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member will resume his speech after Lunch.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Amar Nath Dutt : Sir, I was speaking about the dividends that are being earned by the Bombay millowners. The extravagant financial management of the Bombay mills will be apparent from the following instances. In 1920, two mills paid dividends of over 200 per cent., 14 mills paid 100 per cent. and more, and 20 mills 40 per cent. and more. Sir, my Honourable friend, Mr. Mody, whom I do not see here now, wanted authority for this. He will find this in the Report of the Tariff Board, Volume I, page 83. Mr. A. S. Pears instances an extreme case where the shareholders were not satisfied with a 400 per cent. dividend, but expected a 500 per cent. one. This statement will be found in the book named " Cotton Industry of India " at page 65. Sir, the Tariff Board did indeed realise that the distribution of high dividends in the boom period was among the most important factors that had weakened the financial position of the Bombay mills. Nevertheless they went out of their way to justify the action of the millowners. Sir, in this connection I may relate in this House an historical fact which is probably known to every student of history as to what happened during the Swadeshi days in Bengal. That

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unhappy province of Bengal has always been in the forefront of every nationalist movement and it has been its lot to suffer for the same. Taking advantage of the sentiment of patriotism that pervaded from one end of the province to the other, the Bombay millowners raised the prices of Swadeshi cloths to such an extent that they earned a dividend of 100 per cent. and even 200 per cent. at that time. This is a historical fact and I think no one in this House will dispute the correctness of my allegation. That also shows the patriotism which inspires these Bombay cotton millowners. Sir, here they have been asking for protection for a handful of shareholders forgetting the interests of the teeming millions of the people from whose pockets the money will come, specially in this time of agricultural distress. I need hardly say that 85 per cent. of the population of India directly or indirectly lives upon the products of agriculture. In Bengal, paddy was being sold formerly at the rate of Rs. 4 per maund, and what is the price of paddy at the present moment ? Only Rs. 1-4-0 and, even for that, you hardly get any purchasers.

An Honourable Member : In some areas it is 12 annas per maund.

Mr. Amar Nath Dutt : Yes, I read in the papers that in some places the prices were like that. Sir, you will excuse me if I place before the House what the poor agriculturists get by cultivating (say) 20 bighas of land which is about six or seven acres. For these 20 bighas, he has to pay a rent of at least 25 or 30 rupees, he has to purchase oil cakes for his cattle and manure for his field and this would cost him at least Rs. 80 to Rs. 100 a year. I know intimately the condition of rural Bengal and, therefore, I am giving all these details. A poor cultivator's family generally consists of husband and wife, an aged mother and two children, and if he has to grow paddy on these 20 bighas of land which, in the average, yields 5 maunds per bigha, that means he gets only 100 maunds of paddy. He himself labours in the fields, his wife labours in other houses and catches fish from tanks and his small boy probably tends the cattle and carries his tiffin to the fields. All these people have to work and, in spite of this, he does not get even half a seer of rice for each of the heads in his family, because he has to spend more than Rs. 100 for his rent and cattle and manure, etc. Besides that, he has to purchase cloth and other things. These 100 maunds of paddy will not sell for more than Rs. 125 and he cannot sell the whole of the yields of his field, for the consumption of his own family will be about 60 or 70 maunds, and he can hardly meet his other expenses with the 30 or 40 maunds that remain ? And so actually he goes starving. I am not drawing this from imagination, but anybody, who cares to go with me to any village in Bengal, will be convinced of the truth of my statement that they do not get a full meal every day. If that be the condition of the villagers, it is up to any Government, and, more so, to a civilised Government, to see how this agricultural distress can be removed. Has a little finger been raised up till now ? This House may remember the fate of my Resolution about three years back when we were assured by Government that they got reports from the Provincial Governments, and what more could they do ? Yes, you cannot do anything for these teeming millions of the country, because you are well fed, well clothed, and you have your dinners and lunches and banquets at the Cecil Hotel. You cannot think of these poor agriculturists, but a time will come

when, if these poor agricultural people are wiped out,—and I say this in the interest of every Member of this House,—you will find that you also will have to go without food. The same thing may happen which has happened in France, and in Russia. For what is at the root of the revolutions in those countries ? It is the distress of the poor people. But if you really want to improve the condition of the country, your activities should not be directed towards the amelioration of the condition of these millowners, but of the ill-paid labourers of the soil, and that ought to be the primary concern and duty of every civilised Government. In this connection, I may also point out to one cottage industry which the Honourable the Commerce Member will be pleased to take note of. I am told—and I think the Honourable the Commerce Member will not deny—that there has been some recommendation in the Tariff Board Report about the preservation of the hosiery industry ; and, up till now, not a little finger has been raised in order to preserve this cottage industry : when we have got a nationalist patriot as Commerce Member, I expect that he will do all that lies in his power in order to protect this cottage industry, I mean hosiery. Far more important than this is my friend's " Khaddar ". I am not enamoured of the word " Khaddar " : in my province that word was not used formerly. But, be that as it may, this coarse cloth, handspun and handwoven, which wraps the body of the poor agricultural labourer, needs more protection than the fine cloth which many of my Honourable friends here wear ; and I would have been the first man to support this Bill and to give the cotton millowners of Bombay protection even at a sacrifice if I had known that they are agreed to protect our cottage industries.....

Mr. H. P. Mody : We are.

Mr. Amar Nath Dutt : My Honourable friend says " We are " ; but the report which was read to us by my Honourable friend, Mr. Gaya Prasad Singh, the other day, leads me to believe that probably it is otherwise, unless by this time he has changed colour. Be that as it may, I appeal to the Government that they should first devise means to give relief to the agricultural population. Next, in their list, ought to come relief for these cottage industries, especially hosiery, about which, I think, the Tariff Board recommends and which I think the Honourable the Commerce Member will admit. But why is the Report of the Tariff Board not being published ? Is it to keep us in the dark about their recommendation ? It were better if the Government had taken courage in both hands and come before this House and first legislated for the protection of these cottage industries and afterwards introduced this Bill. But if the Government think that, by helping a few cotton millowners, their position will be more secure than by helping the masses of the poorer people, I have no quarrel with them ; but I will only invite them to read the lessons of history, whether in any country the bourgeois population has ever been able to keep up the administration against the onslaughts of the proletariat. If you want to save the country where such ideas are not at all favoured, I mean the Soviet ideals, you ought to first of all try and give the people a full meal a day, and also cloth to wrap their bodies both in winter and during rain. If you do this, you secure this country from the invasion of those outlandish ideas of Karl Marx and other prophets of Europe. If you want to keep away communism, if you want to make the administration safe, that is the only way in which you can do it. If you shut your eyes to these things, I think you are not doing your duty towards this great

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country, because this country has never favoured those outlandish ideas of communism and sovietism. But, quite in desperation, these people may be driven to accept these ideas, and then the Bombay millowners will not be able to help you. I am not uttering any idle threat. It is in the very interests of Government and of every one of us here that I do say that you should relieve the distressed agriculturists, that you should see that they have at least proper food and cloth, and then you can give as many luxuries as you can to the cotton magnates of Bombay and elsewhere ; but I would appeal also to the cotton magnates of Bombay, through you, Sir, to be a little more economical than they have been in the past. They have not been running their business in the most economical way possible, and, in support of my statement, I can do no better than again refer to the book to which I referred before. The managing agency system about which my friend Mr. Thampan spoke is one of the weaknesses.....

Mr. N. M. Joshi (Nominated Non-Official) : It has gone out of Bombay, but it still exists in Ahmedabad.

Mr. Amar Nath Dutt : It has been said that the managing agency system is a family business :

"In some instances in Bombay but in nearly all instances at Ahmedabad, the membership or partnership of the managing agency is limited to the members of the family or at best to a narrow circle of friends and relatives, while succession to the vacant places is determined by heredity. The institution has, therefore, all the defects of a hereditary system."

It will be well for me if I place before this House, without further speaking on these matters ("Here, hear" from the Government Benches)—I think, if you will patiently listen to, you will find something very cogent.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will address the Chair.

Mr. Amar Nath Dutt : Yes, Sir. Through you, Sir, I address those Benches. A survey of the development of the cotton mill industry of India from the middle of the 19th century down to the present time and an examination of its conditions in recent years point to certain broad conclusions which may be summarised as follows :

"(*a*) That throughout the whole course of its history, the industry has registered steady, continuous and, sometimes, even marked, progress.

(*b*) That up to 1921-22, the import duty, being either altogether non-existent or very nominal, played little part in promoting that development.

(*c*) That both the spinning and the weaving branches of the industry had been able to capture a substantial and increasing share of the home market before obtaining the differential advantage under the tariffs of 1921-22 and 1930-31.

(*d*) That the steady expansion of output and the predominant position in the home market continued during the general trade depression that had set in in 1922-23, and that the comparative data regarding output and imports in recent years do not show in any way that the progress of the Indian industry was being hampered by any unusually severe foreign competition.

(*e*) That considering the severe world-wide and prolonged nature of the depression in trade and industry, the financial condition of the efficiently managed mills has been fairly good in recent years and hardly called for support at the expense of the taxpayers.

(*f*) That the critical financial condition of a great many of the Bombay mills and some of the upcountry mills is due to incompetence",

—here I would draw the attention, through you, Sir, of my friend, Mr. Mody, to this—

"that the critical financial condition of a great many of the Bombay mills and some of the upcountry mills is due to incompetence, inflation of capital, extravagant dividend payment, grave labour unrest",

—and here I would draw the attention, through you, Sir, of my friend Mr. Joshi,—

"inelastic wage-rates",

—which, I think, my friend, Mr. Joshi, will not approve,—

"and serious, and sometimes fatal, defects in the institution of managing agency, which practically controls the cotton industry in Bombay and elsewhere.

(*g*) That the financial difficulties of the weaker and comparatively inefficient mills are due in a great measure to the existence of keen and growing competition within the country, and much less to the severity of foreign competition.

(*h*) The high revenue tariff of 1921-22 has already enabled the millowners of India to levy a considerable tribute from the consumers of cotton cloth in the country."

Sir, my friend, Mr. Mody, and people of his kind have already taken a considerable tribute from the consumers of cotton cloth in our country :

"We also saw that the Government of India by abolishing the cotton excise duty in 1925 had sacrificed an appreciable amount of legitimate revenue in order to enable the cotton manufacturers to still further increase their gains at the cost of the general taxpayers."

The Honourable the Finance Minister, whom I do not see here now, will please take note of this fact that whenever he has a deficit Budget, he can always see that this is one of the contributory causes since the year 1925 of a deficit Budget, because this country has submitted itself to additional taxation, to lowering of the assessable limit of income-taxes, and imposition of surcharges which, we are assured, will not last after March, 1933,—the higher postage rate and many other things the Finance Member had to impose which the country was hardly able to bear :

"The analysis of the financial condition of a large number of mills in the period 1926-28 will show that a considerable group of well-managed mills upcountry and a somewhat smaller group in Bombay were able, in spite of the prevailing conditions of general depression, to pay reasonable dividends to their shareholders."

Here I would ask, through you, Sir, my friend, Mr. Mody, to take note of this, that a considerable group of well managed mills upcountry and a somewhat smaller group in Bombay were able, in spite of the prevailing conditions of general depression, to pay reasonable dividends to their shareholders :

"On the other hand, our examination of the present condition of the cotton mill industry as a whole in Bombay enabled us to see that the financial crisis of a large number of mills there was due to grave defects in organization, financial mismanagement....."

—I again through you, Sir, request Mr. Mody to take note of this—

"grave defects in organization, financial mismanagement and disturbed industrial relations, leading to higher costs of production, on account of which Bombay mills were increasingly unable to hold their own against the severe and growing competition of upcountry mills."

So, Sir, it is the competition between the upcountry mills and Bombay mills that has to be taken into account here :

"These facts would make it clear that, if the Bombay mill owners had thoroughly re-organized and reconditioned the industry as a whole so as to bring it up to the level of the most efficient units in Bombay as well as upcountry, they would not have required

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the artificial assistance from the general consuming public over and above what had been already secured to them by the high revenue tariff. The Government of India thoroughly cognisant of these basic facts, rightly refused the aid of the protective tariff to the cotton industry for three years, 1927-1930. But partly due to the persistent and vigorous propaganda carried on by the Bombay Millowners' Association ''—

—we have ample evidence here—

'' partly on account of the bad state of their own finances, and partly also with a desire to rally the business community to the support of Government in a period of grave political unrest, they had at last to enact the Cotton Industry (Protection) Act of 1930.''

Sir, this is nothing but coercion, that has been practised by the Bombay millowners upon a weak and effeminate Government. In fact, Sir if I had charge of any of the portfolios, I would have refused to be dictated by the Bombay millowners.

An Honourable Member : Thank God, you are not in charge of any of the portfolios.

Mr. Amar Nath Dutt : But I may be one day. (Laughter.)

'' Under these circumstances, naturally, very scanty consideration was given either to the merits of the case or to the interests of the consumers, on whom a considerable burden of taxation was placed under that Act.''

Here I ask my friend, the Commerce Member, to take note of this that the interests of the consumers in this matter,—and the consumers number about 400 millions of people,—the interests of the consumers ought to have been the primary concern of the Government than the interests of half a dozen Bombay millowners.

Sir, I think I have said all I need say in this matter and if I have taken a little longer time in saying what was uppermost in my mind, *viz.*, that the Honourable the Commerce Member should kindly see that the poor agriculturists do not suffer, and their distressed condition is ameliorated before he comes up with a Bill like this. Of course, I know that the life of this Bill is only till March, 1934. But, Sir, in the meantime, the hosiery industry is going to be killed.

3 P.M.

Let my Honourable friend take up this matter with the same alacrity as he does in the case of the Bombay millowners. An Honourable Member here suggests aluminium industry also. I beg to submit, in general, cottage industry, and my Honourable friend's '' Khadi '' or '' Khaddar ''—these two things should be given relief by the Commerce Member before he can think of giving relief to the millowners of Bombay. I have no objection to the millowners getting relief. Instead of getting a few crores, let them get a hundred crores : I do not mind. But I appeal to the Commerce Member and to the Members of the Government generally that it is imperative that they should take note of the distressed condition of the masses of the country and give relief to them before wasting their time on such small matters like this which would not bring relief to the people of this country. I appeal with all the earnestness at my command, and sincerity, as my Honourable friend says, that they should take steps to give some relief to the taxpayers of India by a reduction of income-tax, by lowering the postage rates, and by making a remission of rent or land revenue, whatever it is, before they think of giving relief to the millowners of Bombay. With these words, I resume my seat.

Some Honourable Members : Let the question be now put.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

'' That the question be now put.''

The motion was adopted.

The Honourable Sir Joseph Bhore : The debate has been so discursive that I am afraid I shall find it somewhat difficult to prevent my reply from being also discursive in sympathy with it.

My Honourable and democratic friend, Mr. B. Das, was a little more difficult to follow than usual in this matter. I could not understand whether his best friends were the millowners, or labour, or those *harijans* among whom he works when he is in his cottage in Orissa and when he is not in London or on the floor of this House discharging his public duties. (Laughter.) He blew hot and cold and lukewarm, all in the same breath. At one moment he was breathing fire and slaughter against Japan ; in the next, he was shivering with fright at the possibility of retaliation. (Laughter.) At one moment he charged me with being in the pocket of my Honourable friend, Mr. Mody, and at the next he complained that I did not yield to the demands of, I think he called them, the friends of the Bombay capitalists, and publish the Tariff Board's Report. Sir, his inconsistencies do not end there. My Honourable friend charged us with having destroyed the hand loom industry. When I cast my glance across the floor of the House, what do I see ? I see this champion of the hand loom industry clad in the products of the mills which he was so fiercely denouncing. (Laughter.) My Honourable and truly democratic friend claimed to be the representative of a constituency which comprised, I think he first said, 365 millions—one million for each day of the year—but he went on to say that it was not vociferous. Not vociferous ! And my Honourable friend, the representative of that constituency in this House ! He does himself less than justice. But, Sir, I would ask my Honourable friend whether he or any one else in this House seriously contends or thinks that the removal of these textile duties would help the hand loom weaver ? However, I will not continue with my Honourable friend, Mr. B. Das, because I have known him for many years and I know that his bark is far worse than his bite.

Mr. B. Das : The removal of the protective duty on cotton yarn will help the hand loom industry.

The Honourable Sir Joseph Bhore : As far as I followed the trend of the debate, there seem to me to be three important questions which demand comment from me. The first of these is, I think, the demand for the publication of the Tariff Board's Report. I must express some surprise that the position of the Government has been so misunderstood in this matter. I ought to say that in not publishing the report we are merely following our normal practice and procedure. Except in one case to which I shall refer, we have always withheld a Tariff Board Report until we have been in a position to publish our considered conclusions on the Report. Either the publication of the Report has been simultaneous with the publication of a Resolution giving the conclusions of the Government on the Report, or the publication has preceded by a few days only the actual introduction of legislation into this House. The one case to which I referred is the case of the Sugar Report. But that even is not an exception, because, in that particular case, we actually imposed the duties recommended by the Report as a revenue measure long before the report was

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published. I, therefore, submit that in this instance we are merely following our invariable practice and procedure, a practice and procedure which I submit is founded on very good and sound reasons. The onus, I submit, is upon those who contend that there should be a departure from this sound and well established practice ; the onus is upon them to advance sound and sufficient reasons for such departure. The House will, I hope, bear with me when I say that not a single Member of this House has put forward any strong reasons why that practice should be departed from. I would, however, like to say that in this matter Government are not hide-bound. If good and sufficient reasons are shown why they should depart from this practice, if they are convinced that in this particular case there are special reasons why they should not adhere to that practice, Government will certainly re-examine their position. But, Sir, I think the House may perfectly legitimately take up this position. It may say, " You are now coming before this House and asking us to extend for a few months the application of the principle of protection. Is it fair to expect us to come to a conclusion without even indicating to us what the recommendation of the Tariff Board is in respect of this particular matter ? " That, I think, is a perfectly legitimate position to take. And if it will help and assist Honourable Members in coming to a conclusion, I have no objection to telling them that the Tariff Board has recommended the continuance of the principle of protection in this case. (Cheers.)

Now, Sir, the second point to which I should like to refer has reference to the claims which have been advanced on behalf of labour for equal consideration. My Honourable friend, Mr. Joshi, like Oliver Twist is always asking for more, but I should have liked to have heard from his lips some acknowledgment of the stream of beneficent labour legislation which is proceeding from the Department of my Honourable colleague, Sir Frank Noyce. I do feel that it is wholly unfair to say that the claims of labour have not been receiving generous consideration. But I would like to say this, that Government do expect wholehearted co-operation from employers of labour in seeing that their intentions in regard to labour are carried out in practice. Particularly do they expect this from those industries which are receiving protection from the State and I would ask them to bear this point particularly in mind. The third point to which I now refer is an old point, *viz.*, the case of the consumer. I do not want to weary the House at this stage of the debate with an array of facts and figures, but I would like to remove, if I possibly could, all honest apprehensions which may arise from the level of our existing duties. I would like to take just one or two instances and try and satisfy the House that these enhancements of duty have really not resulted in the imposition of any serious burden upon the consumer. Let me take one or two typical lines of Japanese imports into Bombay and compare the prices in April 1931, April 1932 and July 1933. The first instance I take is that of grey shirting, No. 5151, which is a standard line. A piece of 38 yards cost in April 1931 Rs. 7-14-0, in April 1932 the price was Rs. 7-13-7 and in July 1933 it stood at Rs. 7-4-0. Take another instance, white shirting, No. 800. A piece of 42 yards cost in April 1931 Rs. 11-14-6, in April 1932 Rs. 11-9-7 and in July 1933 Rs. 10-11-0. But I think in fairness to the House I should also give the prices of certain standard commodities over the same period. I have had these prices calculated in terms of percentages, taking the prices of April 1931 as a base line and fixing these at 100. In the case of the

grey shirting I have referred to, 5151, in April 1931 the figure was 100. In April 1932 it had fallen to 99.7 and in June 1933 (I take June, because the wholesale prices in Calcutta are only available up to the end of June) it was 91.5. White shirting, 800, to which I have referred, was 100 in April 1931, it was 97.4 in April 1932 and in June 1933 it was 87.3. Let me turn to raw cotton. Raw cotton was 100 in April 1931, in April 1932 it had risen to 107.2 and in June 1933 it was 104.8. Cereals in April 1931—100, in April 1932, 83.5 and in June 1933, 87.3. Pulses 100 in April 1931, 98.8 in April 1932, and 101.2 in January 1933.

Mr. K. P. Thampan : What about the price of paddy ?

The Honourable Sir Joseph Bhore : I have taken the average of all cereals and I refer to the wholesale prices in Calcutta. I hope, Sir, that the House will derive some reassurance from the figures that I have given and that they will not be stampeded by vague and alarming generalisations. I had hoped that I would have had the entire concurrence of the House in the procedure which we are adopting in this Bill. I had hoped that Honourable Members would realise that it was not only wise, but necessary for us to mark time until we were in a position to know the character and strength of the forces which we had to deal with. It is no use disguising the fact that competition from Japan is by far the most important factor that we must take into account in considering the problem of the protection of the cotton textile industry. The negotiations before us might have a profound effect upon that factor and surely, Sir, it is only common sense for us to hold our hand until the position is clarified and until we know the exact nature of the emergency that we have to provide against. Sir, there is nothing more that I should like to say. I had hoped that as suggested by my Honourable friend, Mr. Hoon, with these developments facing us we would close up our ranks, we would set aside our differences and we would for once at any rate abandon that tradition of disunion to which we seem to cling so tenaciously. I will not abandon that hope until you, Sir, have put the question to the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill further to amend the Cotton Textile Industry (Protection) Act, 1931, be taken into consideration."

The motion was adopted.

Clause 2, clause 1, the Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhore : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN STATES (PROTECTION) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I rise to move :

" That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select Committee consisting of Mr. B. Sitaramaraju, Rao Bahadur B. L. Patil, Mr. Uppi Saheb Bahadur, Mr. Ranga Iyer, Mr. S. G. Jog, Sardar Harbans Singh, Mr. B. R. Puri, Rao Bahadur M. C. Rajah, Captain Sher Muhammad Khan, Mr. F. E. James, Mr. B. J. Glancy, Sardar Nihal Singh, Rai Bahadur S. C. Mukherjee 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. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, I rise to a point of order on two grounds. In the first place, the Bill is drafted to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations. My submission on this point is that this Legislature is not empowered by the Government of India Act to pass any legislation to this effect, because this Bill is drafted to protect the administration of Indian States which are outside British India. Section 65 of the Government of India Act says :

"The Indian legislature has power to make laws for all persons, for all courts, and for all places and things, within British India."

But this legislation is going to be enacted for the protection of Administrations which are beyond British India. In the second place, clause 2 of the Bill says that the jurisdiction of India is not only confined to British India, but that the word "India" denotes British India, together with the territories of any Indian Prince or Chief under the suzerainty of the Queen exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India". Therefore, I think that this measure, if passed, will be *ultra vires* of this Legislature on the ground that its jurisdiction is not only confined to India, but extends to parts which are beyond British India. Those are my points of order, Sir.

The Honourable Sir Harry Haig : Sir, I think the answer to my Honourable friend's point of order is a very simple one. He has, I think, been misled by the words in the preamble to the Bill which state the object of the Bill, namely, to protect the Administrations of the Indian States, but the law which is to be amended and the action which is to be taken is the law of British India and action within British India. It is not proposed by this legislation to take any powers which can be exercised outside British India. I would like to call your attention, if I may, to a somewhat parallel section which is already in existence, namely, section 125 of the Indian Penal Code, which penalises the waging of war against the Government of any Asiatic Power in alliance or at peace with the Queen. I submit that is a complete parallel.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Mr. Lahiri Chaudhury has drawn the attention of the Chair to the Title and Preamble to the Bill which set forth the object of this enactment. The Honourable the Home Member has pointed out that the jurisdiction of this Bill is meant to be confined to the territories of British India. Is that correct ?

The Honourable Sir Harry Haig : Yes, Sir.

Mr. President : If that is so, this Legislature is empowered, under section 65 of the Government of India Act, to make laws "for all persons, for all Courts, and for all places and things, within British India". What exactly is the scope of clause 2 of the Bill ?

The Honourable Sir Lancelot Graham (Secretary, Legislative Department) : The exact position is that we are trying to protect the Administrations of Indian States, and the protection is to be exercised in British India.

Mr. President (The Honourable Sir Shanmukham Chetty) : Clause 2, therefore, defines the persons intended to be protected by this Bill, but the actual act of protection will take place within the British Indian territory. Under such circumstances, the Bill is in order.

The Honourable Sir Harry Haig : Sir, I trust that no prejudice will be created against this Bill by the fact that it is brought before the House by the Home Member with all his sins upon him. It is obviously right that the Bill should be introduced by the Home Department for, as I have mentioned just now in reference to the point of order that was taken, we are dealing with the amendment of the criminal law of British India, and, though our object is through the exercise of that law to prevent interference with the administration of Indian States, primarily and essentially this is a question of the criminal law of British India. At the same time, Sir, I wish to make it very clear that this Bill has the strong support of the Political Department and the yet unblemished reputation of my Honourable friend, the Political Secretary, who, I hope, at a later stage of the debate will be able to take part and to supplement the deficiencies in my own presentation of the case.

Now, Sir, before I proceed to the provisions of the Bill, in view of the various amendments that appear on the Order Paper, it may be convenient if I mention the time programme which the Government have in their mind. We have no desire or intention to rush this Bill through the House (Hear, Hear) or to endeavour to get a decision on this Bill in the course of the present Session. That is emphatically not our intention. We realise that this is a matter that requires careful consideration and full discussion. At the same time, we feel that the decision ought not to be postponed unreasonably and we hope to secure the decision and the final passing of the Bill, if the House agrees, in the course of the January or Budget Session. The programme that we would suggest for the consideration of the House is this. If the House will agree to the motion which I have proposed for setting up a Select Committee, that Select Committee should meet during the next Session in Delhi, the special Session in November and December and should present its report then, and the consideration stage of the Bill should be taken up as early as possible in the January Session so that if feasible we should get it out of the way before we become immersed in the budget discussion.

Now, Sir, what does the Bill seek to do ? If I were asked to put it in one sentence, I would say that, broadly speaking, it seeks to extend to the Indian States the same measure of protection from activities directed from British India against their Administrations as the Governments of British India alread enjoy. To those, who think of India as a whole, I do not think that proposition would require much argument. Geographically, India is a whole. The Indian States and British India are inextricably intermingled. No great geographical barriers, no racial distribution really separates the States from British India. We pass imperceptibly from one to the other. For good or for ill, Sir, the Indian States are part and parcel of India. Now, realising that, I do not think it requires much argument to show that the various Governments that exist in India—Governments certainly of widely different types, for the general type in the Indian States is quite different to that in British India and there are wide differences among the States themselves—these various Governments in India, however much

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they may differ in form, so long as they remain the Governments established by law and by constitutional right, so long it is necessary in the interests of the country as a whole, in the interests of the general stability of India as a whole, that those Governments should receive the support which they require to protect them against attempts to subvert or interfere with them. Within its own territories, a Government can be trusted to protect itself. We, in British India, have done with the assistance of this House what we can to protect ourselves.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : May I ask my Honourable friend if this Bill is solely intended to deal with activities directed against Indian States from British India ? One of the clauses does not bear that out.

The Honourable Sir Harry Haig : I hope my Honourable friend will raise that point later on. That is the object of the Bill. As I was saying, Sir, within its own territories a Government can be expected to protect itself. But its authority does not extend outside its own territories and if in a country like India activities can be organised and directed against a State from outside its own territories, we might be faced with very serious conditions of unrest and instability. We have thus inevitably accepted the principle of the reciprocal obligation of British India and the Indian States to prevent unreasonable, or I will say, unconstitutional agitation against the Government. If an agitation is directed against British India from a State territory, we expect the State to do what it can to put a stop to it, and, in the same way, if unconstitutional activity is directed against a State from British India, the States can reasonably demand that we should do what we can to put a stop to it. In the past our powers have not always been adequate to fulfil that obligation, and it is for the purpose of making them adequate that this Bill is placed before the House. Now, Sir, I recognise that many, who will admit that proposition in the abstract, may hesitate to apply it to the protection of the Governments of the Indian States, because they argue on these lines ; and let me make it clear that I am using their words and not necessarily accepting their generalisations. They will argue that conditions in some of the States are not what they should be, that it is difficult within the States to organise constitutional movements for reform or for ventilating their grievances and that, consequently, if grievances are to be ventilated, if movements for reform are to be initiated, they can only be initiated outside the borders of the State, that is to say, in British India. That, I think, is the argument that is very commonly employed. Well, Sir, as I say I must not be taken as accepting that generalisation as necessarily accurate, but supposing we do accept that as accurate, I still say that this Bill does not interfere, and is not aimed at interfering, with any legitimate activities carried on in British India. It is aimed solely at unconstitutional activities directed against the States. What are the activities that we deal with in this Bill ? So far as press comments are concerned, we are not penalising comments expressing disapprobation of the measures of a Government with a view to obtaining their alteration by lawful means. There is a definite provision which makes that clear. We are only penalising those comments which are directed to bringing the administration into hatred or contempt, or exciting disaffection towards it. Then, again, Sir, we penalise conspiracy to overawe the Administration of a State by criminal force or show of criminal force.

Mr. H. P. Mody : Conspiracy in British India.

The Honourable Sir Harry Haig : That surely is an unlawful activity. Then we take steps to prevent, if necessary, the formation in British India of bodies of men, known as *jathas*, whose object is to enter the States and interfere with the Administration there, and finally we take a general power to prevent agitation within British India with the object of interference with the Administration of the State or of causing disturbance of public tranquillity within a State. These, Sir, I claim, are all unconstitutional actions and the States have a right to ask for protection against such activities directed against them from British Indian territory. But there is nothing here to prevent the ventilation of genuine grievances, putting forward proposals for reform, the whole range of activities comprised in the word "constitutional". It may further be said that there may be in certain States misgovernment of a scandalous and intolerable kind which justifies and demands interference from outside. Well, Sir, if those conditions arise, my answer is that we cannot allow such interference to be organised by irresponsible people in British India. There is a constitutional way of effecting that interference ; it can be done by the action of the Paramount Power, recognised by constitutional practice. That is something very different from the direct action of organising *jathas* of people from British India to invade the Indian States.

Now, Sir, it is, I think, the recognised practice of this House to refrain from commenting on the cases of individual States. I propose to observe that rule myself and I trust that Honourable Members will also observe it. But I think that in general the House knows that if conditions of serious misgovernment do arise, the Paramount Power does take action.

Now, Sir, with regard to the necessity of the particular powers proposed, I will take first of all the press provisions. There is, as Honourable Members are aware, already in existence an Act known as the Indian States (Protection against Disaffection) Act which was passed in 1922. (*Mr. B. Das* : "Certified, not passed.") This provides in respect of the written word protection similar to that given in our ordinary criminal law by section 124A of the Indian Penal Code, namely, the section that deals with sedition. What we propose by this Bill is to provide the protection given by the Indian Press Act of 1931 as amended by the Criminal Law Amendment Act of last year. Sir, this protection that we propose to extend to the Indian States is not without precedent. I would recall to the House that in fact it was enjoyed by the States for a period of about 12 years from 1910 to 1922, while the old Press Act was in existence ; for that old Press Act of 1910 applied to attacks on the Governments of the States just as it applied to attacks on the Governments of British India. In 1922, the Press Act was repealed for reasons connected with the internal conditions in India. A new constitution had just been introduced and it was thought,—and I do not deny that there were good grounds for thinking,—that in a different atmosphere the attitude of the press would change. Well, Sir, owing to that the States lost in 1922 the protection which they had enjoyed since 1910, but it was thought essential that they should keep

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at any rate that protection which we were keeping for ourselves, namely, protection corresponding to section 124A of the Indian Penal Code ; and it was in order to give that protection that the Indian States (Protection against Disaffection) Act was passed in 1922. Now, Sir, in recent years we have unfortunately come to realise that prosecution is not a very satisfactory remedy against those who are determined to malign and create disaffection towards Government.

Mr. B. Das : You want Ordinances.

The Honourable Sir Harry Haig : No, Sir, we have the powers, powers given to us by this House. The reasons are several. In the first place, prosecution is a very slow process. That is a point that has been brought prominently to the notice of the House recently. Prosecutions in criminal cases in India are not distinguished for their speed. In the second place, the very fact of prosecution gives the widest possible publicity to the mischievous statements which it is endeavoured to check. Prosecution to a large extent from that point of view defeats its own object. Then again, while prosecutions are dragging out their slow length there is nothing to prevent the newspaper from continuing to publish things of the same kind. And finally, if we assume that at last a conviction is obtained and that the person who has been recorded as the editor is convicted, there is no assurance that he is really responsible for the policy of the paper or even the writer of the articles, and we may after all this effort have merely struck at a man of straw. The States have found precisely these difficulties in trying to take advantage of that Act which was passed in 1922. I may mention a recent case, that is to say, the conviction was recent. I think the article was written in 1929 and though the prosecution instituted has resulted in a conviction the case is at this moment in 1933 under appeal ; that is to say the proceedings have lasted about 3½ years. I think the House will realise that the States do not think that that is a very satisfactory method of dealing with Press attacks.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, may I ask one question of the Honourable Member ?

The Honourable Sir Harry Haig : I hope the Honourable Member will permit me to proceed with my speech. He will have an opportunity later on of making his points and I hope, at the end of the debate, I shall be able to deal with the points that he raises.

Well, Sir, not unnaturally the States represented that the present law was no real safeguard for them. One Honourable Member, I think Mr. B. Das, referred just now to Ordinances. During the period of those Ordinances we did in fact extend to the States the same protection in this matter as we took for ourselves. But when the Criminal Law Amendment Act was under consideration last year, it was decided in Select Committee to omit from it the provision which had been made including States with British India in that protection, and it was decided that that should, if necessary, be put up for consideration separately and we are now proceeding to take that action. We have hitherto followed the principle of extending to the States in this matter of press legislation the same protection that we felt was necessary for ourselves ; and in regard to the press that is all we are doing now.

It may be hoped that some years hence, with a different atmosphere, with a different constitution, the attitude of the press may change : they may no longer employ their great power and great influence on attacks which are dangerous to the stability of the administration, but at the moment we think that the States deserve, as I have said, the same protection as we feel we require ourselves.

With regard to conspiracies and organisation of *jathas*, I do not think any one is likely to oppose the principle of the provisions we have made in this Bill. The House will remember that when recently a serious agitation of this kind did develop in British India directed against a State, it was found necessary for the Governor General to issue a special Ordinance, because under our existing British Indian law, we had not the power to stop these *jathas*, assembling and marching into the State. I think the House will agree with me that that is a very unsatisfactory position, that, in order to fulfil what we may regard as an elementary obligation, it should be necessary for the Governor General to issue an Ordinance. We want some powers, as part of our general regular law, powers which it will be possible to utilise at the very outset and thereby prevent the development of conditions which are in the interests neither of the States nor of British India.

In conclusion, I would ask the House to look at the position broadly. I do not myself feel that under any system of self-Government India can be a unitary state. The vast extent of the country, the enormous population, the great diversity of conditions, the historical development of particular areas, all those events of the past, that cannot be effaced or ignored, do present a problem of Government more complex than any it has been sought to solve before except by the comparatively simple processes of autocracy. There is, I think, general agreement now that the line of advance is by federation, and that means that while the Central or Federal Government will perform those functions which it is necessary should be performed on uniform lines for the country as a whole, the different local areas and administrations should be left to meet their own local problems in the manner which experience, tradition and their stage of development makes most suitable. It is true that in a Federation one expects ordinarily to find a general similarity in the form of Government in the various units. But the facts of India render that impossible, unless we intend to cut out the Indian States from India—an impossible task, I would suggest—and if we want to achieve that broader unity which is essential in the interests of India as a whole, I think it can only be achieved by recognising a wide diversity in the form of Government in the various units. That, indeed, has been from the beginning one of the obvious and unavoidable facts of the problem. It has been accepted as a fundamental proposition by those who have for some years past now been devoting their attention to the evolution of a new Constitution for India. There is no need to press all units, Princes and Provinces alike, into the same mould ; and any such attempt would lead to complete failure and disruption instead of unity. Therefore, let British India at the outset show that it is not entering into a Federation with the States with a feeling of fundamental hostility to the form of Government that prevails in the States. This is no foundation on which a partnership can

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be built. What we are asking the House to do is not to protect or stereotype misgovernment, but to acknowledge the fact that there are forms of Government other than democratic which are worthy of respect and that when we find these forms of Government existing in our midst, deeply rooted in tradition, in sentiment and in the facts of history, we should frankly accept them and admit that they, like other Governments, can claim to be protected against attempts to subvert them or to bring them into hatred and contempt. We cannot erect our Federation on a basis of intolerance and distrust, and I hope that the House, by its attitude towards this Bill, will show that that is not the spirit in which it approaches the question of our obligations towards the States. (Cheers.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select Committee consisting of Mr. B. Sitaramaraju, Rao Bahadur B. L. Patil, Mr. Uppi Saheb Bahadur, Mr. Ranga Iyer, Mr. S. G. Jog, Sardar Harbans Singh, Mr. B. R. Puri, Rao Bahadur M. C. Rajah, Captain Sher Muhammad Khan, Mr. F. E. James, Mr. B. J. Glancy, Sardar Nihal Singh, Rai Bahadur S. C. Mukherjee 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. H. P. Mody : Sir, I have not risen to offer any observations on the Bill, but I want to clear a doubt which has arisen in my mind with regard to the legality of some of the provisions which appear in this Bill. My friend told me in reply to my inquiry that this Bill was intended to deal solely with activities conducted in British India against the Indian States. Now, clause 3 of this Bill says :

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"In section 121A of the Indian Penal Code, after the words 'or any Local Government', the words 'or the Administration of any State in India' shall be inserted."

I want to examine and see how this affects the existing section, section 121A. As I read it, it makes it penal for any one who is a subject of British India or of an Indian State to conspire against the Government of British India, whether a Local Government or the Imperial Government. If he conspires against the Government of British India, he is liable to certain punishment ! The addition sought to be made to that section by this Bill would create the position that "whoever within or without British India conspires against the Government of India or any Local Government or against the Government of a Native State, is liable to punishment". In other words, Sir, the British Courts will be competent to deal with offences of conspiracy committed by a resident of an Indian State against the administration of that State, and I want to ask my friend whether that is the correct interpretation of the clause. My submission is that clause 3 seeks to interpolate into section 121A an addition to the armoury of the law which makes it possible for a British Court to deal with offences committed against the Administration of an Indian State in the State itself. That is my point.

Mr. President (The Honourable Sir Shanmukham Chetty) : That point has to be cleared up.

The Honourable Sir Harry Haig : I think the intention of the Bill undoubtedly is to deal with conspiracies within British India directed against Indian States, and not to go beyond that.

Mr. H. P. Mody : But the clause seems to me at any rate to go much beyond that.

The Honourable Sir Harry Haig : If the clause does go beyond that, it is always possible to amend it in Select Committee.

Mr. H. P. Mody : But is it ?

The Honourable Sir Harry Haig : That is a point for Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Chair understand the Honourable the Home Member to say that the clause goes beyond the intention of the Government and has to be rectified in the Select Committee ?

The Honourable Sir Harry Haig : The intention of Government, Sir, is certainly to deal with activities within British India, and if in fact the wording of the Bill extends to activities outside British India, we shall certainly be prepared in Select Committee to make the necessary amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : It is understood the Honourable the Home Member concedes the point raised by Mr. Mody that clause 3, as it is drafted at present, would bring within the scope of this Bill offences committed against the Indian States within the territory of those States, because the operative part of section 121A, as amended by clause 3 of the Bill, will read as follows :

"Whoever, within or without British India, conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or the Local Government or the Administration of any State in India",

shall be punished, etc. That will be the operative portion of section 121A.

The Honourable Sir Harry Haig : Yes, Sir. If the words "without British India" are held to cover the amendment which we propose to make, then, in that case, it goes beyond our intention.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is a point to be rectified in Select Committee, is it not ?

Sir Lancelot Graham : The clause does not go beyond the jurisdiction of this House as comprised in section 65 of the Government of India Act ; but I understand the Honourable the Home Member to say that the intention is only to penalise offences committed in British India. The clause would appear to go beyond that, so as to make not those offences only liable to punishment. It is always open to the Member in charge of the Bill to restrict the scope of the Bill in Select Committee. There is no question of barring.

Mr. President (The Honourable Sir Shanmukham Chetty) : How is it within the jurisdiction of this House to make a law for the conduct of a subject of an Indian State, for an offence committed within the jurisdiction of that State ?

Sir Lancelot Graham : It is not. There is the section 121A of the Penal Code,—which says : " Whoever, within or without British India ". But if you will refer to section 4 of the Indian Penal Code, you will find that " the provisions of this Code apply also to any offence committed by any Native Indian subject of Her Majesty in any place without and beyond British India "; and also to " any other British subject within the territories of any Native Prince or Chief in India ". The extent of the Penal Code is not proposed to be extended by this Bill. The extent of the Penal Code is—whoever within or without British India conspires to commit any of the offences, etc., and " whoever " is governed by section 4 of the Penal Code. This, Sir, is an Amending Bill, so far as the Penal Code is concerned, and does not profess to extend the scope of the Indian Penal Code.

Mr. President (The Honourable Sir Shanmukham Chetty) : The point is, if an Act of the Indian Legislature, passed 20 years ago, had conferred on that Legislature at that time jurisdiction beyond the jurisdiction enjoyed by this Legislature, would this Legislature, by reason of that fact alone, be entitled to incorporate provisions along those lines ?

Sir Lancelot Graham : The jurisdiction of this Assembly and of the Council of State together forming the Indian Legislature was settled as far back as the first Councils' Act,—I think it was in 1861. The Penal Code was passed after that. It was passed under an Act of Parliament which conferred on the Indian Legislature of the time the same jurisdiction which is now enjoyed by this House and the Council of State. The matter, Sir, will have to be settled by reference to the Government of India Act of the time, but actually the wording is precisely the same. Those classes which are referred to in section 4 of the Indian Penal Code are the classes of persons which are referred to in section 65 of the present Government of India Act.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I know, Sir, if the Honourable Member considers that the Bill, as it is before the Assembly now, is in order ?

Sir Lancelot Graham : Certainly.

Mr. President (The Honourable Sir Shanmukham Chetty) : So far as this Legislature is concerned, its jurisdiction is covered by the provisions of the Government of India Act which is in force for the time being. It may be that the Parliamentary Statute of 1861 conferred on the Indian Legislature at that time certain powers, but, in attempting to define the powers of this Legislature, the Chair has to look to the provisions of the Government of India Act which is now in force, and that is section 65, and, according to section 65 of the Government of India Act, the Indian Legislature has power to make laws for all persons, for all Courts and for all places and things within British India.

Sir Lancelot Graham : Please read clauses (*b*) and (*c*).

Mr. President (The Honourable Sir Shanmukham Chetty) : " for all subjects of His Majesty and servants of the Crown within other parts of India ".

Do I understand that the Honourable Member's contention is covered by (*b*) ?

Sir Lancelot Graham : Please go on to (*c*).

Mr. President (The Honourable Sir Shanmukham Chetty) : " for all native Indian subjects of His Majesty, without and beyond as well as within British India ".

That is, in other words, this Indian Legislature would, by section 65 (*1*) (*c*) of the Government of India Act, be entitled to make laws governing the conduct of subjects of Indian States.

Sir Lancelot Graham : No, Sir. In section 121A of the Indian Penal Code into which certain words are proposed to be inserted by this present Bill,—the word " whoever " will, of course, be restricted to the classes of persons to whom the Indian Penal Code applies. This is an amending Bill as regards this particular clause and it proposes to insert certain words in section 121A of the Indian Penal Code. That section starts with the word " whoever ". The word " whoever " in that section must be interpreted having regard to the extent provisions with which the Indian Penal Code opens. Those provisions are contained particularly in sections 1, 2, 3 and 4 of the Penal Code. This Bill does not extend the scope of the Indian Penal Code, because the scope of the Indian Penal Code is, as a matter of fact, as wide as the Government of India Act allows any legislation of the Indian Legislature to make it. All that this Bill does is to insert certain words in section 121A, but the insertion of those words does not affect in any way the class of persons to whom the Penal Code already applies.

Mr. President (The Honourable Sir Shanmukham Chetty) : No doubt, under the provisions of the Indian Penal Code, the British Indian Courts can take note of offences committed by the subjects of Indian States.

Sir Lancelot Graham : In British India.

Mr. President (The Honourable Sir Shanmukham Chetty) : An offence committed by the subject of an Indian State in British India can be punished by a British Indian Court according to the Indian Penal Code. In other words, the Indian Penal Code has jurisdiction over the conduct of the subjects of Indian States committed within the territory of British India.

Sir Lancelot Graham : Yes.

Mr. President (The Honourable Sir Shanmukham Chetty) : What I want to know is this. So far as the Chair has to seek the scope of jurisdiction of this House, it cannot be governed by the provisions of an old Act of the Indian Legislature. It can only be governed by the provisions of the Government of India Act for the time being in force. And the Chair would like to ask this question. Leave alone the present Bill which seeks to amend the Indian Penal Code. Would it be within the jurisdiction of this House, if a new Bill is brought forward, irrespective of the Penal Code, bringing within the jurisdiction of British India subjects of an Indian State for acts committed within British India ?

Sir Lancelot Graham : Most emphatically. Even a foreigner, for an offence committed in British India, is liable.

Mr. President (The Honourable Sir Shanmukham Chetty) : But this House cannot have jurisdiction over acts committed by Indian State subjects in an Indian State.

Sir Lancelot Graham : Quite correct.

Mr. President (The Honourable Sir Shanmukham Chetty) : Therefore, clause 3 of the Bill goes beyond the jurisdiction of the Indian Legislature.

Sir Lancelot Graham : With due respect, I will point out that that clause merely inserts in section 121A of the Indian Penal Code—may I first read out section 4 of the Indian Penal Code ? When section 4 is read, that gives you the clue to the interpretation of the word " whoever " wherever it occurs in the Act.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : On a point of order, Sir.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. When the Chair has asked for an explanation from an Honourable Member, no point of order ought to be raised until that explanation has been given.

Sir Lancelot Graham : As I have said, there are a great many sections, which—in fact, most of the sections of the Indian Penal Code—start off with the word " whoever ". We are at present concerned in clause 3 of the Bill with section 121A of the Indian Penal Code. That section starts by saying, "Whoever, within or without British India....". When we want to interpret the word " whoever " there, we have to look back to the extent sections of the Act. I think the question which you asked was whether the subject of an Indian State can be punished in British India for an offence committed in an Indian State. My answer to that is in the negative both under the Act of 1861 and now also it is precisely the same. All that this Bill does with regard to section 121A is to insert those words which extend the offence, which widen the offence created by section 121A, but it does not widen the class of persons who are liable to be punished under that section. The class of persons affected by that section remains precisely the same as that set out in section 4, and those persons are precisely the class of persons who are set out in section 65 of the Government of India Act. So that the class of persons who can be punished in respect of an offence under section 121A as it will stand after having been amended by clause 3 of this Bill is unchanged, and they are all within the jurisdiction of the Indian Legislature. I come back to the interpretation of the word " whoever " in section 121A read with section 4. This Bill does not change that and could not change that.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would now like to know from Mr. Puri, what is his point of order.

Mr. B. R. Puri : The point of order does not arise now. I understood at that time that the Chair had given its ruling—that so far as clause 3 of the Bill was concerned, the Bill was *ultra vires* of this House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has not given a ruling.

Mr. B. R. Puri : I was under that impression. I am sorry.

Mr. H. P. Mody : May I make a suggestion ? This point is very important and requires further consideration and I suggest that you do not give your ruling at this stage. I am very sorry to have sprung it upon the House and upon yourself, but the point occurred to me only while the Honourable the Mover of the Bill was developing his case. If I had seen it earlier, I would have brought it to the notice of both yourself and the Home Member. But as it has been sprung upon the House and upon yourself, I suggest that it may be held over, and that you give your ruling tomorrow.

Mr. President (The Honourable Sir Shanmukham Chetty) : That was exactly what the Chair was going to suggest. The mere fact that in a Bill before the House there is one clause on which there is doubt with regard to the jurisdiction of this Legislature need not debar the House from discussing the Bill. When the time comes to put clause 3, and if the Chair is then convinced that clause 3 is *ultra vires* of the Legislature, the Chair will refuse to put the question with regard to clause 3. The Chair would like to consider it in the meantime. The discussion may now proceed on the Bill.

Dr. Ziauddin Ahmad : Is it just to refer a Bill to a Select Committee which is *ultra vires* of the Select Committee ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Bill is not *ultra vires.*

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move the motion standing in my name :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th January, 1934."

I am grateful to my Honourable friend, Mr. Mody, for raising a point which is in favour of my proposition, namely, circulation. At the outset, I must say that my Honourable friend, Sir Harry Haig, was a little nettled and troubled while he was delivering his speech. The soul of the Home Member of the Government of India and the soul of Sir Harry Haig, the British democrat, were fighting with each other throughout and, therefore, it was that he made that halting, apologetic speech which he delivered just now before this House.

Sir, I read in the Statement of Objects and Reasons, which my Honourable friend, Sir Harry Haig, has advanced :

" The forthcoming constitutional changes, moreover, make it desirable that the authorities in British India should have power to protect *units of the Federation* from agitation directed against them from British India."

But, Sir, where is the Federation ? My Honourable friend did not tell me or this House when this Federation was coming, next July or next March, and why this Bill was absolutely necessary. My Honourable friend wants this Bill to be passed in the winter Session of 1934, but can my Honourable friend the Home Member say whether Federation is coming in 1934, 1935, 1936 or 1937 or, as some say, in 1939. Then, Sir, supposing the Federation comes in, is there any guarantee that the Princes are working with us in that Federation ? My friend has got a Bureau of Information and he knows the various statements that are issued from time to time by the representatives of the Princes that visit London, either as Round Tablers or members of the Joint Select Committees. I have not yet seen one statement from any of these representatives of the Princes which says that they are willing to join the Federa-

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tion definitely. I read a statement by Sir Akbar Hydari. He says let the Constitution come into existence. Then the Princes, like the sublime Princes as they are, will examine and consider and see if they will at all join the Federation. So the Federation is a myth and I am not mincing matters. I have never welcomed the idea of the Federation on the floor of this House. I say "keep away the Princes at a distance. Start with a Federation of the British Indian Provinces". I am not concerned with the Indian Princes. This idea of Federation is not maturing. Then, why is it that the Government of India are so anxious to legislate to protect the misgovernment of these Indian Princes. My Honourable friend, the Home Member, referred to the Indian States (Protection) Act of 1922 and stated that it was passed on the floor of this House by his predecessor, Sir William Vincent, an equally persuasive man or probably a greater persuasive man than my Honourable friend, Sir Harry Haig. I must state here that I never had the privilege of meeting Sir William Vincent, although he belonged to my province. The House then consisted of liberals and moderates. There were no Swarajists in those days, no nationalists in those days, and yet the House threw out that Bill and the Viceroy had to certify it. As far as we on this side are concerned, we were not a party to that particular measure to which my friend referred.

Captain Sher Muhammad Khan Gakhar (Nominated Non-official) : Are you not a nationalist ?

Mr. B. Das : My friend asks me whether I am not a nationalist. So long as there is life in me, I shall continue to be a nationalist. My friend is a soldier. I hope he will be a national soldier and will fight for his motherland. So, Sir, this Act of 1922 is not a precedent. What does the heading of that Act say :

"An Act to prevent the dissemination, by means of books, newspapers and other documents of matter calculated to bring into hatred or contempt or to excite disaffection against Princes or Chiefs of States in India or the Governments or Administration established in such States."

Since that Act was passed, my Honourable friend knows very well that only three prosecutions have been launched. My Honourable friend, the democrat, Sir Harry Haig, since his advent as Home Member, has promulgated so many Ordinances or so many Acts, almost amounting to Ordinances. Today he wants us to give him another Ordinance in the shape of a new Bill which he has introduced. I would ask the House to read carefully what this Act aims at :

"to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations."

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. H. P. Mody, one of the Panel of Chairmen.]

I do not think that Sir William Vincent, while he was Home Member and was probably the Leader of the House at that time, thought that the Bill which he introduced and which was thrown out by this House had anything to do with suzerainty or in any way concerned with the suzerainty of His Majesty. Since the new reforms came into existence, the Government of India went on manufacturing new weapons of repression, forging new lines of cleavage between Indians and Indians and that

was proved when the Butler Committee went to inquire about the maladministration or good administration of these Indian States. We Indians thought that the Indian States were governed as the British provinces are governed, but when the Butler Committee came into existence, it began to talk of paramountcy and suzerainty and the little Princes and the big Princes began to jump at the idea that they were allies of His Majesty the King Emperor. How can these Princes, who were conquered with Indian money, with borrowed money for which we are paying every year interest, for which my Honourable friend, Sir George Schuster, supplied a note to the Secretary of State about the financial obligations of British India, be allies of His Majesty the King Emperor ? Were they not conquered with the money that was borrowed by the East India Company, the predecessors of my friend, Sir Harry Haig and Sir Joseph Bhore ? Was the sanction of His Majesty sought every time when they conquered some petty chiefs or factious chiefs who were creating trouble in the border of Orissa or in the border of the Punjab ? Certainly not. When my Honourable friend, Mr. Glancy, will rise to speak, I hope he will search the archives of the Political Department and find out as to who was that political genius in the Political Department who conceived this idea of separating Indian States from British India and incidentally took away the power of the Government of India and put fantastic ideas into the heads of the small Princes that they were the allies of His Majesty the King Emperor ?

Sir, I am not a lawyer and so I did not like to raise any point of order, but I always took that this Legislature and the Government of India were subordinate to the British Government and the British Parliament. How is it, then, that we are asked to legislate to protect the suzerainty of His Majesty the King Emperor ? To me, who is a matter-of-fact man, it appears to be something bogus. Of course, everybody knows that the Federation is not coming into existence immediately ; everybody also knows that the Princes are not coming into the Federation easily. Even the Political Secretary does not know what is the status of the individual Princes. Yet some fiat has gone round and a Resolution has been passed in that semi-circular Chamber in Delhi, namely, the Chamber of Princes, and here my Honourable friend, Sir Harry Haig, the Home Member, wants this Bill to go through. He says that this Bill is not for the protection of the Princes, but it is a Criminal Law Amendment Bill. As I said at the beginning, my Honourable friend was halting all the time in his speech, because his other soul always troubled him.

Sir, when my Honourable friend, the Home Member, was impressing upon us the object with which Government have introduced this Bill, he only stated that there were certain people in British India who were causing disaffection to some of these Princes or their Administrations. He also said that this Bill did not aim at nor did it take away the proper criticism of the Press against the bad administration of the States. I am sorry to say that throughout India it is only my friend, the Honourable Sir Harry Haig, and the *Statesman* of Calcutta who have understood the objects of this Bill in that fashion, but the Indian Press is apprehensive that, in the shape of this Bill, another Press Ordinance has come into existence. The screw is being tightened on the Press, and the Government of India, which is in secret alliance with the Princes of India,

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do not want that there should be any righteous criticism on the misgovernment of those Princes. I will just quote a few lines from the *Amrita Bazar Patrika*, a paper which has always stood for justice to the Princes and to the subjects of the Princes of the Indian States. It says :

"But what about the subjects of these Indian States? The rule that prevails in most of the States is despotic and, in very few of them, the people can be said to be happy. The people in most of the States labour under innumerable disabilities, yet they are not allowed by their rulers to speak out their grievances. Even constitutional agitation for the representation of grievances is put down with a stern hand in most of the States where no public opinion worth the name can, therefore, be expected to exist. The only pressure which Rulers in such States can be made to feel is that exercised by the public opinion in British India and it was this pressure which in the past induced the Political Department of the Government of India to take action against the mal-administration of the Princes in some States. The proposed Bill, if passed into law, will undoubtedly have the effect of preventing the press and public bodies in British India from agitating against the mal-administration in Indian States and nobody will hear the grievances of the poor victims of misrule in the Indian States."

When the Editor of a nationalist paper like the *Amrita Bazar Patrika* writes like this, surely it does so with all the experience of an editor of a paper of long standing, of 70 years. How can I believe, with all due respect to my Honourable friend, Sir Harry Haig, that the Bill is not meant to curtail the freedom of the press in the sense that they cannot agitate about the mal-administration of the States. What does the Preamble of the Bill say? It aims at the protection of the administration of the Indian States. So, I think my friend's contention is not correct.

I do not wish to go into details, clause by clause, of the Bill, because I want this Bill to be circulated not only to get the opinion of the Indian press and the Indian public, the Judges of the Indian High Courts and Administrators in the provinces, but I do hope that it will also be circulated to the Political Agents, the Indian States people and the various Princes that rule these Indian States. Their views should be collected. If my Honourable friend, Mr. Glancy, will concede, I wish also that this Bill be circulated to all the *ex*-Political Agents who are drawing pensions today from the exchequer of India, because their opinions will be very valuable. We know that these gentlemen, when they retire, write their views and speak things which they cannot do when they are under the control of the Political Secretary of the Government of India. So my suggestion is that this Bill be circulated also to the *ex*-Political Agents who may be now staying in Switzerland or London and other places.

I will refer the House to clause 4 of this Bill which aims at the curtailment of the freedom of the press. There it is said :

"To bring into hatred or contempt, to exercise disaffection towards the Administration established in any State of India."

Sir, States like Mysore and Baroda may have judicious administrations, but we know that Indian States as a rule have no administration. It is Hitlerism *minus* the democratic spirit that controls Hitler.

How are these people ruled? The Honourable the Home Member appealed that we should not mention the names of States. I am not going to mention any names. I am going to lay certain facts before the

House. I am going to give out what is usually held as the considered view of the public and the press in India. There are rulers in India who have no administrative machinery. There are about 600 Indian States, and some of them have only half a village to rule. Most of the Indian States are under one-man rule without any control of public opinion. In the past, the mighty bayonets of the British Army did not protect these Princes and they were then amenable to public opinion and public criticism coming from inside the State. But, as the Princes found that the mighty British Army was protecting them, they became irresponsible. They began their maladministration in their States for which the people have no remedy. The people could not revolt, because revolting against particular States was revolting against the mighty British Empire and the mighty British Government, and yet the people of the States want the protection of the British Army and the British democratic laws and they are denied all these now. When anybody writes a letter in the Indian press, or when the press criticises the administration of any State as bad, under this Bill power is given to a District Magistrate or the subordinate of a District Magistrate to deal with the press. When speaking about the press, I am reminded of the security of Rs. 10,000 demanded of the "Free Press" in Bombay as deposit by the Government of Bombay and now reported to have been confiscated. So the press of India, for which the Honourable the Home Member has no love,—I am talking of the Indian Press and not the Anglo-Indian Press,—under this new clause, the press which writes articles against an Indian State would be asked to deposit Rs. 10,000 or Rs. 20,000 for writing such articles. That will be the consequence if this Bill is passed into law. Now, I will refer to sub-clause (*1*) of clause 6 which reads :

"..... such Magistrate may, by written order stating the material facts of the case and served in the manner provided by section 134 of the Code of Criminal Procedure, 1898, direct any person to abstain from a certain act if such Magistrate considers that such direction is likely to prevent or tends to prevent interference with the Administration of a State in India"

I am not concerned with the subsequent sentence :

"or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said State".

I am only concerned with "to prevent or tends to prevent interference with the Administration of a State in India". Two or three years ago, I had the privilege of presiding over the Orissa State People's Conference. (Interruption.) Supposing I was going to preside over a Conference in Bombay in my Honourable friend, Sir Cowasji Jehangir's own City, just as Mr. Kelkar presided the other day over the Indian States People's Conference, to whose valuable speech I shall refer subsequently, the magistrate of the town, having been misinformed, as subordinate magistrates usually are,—they do not know and they do not understand the high policy of the Government of India, they do not understand the high principles that guide my Honourable friend, Sir Harry Haig, they think only three or four years ahead as to how to protect these Princes and how to put these Princes in cotton wool so that they may not be harmed,—the magistrate of the town may serve me with a notice ordering me that I should not preside over the Conference lest it should incite people or cause disaffection in the adminis-

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tration of a State or States. These are the two points that I, as a public man and a representative of the Indian Press, feel greatly apprehensive.

Mr. Chairman (Mr. H. P. Mody) : Does the Honourable Member propose to go on for any length of time ?

Mr. B. Das : Yes, Sir, for one hour.

Mr. Chairman (Mr. H. P. Mody) : In that case the House stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 7th September, 1933.

LEGISLATIVE ASSEMBLY.

Thursday, 7th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

EMPLOYMENT OF COMMUNITIES INADEQUATELY REPRESENTED IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

719. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether it is proposed to open two new Circles in the Central Public Works Department, Delhi, to carry out the scheme recently sanctioned by the Secretary of State for India ?

(*b*) Do Government propose to reserve sufficient seats for those communities who are inadequately represented in that Department, to adjust their representation in the department ?

The Honourable Sir Frank Noyce : (*a*) It is proposed to open only one new Circle for the purpose.

(*b*) The claims of all communities will be considered in making temporary appointments necessary for the formation of the new Circle.

APPOINTMENT OF MUSLIMS IN THE COMMERCIAL STATISTICS BRANCH OF THE COMMERCE DEPARTMENT.

720. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether a new branch for Commercial Statistics was opened in the Commerce Department in July, 1933 ?

(*b*) If the reply to part (*a*) be in the affirmative, how many Muslims were taken in that branch ?

The Honourable Sir Joseph Bhore : (*a*) A new Branch for Statistical Research work was created on a temporary basis in July, 1933. This is a Branch of the Department of Commercial Intelligence and Statistics.

(*b*) The Director General of Commercial Intelligence and Statistics reports that five out of the eleven resulting vacancies have been or will be filled by Muslims.

Mr. M. Maswood Ahmad : May I know how many posts have been actually filled up till now ?

The Honourable Sir Joseph Bhore : I cannot say how many have been actually filled. The answer that I have given refers to the new

vacancies that have occurred or will occur and I think the answer should be perfectly satisfactory from the Honourable Member's point of view.

Mr. M. Maswood Ahmad : In part (*b*) of the question, I asked how many Muslims were taken in that branch.

The Honourable Sir Joseph Bhore : I want to make it quite clear that the vacancies have not all been filled up up till the present.

Mr. M. Maswood Ahmad : Were these vacancies advertised ?

The Honourable Sir Joseph Bhore : I cannot say ; that is a matter within the competence of the Director General himself.

Mr. M. Maswood Ahmad : I think these appointments will not be made through the Public Service Commission ?

The Honourable Sir Joseph Bhore : I do not think so ; these are minor appointments which, as I said, are within the competence of the Director General.

ALLEGED UNFAIR TREATMENT OF THE RAILWAY OFFICERS TOWARDS MUSLIM EMPLOYEES.

721. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that Maulvi Muhammad Yakub, Editor, the *Light*, Lahore, addressed the Agent, North Western Railway, regarding the unfair treatment of the Railway officers towards the Muslim employees as regards their promotion, etc., as published in the *Pilot*, Amritsar, dated the 23rd July, 1933 ?

(*b*) If the reply to part (*a*) be in the affirmative, what action if any, has been taken on the allegations stated therein ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Agent, North Western Railway, for any action that he may consider necessary.

Mr. M. Maswood Ahmad : Did the Honourable Member ask the Agent for information to reply to this question ?

Mr. P. R. Rau : No, Sir.

Mr. M. Maswood Ahmad : Will Government be pleased to state the reasons for that ?

Mr. P. R. Rau : Because the matter is within the competence of the Agent of the North Western Railway to settle.

Mr. M. Maswood Ahmad : Does the Honourable Member remember that it was said by the Chair some time ago that every question that is admitted is of public importance ?

Mr. P. R. Rau : Yes, Sir, I remember that.

Dr. Ziauddin Ahmad : Does the Honourable Member mean that because the matter is within the purview of the Agent of the Railway, it is no concern of the Government of India and that so it is not necessary to reply to the question ?

Mr. P. R. Rau : The position of the Government of India is that certain matters of detailed administration are left to the Agent of the North Western Railway and Government cannot, as a practical measure, insist on inquiring minutely into every detail.

Dr. Ziauddin Ahmad : Every action of Government officials must come within the purview of the Legislature, and when questions are asked for eliciting certain facts, it is immaterial whether it is within the purview of one official or the other and it is the duty of Government to supply the information.

Mr. P. R. Rau : As a commercial department, the Railway Board have to look into the probable practical value of the information that is to be obtained. And if the question refers to such matters of detail, as Government do not think it necessary for them to interfere in, they consider that it is unnecessary to obtain the information.

Dr. Ziauddin Ahmad : If Government say that it is not worth the trouble and expense, it would be a different thing. But they say that, because it is within the purview of the Agent, therefore they do not want to reply. I think it is not a correct position.

Mr. P. R. Rau : I must point out, Sir, that I have taken the necessary action on the point. I have sent a copy of this question to the Agent of the North Western Railway to look into it and remove any grievances that exist.

Mr. M. Maswood Ahmad : When Government have not seen the letter in question, how can they say that the matter was not of sufficient importance ?

Mr. P. R. Rau : If it were of sufficient importance, I am sure, the Honourable Member would have given details of it in his question.

Mr. M. Maswood Ahmad : I asked in the question about this letter which contained allegations about the unfair treatment of Railway officers towards the Muslim employees. So Government should have seen the letter to find out whether it was of public importance or not.

Mr. P. R. Rau : The question whether a particular letter has been addressed by a particular gentleman to the Agent of the North Western Railway is not, I think, a thing of sufficient importance to warrant Government making inquiries into the matter.

Mr. M. Maswood Ahmad : Did the Honourable Member notice that I made allegations against Railway officers with regard to their treatment of Muslim employees ?

Mr. P. R. Rau : If my Honourable friend had given me any facts to show that a *prima facie* case existed for an inquiry, I should have been glad to make such inquiry.

Mr. M. Maswood Ahmad : Will Government see the letter now and find out what are the grievances of the Muslim employees on the North Western Railway ?

Mr. P. R. Rau : I have not got a copy of the paper with me. If my Honourable friend will supply me with the paper or the letter I shall be glad to look into them.

Mr. S. C. Mitra : Will the Honourable Member tell us why the etter was not addressed to the Government of India if it was of such mportance ?

Mr. P. R. Rau : I must ask my Honourable friend to ask the questioner.

Bhai Parma Nand : Will the Honourable Member explain what he understands by fair and unfair treatment of the whole Muslim community on the railways ?

Mr. P. R. Rau : That also is a question which Mr. Maswood Ahmad should be asked to answer.

Mr. Lalchand Navalrai : If a question is within the purview of the Agent and it is decided not properly by him and is subsequently brought to the notice of the House, may I know what is the policy of Government in such a matter ?

The Honourable Sir Joseph Bhore : Sir, I think this is a question which has exercised the House for some time and, I am sure, my Honourable friend will agree that, unless matters of really vital general importance are raised, it would be wasting the time both of the House and of Government if on every petty matter we were asked to obtain the explanation of the Agent. I can assure my Honourable friends that if any really important matter is raised, the Railway Board and Government will be only too glad to look into it.

Mr. Lalchand Navalrai : My suggestion is that it should not be as we have been getting replies to our questions from the Financial Commissioner, that even important questions are being merely sent to the Agent and no report called for investigation.

The Honourable Sir Joseph Bhore : Sir, so far as the answers given by the Financial Commissioner are concerned, I may make it perfectly clear to the House that no answer is given which has not my full concurrence. But I have already made it perfectly clear that, if any important question is raised, we shall certainly look into it.

SUCCESS OF A NON-MATRICULATE TEMPORARY CLERK OF THE RAILWAY BOARD'S OFFICE IN THE PUBLIC SERVICE COMMISSION STENOGRAPHERS' EXAMINATION.

722. ***Mr. M. Maswood Ahmad :** (*a*) Has the attention of Government been drawn to an article 'Public Service Commission' published in the weekly *Pilot*, Amritsar, on July 30, 1933 ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state the conditions which led to a non-Matriculate and temporary clerk of Railway Board's office being admitted and declared successful by the Public Service Commission in the Stenographer's examination ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) Mr. Narayan sat for the qualifying examination for stenographers held by the Public Service Commission in 1930. No educational qualifications were prescribed for this examination, the only conditions being that candidates should have officiated in permanent posts of stenographer for not less than 12 months in all since 1st April, 1928, and that the Heads of their Departments should be prepared to recommend them for permanent employment as stenographers if they qualified. As Mr. Narayan fulfilled these conditions, he was allowed to appear and he qualified. The allegations in the article are therefore unfounded.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether it is also one of the conditions that the candidates should be from the permanent staff and should be at least under-graduates ?

The Honourable Sir Harry Haig : I have already explained that no educational qualifications were prescribed for this examination and that the conditions were that the candidates should have officiated in a permanent post of stenographer for not less than twelve months.

CONTRACT FOR MUSLIM SWEETS-STALL AT AMRITSAR.

723. ***Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to an article "Muslim Sweets-stall at Amritsar" published in the Weekly *Pilot*, Amritsar, of 30th July, 1933 ? If so, will Government be pleased to state the name of the Muslim sweets-stall contractor at Amritsar railway station and state reasons for letting out the contract to a non-Muslim ?

Mr. P. R. Rau : Government have not seen the article referred to. The letting of such contracts is a matter for the decision of the Railway Administration, and I am sending a copy of the question to the Agent, North Western Railway, for such action as may be considered necessary.

RETRENCHMENT OF STAFF IN THE RAILWAY BOARD'S OFFICE.

724. ***Mr. M. Maswood Ahmad :** (*a*) Has the attention of Government been drawn to an article "Railway Board" published in the *Pilot*, Amritsar, of the 6th August, 1933 ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state whether in the light of the state of affairs depicted therein, it is proposed to retrench some more staff ?

Mr. P. R. Rau : (*a*) Government have not seen the article referred to.

(*b*) So far as I am aware, there are no proposals at present under consideration for any general retrenchment on any considerable scale.

Mr. M. Maswood Ahmad : Is it a fact that a copy of the *Pilot* of the 6th August was sent for from the editor by the Railway Board ?

Mr. P. R. Rau : I do not know : I have not seen the article.

Mr. M. Maswood Ahmad : Has any other officer in the Railway Board seen that article ?

Mr. P. R. Rau : I can only say I have not been able to get that article.

Mr. M. Maswood Ahmad : I have seen the letter asking for a copy of the *Pilot* of that date and so I want to know whether this copy has actually been taken by the Railway Board or not.

Mr. P. R. Rau : Apparently it was not obtainable.

Mr. Gaya Prasad Singh : Is this question intended to advertise this particular newspaper ?

MUSLIMS AND COMPANY-MANAGED RAILWAYS.

725. ***Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to an article "Muslims and Company-managed Railways" published in the weekly *Pilot*, Amritsar, dated the 6th August, 1933 ? If so, will Government be pleased to state whether the facts stated therein are correct ?

Mr. P. R. Rau : In the absence of a copy of the article in question, I am not in a position to say whether the allegations made are correct or not.

Mr. M. Maswood Ahmad : Do Government propose to see if they get a copy of the paper now or day after tomorrow ?

Mr. P. R. Rau : If my Honourable friend sends me a copy of the paper, I shall see if the allegations therein are sufficiently important to warrant my making an inquiry.

ALLEGED INJUSTICE TO MUSLIMS IN THE RAILWAY MAIL SERVICE, ALLAHABAD.

726. ***Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to an article "Allahabad R. M. S., Grave injustice of Muslims" published in the *Pilot*, Amritsar, dated the 23rd July, 1933 ? If so, will Government be pleased to state if the facts stated therein are correct ?

The Honourable Sir Frank Noyce : Government have not seen the article referred to and are therefore unable to reply to the second part of the question ; nor do they consider any inquiry necessary as the rules provide liberal opportunities for officials to represent their grievances to their official superiors should they desire to do so.

Mr. M. Maswood Ahmad : Do Government propose in future, when such questions are asked, to get a copy of the articles also sent to them ?

The Honourable Sir Frank Noyce : I think, Sir, it would be an excellent idea if Members, who refer to such articles in their questions, were to send a copy of the article with the question. The experience of my Department in this matter has been singularly unfortunate ; for some time past we have endeavoured to obtain copies of articles referred to from editors of newspapers and almost invariably we have been unable to do so.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House has now experienced considerable difficulty in getting satisfactory answers from Government to questions of this nature, asking Government whether their attention has been drawn to a certain newspaper article. The Parliamentary practice is that when an Honourable Member makes a statement in a question, wherever that statement might appear, the Honourable Member personally makes himself responsible for that statement. When certain matters are brought to the notice of Government, the details of that particular matter must be mentioned in

the question also. It is with a view to shortening the question and, for the sake of convenience, that Honourable Members are permitted to frame questions in this particular manner. But the Chair would suggest that in order to enable them to get a complete answer from Government and for the convenience of every one concerned, it would be an excellent practice if Honourable Members, who refer the attention of Government to a particular newspaper article, always make it a practice to send a copy of that article to the Government along with the question.

NON-FILLING UP OF CERTAIN PERMANENT APPOINTMENTS IN THE POST OFFICES.

727. ***Mr. S. G. Jog :** Will Government be pleased to state :

(*a*) the date on which the Director General, Posts and Telegraphs, issued instructions not to fill in any appointments in the post offices permanently, and the date on which the Postmaster General, Bombay, issued such instructions ;

(*b*) whether they issued similar instructions to have effect from the 16th July, 1931 ;

(*c*) whether it is a fact that the officers holding officiating appointments in the office of the Accountant General, Bombay, prior to 16th July, 1931, have been confirmed in their posts ;

(*d*) whether there are officials in the Bombay Circle continuously officiating in the time-scale and the selection grade from a date prior to the 16th July, 1931, and, if so, the total number of such officials in the respective cadres ;

(*e*) if the reply to part (*d*) above be in the affirmative, why the confirmation is delayed in the case of Postal Department alone when the posts in the office of the Accountant General, Bombay, have been allowed to be filled in ;

(*f*) if the differential treatment referred to in part (*e*) above is due to retrenchment measures, and whether they are prepared to allow the confirmation of the persons concerned now, taking into consideration the abnormal delay of more than two years and in some cases even more than three years ;

(*g*) if the reply to part (*f*) be in the negative, the probable time when the question of their confirmation will be finally settled ; and whether they propose to cause the decision to be expedited ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). The Honourable Member is referred to the reply given to parts (*a*) and (*b*) of Mr. N. M. Joshi's starred question No. 398 in this House on the 19th September, 1932.

(*c*) The Accountant General, Bombay, has been permitted to fill up substantively certain permanent vacancies in his office, subject to the condition that no persons not in service on the 15th July, 1931, are confirmed.

(*d*) Government have no precise information but the Honourable Member will notice from the reply referred to in the reply to parts (*a*) and (*b*) above that in the Bombay Circle all appointments since April,

1931, and certain appointments since June, 1930, have been made in an officiating capacity.

(*e*) The Honourable Member is referred to the reply given to part (*d*) of Mr. N. M. Joshi's question No. 398 mentioned above and to Sardar G. N. Majumdar's question No. 1225 in this House on the 15th November, 1932.

(*f*) and (*g*). Do not arise in view of my reply to part (*e*).

FILLING UP OF CERTAIN POSTAL APPOINTMENTS PERMANENTLY AT CERTAIN PLACES.

728. ***Mr. S. G. Jog :** Will Government be pleased to state :

(*a*) whether it is a fact that the gazetted appointments of Postmasters at Bombay, Poona, Madras, Karachi, etc., have recently been permanently filled up ;

(*b*) whether these appointments have been filled up as a result of the removal of the ban placed by the Government of India since the 16th July, 1931 ;

(*c*) whether the non-gazetted appointments in the lowest selection grade and the time-scale in the Post Offices have not yet been allowed to be filled up permanently ;

(*d*) the reasons for such differential treatment for the two classes of officials, *viz.*, gazetted and non-gazetted of one and the same department ;

(*e*) whether the appointments of officers and the time-scale clerks in the office of the Accountant General, Bombay, have been allowed to be filled up permanently and that these officials hold substantive liens on these appointments ;

(*f*) whether the only condition imposed on the time-scale officials in the Accountant General's office is that they will have to accept new scales of pay, if and when introduced ; and

(*g*) whether they are prepared to ask the Director General, Posts and Telegraphs, to fill in the appointments in the Postal Department permanently on similar conditions ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) The ban referred to by the Honourable Member presumably is that contained in a Finance Department Resolution, dated the 9th July, 1931. The orders therein refer to persons who were not in Government service on the 15th July, 1931, and are still in force. They do not, however, apply to Postmasters holding the posts referred to in part (*a*) of the question all of whom were in Government service prior to July, 1931. These posts were permanently filled because there was no prospect of retrenchment in them. In this connection the Honourable Member's attention is invited to the first part of the reply given on the 15th November, 1932, to starred question No. 1225 by Sardar G. N. Majumdar.

(*c*) Yes. The attention of the Honourable Member is invited to the second part of the reply to Sardar G. N. Majumdar's starred question just referred to.

(*d*) The presumption that all vacancies in the gazetted posts have been permanently filled up is not correct. Certain posts were filled up because there was no prospect of retrenchment as stated in reply to part (*b*) of the question. The Honourable Member is also referred to the reply to part (*c*) above. The question of differential treatment does not arise.

(*e*) The Accountant General has been permitted to fill up substantively certain permanent vacancies in his office, subject to the condition that no persons not in service on the 15th July, 1931, are confirmed.

(*f*) The condition is imposed on new entrants.

(*g*) In view of the reply to part (*d*) the reply is in the negative.

PREFERENCE TO *ex*-APPROVED CANDIDATES IN THE POSTAL DEPARTMENT IN MAKING APPOINTMENTS.

729. ***Mr. S. G. Jog :** Will Government be pleased to state :

(*a*) whether the Director General of Posts and Telegraphs has ordered that *ex*-approved candidates in the Postal Department shall get preference in making appointments from outside candidates in the Lower Division ;

(*b*) the number of such discharged approved candidates in the Rajkot Division, who have officiated in the years 1930 to 1933 ;

(*c*) whether it is a fact that these candidates put in about eight months to 18 months of officiating service before their discharge ;

(*d*) the number of outside candidates employed from 1st March, 1931, to 1st June, 1933, ignoring the claims of discharged candidates, and the number of discharged candidates who were re-employed in accordance with the Director General's orders about the preference for recruitment ; and

(*e*) if the said orders of the Director General have not been carried out, whether instructions are proposed to be issued to give effect to them as soon as possible ?

The Honourable Sir Frank Noyce : The reply to part (*a*) of the uestion is in the affirmative. As regards the rest of the question Govnment have no information nor do they consider it necessary to institute ecial enquiries, as if the claims to appointment of *ex*-approved candiates have been ignored in the Rajkot Division it is open to the individuals ncerned to represent the matter in the ordinary way.

POSTAL OFFICIALS OFFICIATING IN THE BOMBAY POSTAL CIRCLE.

730. ***Mr. S. G. Jog :** Will Government be pleased to state :

(*a*) the number of officials working in officiating capacity in the Bombay Circle in the time-scale, in the lower selection grade and in the higher selection grade, in the Postal Department ; and

(*b*) the number of officials officiating in clear vacancies in respective cadres who died without being confirmed in their posts between the 16th July, 1931, and the 1st of July, 1933 ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Government are not in possession of the information asked for and I regret that it cannot readily be collected.

I may, however, inform the Honourable Member that in view of the probable necessity for effecting economies in the cadres to which the Honourable Member refers, all appointments to posts in these cadres have been made in an officiating capacity since the 17th April, 1931.

PERMISSION TO POSTAL RESERVE CLERKS TO APPEAR FOR CONFIRMATION EXAMINATION.

731. ***Mr. S. G. Jog :** (*a*) Will Government be pleased to state whether under the old orders the reserve clerks in the Postal Department were not allowed to appear for confirmation examination unless they had put in one year of service ?

(*b*) Are Government aware that in cases where telegraph training intervened, it was omitted and the reserve clerk was allowed to appear only when he put in 21 months of service ?

(*c*) Is it a fact that under the orders of the Director General, Posts and Telegraphs, issued on the 12th September, 1932, a reserve clerk can appear even in the first month of his appointment ?

(*d*) Will Government be pleased to state whether these orders have been made applicable retrospectively to the existing incumbents who were not, under the previous orders, permitted to appear at the examination before the completion of one year of their service ?

(*e*) Will Government be pleased to state whether the Director General has received any representations from the officials concerned and the Service Association ?

(*f*) If so, what is the number of such representations and the date of receipt of the earliest application ?

(*g*) If these representations have been delayed for over six months, are Government prepared to cause the decision to be expedited ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) The facts are substantially as stated by the Honourable Member.

(*c*) Not as a general rule, but in certain special circumstances the Head of a Postal Circle is empowered to allow a probationary clerk to sit for the examination any time before the completion of 12 months.

(*d*) Yes.

(*e*) The reply is in the negative if, as I gather, the Honourable Member refers to representations against the change in the order in respect of the examination of officials before the expiry of 12 months from the date of their appointments.

(*f*) and (*g*). Do not arise in view of the reply to part (*e*).

ABSENCE OF A DIRECT TRAIN BETWEEN DELHI AND LUCKNOW.

732. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that there is no direct train between Delhi and Lucknow ?

(*b*) Are Government aware that a Passenger Train was in existence from Allahabad to Delhi *via* Lucknow and Moradabad in the régime of the old Oudh and Rohilkund Railway and that it did afford a very great convenience to the travelling public ? If so, what led to its being discontinued ?

(*c*) Is it a fact that the people of Oudh have been clamouring for a very long time for this convenience being given to them ?

(*d*) Is it also a fact that the East Indian Railway authorities have always considered this fact only from the commercial point of view and not the convenience of the travelling public ?

(*e*) Are Government aware that the Imperial City of Delhi is connected by direct trains with all the important cities of India except Lucknow, which is not only the seat of the United Provinces Government but also a most important town in Upper India ?

(*f*) Do Government propose to consider the desirability of drawing the attention of the East Indian Railway authorities to this inconvenience to the public with a view to introducing a direct train between Delhi and Lucknow, or if that is not possible by diverting one of the three Expresses (at present running between Moghulsarai and Delhi) *via* Lucknow and Moradabad to Delhi ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) It is understood that before the amalgamation of the Oudh and Rohilkund and East Indian Railways a passenger train did run between Allahabad and Delhi *via* Lucknow and Moradabad, but it was discontinued when it was found that the number of passengers for Delhi was inadequate.

(*c*) Representations have been made from time to time for a through service between Lucknow and Delhi, and in response to such representations upper and lower class through carriages have been run experimentally on trains between Lucknow and Delhi. In the case of lower class, the continuance of through carriage was found by censuses to be unjustified. The upper class carriage still continues to run.

(*d*) The commercial point of view does not exclude consideration of the convenience of the travelling public.

(*e*) If my Honourable friend will tell me what he considers to be the important cities of India. I shall be in a position to give him a reply.

(*f*) The East Indian Railway authorities will, I have no doubt, bear this suggestion in mind in case circumstances justify it, but diverting one of the three Expresses as suggested by the Honourable gentleman will only result in inconvenience to some other section of the travelling public.

NON-RESERVATION OF A COMPARTMENT FOR LADIES IN THE LIGHT TRAINS RUNNING BETWEEN BAREILLY JUNCTION AND PILIBHIT ON THE ROHILKUND AND KUMAON RAILWAY.

733. *Mr. M. Maswood Ahmad: (a) Are Government aware that there is no compartment reserved for the exclusive use of females in the Light trains running between Bareilly Junction and Pilibhit on the Rohilkund and Kumaon Railway?

(b) Are Government aware that it is laid down in section 64 of the Indian Railways Act, 1890, that "every Railway Administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train"?

(c) If the replies to parts (a) and (b) above be in the affirmative, what action do Government propose to take against the Railway Administration for this breach of the provisions of the Indian Railways Act?

(d) Do Government propose to bring this to the notice of the Agent, Rohilkund and Kumaon Railway, with a view to provide at least a very small compartment for females in these trains?

Mr. P. R. Rau: I understand from the Agent, Rohilkund and Kumaon Railway, that Light trains Nos. 15 Up and 16 Down running between Bareilly and Pilibhit were originally run experimentally, and accordingly structural alterations were not made to provide a fully partitioned compartment for females, but boards reserving compartments for females were affixed to the stock. He reports further that before notice of this question was received, orders had been issued by him to provide a fully partitioned compartment for females.

TRAINING IN COMMERCIAL ENGINEERING IN AMERICA.

734. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state whether they are aware that in America special training in Commercial Engineering is imparted?

(b) Will Government be pleased to state if there is any Commercial Engineer employed in any of the workshops of the Indian State Railways?

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

(b) Not that I am aware of. So far as I know, an Engineer who specializes on the sales side of an Engineering firm is termed a Commercial Engineer. Railway workshops do not produce any articles for sale.

Mr. M. Maswood Ahmad: May I take it that at present there is no such man in the workshop of any State Railway?

Mr. P. R. Rau: That is what I was endeavouring to convey.

COMMUNAL COMPOSITION OF GAZETTED STAFF ON THE MULTAN DIVISION OF THE NORTH WESTERN RAILWAY.

735. *Mr. M. Maswood Ahmad: (a) Is it a fact that the President, Muslim Railway Employees Association, addressed the Agent, North Western Railway, the Railway Board and the Railway Member on the subject of an enquiry into the state of affairs prevailing in the Multan Division of the North Western Railway?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether the communal representation in different Divisions of the North Western Railway, as far as gazetted officers' ranks are concerned, is in such a way that in some Divisions all the gazetted officers are non-Muslims?

(c) Will Government be pleased to state the communal composition of the gazetted officers' ranks of the Multan Division of the North Western Railway?

(d) Do Government propose to arrange the posting of gazetted officers in such a way that any one community may not preponderate, as far as practicable, on any one Division of a Railway?

Mr. P. R. Rau: (a) Government have not received any such representation.

(b), (c) and (d). Government have no information as to the present communal composition of gazetted officers in the Multan or any other Division of the North Western Railway which must vary from time to time, and cannot accept the proposition that the posting of gazetted officers should be fixed on a communal basis.

ABSENCE OF ELECTED MEMBERS IN THE NEW DELHI MUNICIPAL COMMITTEE.

736. *Mr. S. G. Jog: (a) Is it a fact that the municipal committee, New Delhi, has not got a single elected municipal commissioner?

(b) If the reply to part (a) be in the affirmative, why is the New Delhi public denied the right of representation in the municipal committee as any public elsewhere in British India?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer questions Nos. 736 and 738 together. New Delhi has a municipal committee, in which non-official members are included. For the reasons explained in the reply given to part (c) of Mr. Gaya Prasad Singh's starred question No. 67 on the 6th September, 1932, Government representatives are in a majority.

EDUCATIONAL QUALIFICATIONS OF NON-OFFICIAL NOMINATED MEMBERS OF THE NEW DELHI MUNICIPAL COMMITTEE.

737. *Mr. S. G. Jog: (a) Will Government please state the educational qualifications of the few non-official nominated members of the New Delhi municipal committee? Is it a fact that amongst those members there are some who are illiterate or very poorly educated?

(b) If so, how do they discharge their responsibilities as municipal commissioners?

(c) Are Government aware that the New Delhi public is represented by men more than 98 per cent. of whom are highly educated?

M. G. S. Bajpai: (a) I lay on the table a statement which gives the information asked for in the first part of the Honourable Member's question. The answer to the second part is in the negative.

(*b*) Does not arise.

(*c*) I regret that I have been unable to follow the Honourable Member's question.

Statement showing the educational qualifications of the non-official nominated members of the New Delhi Municipal Committee.

1. Mr. C. G. Blomfield, F.R.I.B.A., F.S.I., Architect.
2. Sardar Bahadur Sobha Singh—Read up to F. A.
3. L. Jagdish Pershad—Read up to Matric Standard.
4. Khan Sahib Akbar Ali—Possesses the ability of a Munshi Fazil.

EXTENSION OF THE PRIVILEGES OF THE LOCAL SELF-GOVERNMENT TO NEW DELHI PUBLIC.

†738. ***Mr. S. G. Jog** : (*a*) Why do Government not extend the proper privileges of the local self-government to the New Delhi public ?

(*b*) Do Government propose to arrange for the adequate representation of the public in the New Delhi municipal committee through proper elections ?

SHOPS ON BAIRD ROAD, NEW DELHI.

739. ***Mr. S. G. Jog** : (*a*) Is it a fact that the Delhi Government possess a number of shops on Baird Road, New Delhi, which are being managed through the New Delhi municipal committee and that practically all of them are lying vacant for the last year or so ?

(*b*) Are Government aware that all the shopkeepers who were doing business there for the last so many years have shifted to other private shops in the same locality ?

(*c*) Have Government enquired what led them to vacate the Government shops ?

(*d*) Is it a fact that they sent a number of representations to the municipal committee before vacating the shops ? If so, will Government please state what their grievances were and why no heed was paid to them ?

(*e*) Is it a fact that the municipal committee officials disconnected electric points in those shops ? Will Government please state why these points were disconnected ? Were these points in existence for the last several years and are all the shops separately metered ?

(*f*) If the facts mentioned in part (*e*) be true, taking into consideration the great financial loss to the municipal committee, are Government prepared to see that the grievances of the present occupants of Government shops are redressed and the rent of shops adequately reduced to attract new businessmen to occupy those shops ?

Mr. G. S. Bajpai : (*a*) In 1925 Government transferred ten shops on the Baird Road, New Delhi, to the New Delhi Municipal Committee, and since then, they are being managed by the Municipality. All the shops were occupied up to the 31st October, 1932.

†For answer to this question, see answer to question No. 735.

(*b*) and (*c*). As a result of the construction of some private shops on the Baird Road which provide better and cheaper accommodation, seven Municipal shops were vacated on or after the 31st October, 1932. Two of these seven shops have again been occupied and it is hoped before the winter season sets in all the shops will be rented.

(*d*) The shop-keepers made representations for reduction of rent on account of slump in the market. Previous to the 1st October, 1932, the rent of each shop used to be Rs. 68-8-0 per mensem less 20 per cent, if paid before the 10th of each month, but from that date it was reduced to Rs. 55 per mensem less 10 per cent. if paid by the fixed date. With effect from the 1st June, 1933, the rent of each shop was further reduced to Rs. 45 per mensem less 10 per cent. if paid by the fixed date.

(*e*) Each shop has a separate water and electric meter. The illegal and unauthorised extensions of electric points made by some of the shop-keepers were removed by the Electrical Engineer but there was no forcible disconnection.

(*f*) I would invite the Honourable Member's attention to the answer I have given to part (*d*) of this question.

PURCHASE OF PETROL BY THE NEW DELHI MUNICIPAL COMMITTEE.

740. ***Mr. S. G. Jog** : (*a*) Is it a fact that the New Delhi municipal committee purchases all its supply of petrol for Health Department lorries from a certain municipal commissioner ?

(*b*) Did they call for tenders before giving the contract to the municipal commissioner ? If not, why not ?

(*c*) Are Government aware that the supply of petrol can be had at cheaper rates from other petrol dealers ?

Mr. G. S. Bajpai : Enquiries have been made and the information will be furnished to the House in due course.

INEQUALITY IN THE DISTRIBUTION OF HIGHER POSTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

741. ***Mr. B. N. Misra** : (*a*) Is it a fact that in the Railway Clearing Accounts Office the staff transferred from the North Western Railway are having a lion's share in the upper grade posts at the cost of the staff transferred from other Railways, and, if so, will Government be pleased to state the reasons for the same ?

(*b*) Are Government aware that this inequality in the distribution of higher posts was clearly brought to the notice of the committee appointed by the Railway Board to fix the seniority of the staff of the Railway Clearing Accounts Office, and that committee recommended that in the case of future promotions, at least, special consideration should be given to the non-North Western Railway men, even if these men are not technically the seniormost ?

(*c*) Will Government be pleased to state whether any action has been taken on the above recommendation and if not, why not ?

(*d*) Will Government be pleased to lay on the table a comparative statement showing the position of all sub-heads and class I clerks transfer-

red from the railways as on 1st April, 1929, when the office was made permanent, and at present ?

(*e*) Are Government prepared to take any action that may be necessary to see that the above inequality is set right in future ?

Mr. P. R. Rau : I am making enquiries and shall lay a reply on the table in due course.

†742.*

TROUBLES IN MALDIV ISLANDS.

743. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to make a statement about the trouble in Maldiv ?

(*b*) Is it a fact that martial law has been proclaimed in the Maldiv Islands as the result of trouble between the Maldivian Government and the Borah trading community ?

(*c*) How many Indians have been deported by the Maldivian Government ?

(*d*) What steps have been taken by Government to help the Indians ?

Mr. G. S. Bajpai : Government have no information, but are making enquiries.

Mr. M. Maswood Ahmad : Have Government seen long articles in the papers about this matter ?

Mr. G. S. Bajpai : The position is that Government's attention has been drawn to these disturbances only from reports in newspapers. They have had no direct communication with the Maldivian Government which happens to be under the protection of the Government of Ceylon. The only thing we could do was to communicate with the Government of Ceylon and ask for a report which has not yet been received.

TICKET CHECKING SCHEMES ON THE NORTH WESTERN RAILWAY.

744. ***Shaikh Sadiq Hasan** : (*a*) Is it a fact that prior to the abolition of the Travelling Ticket Examiners cadre there were two classes of staff designated as Travelling Ticket Examiners and Special Ticket Examiner (Flying Squads) employed on the North Western Railway for checking tickets in trains and at stations ?

(*b*) If so, is it true that Travelling Ticket Examiners scheme was a permanent one, whereas Special Ticket Examiners scheme introduced in 1926 was a trial ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) No scheme of ticket checking can be considered permanent and not liable to change as circumstances necessitate. I am not sure when the Special Ticket Examiners scheme was introduced, but if my Honourable friend's information is correct it shows that having survived for seven years it has ceased to be an experiment.

†This question was disallowed by the Honourable the President under rule 7 of the Indian Legislative Rules.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

745. ***Shaikh Sadiq Hasan** : (*a*) Is it a fact that Travelling Ticket Examiners were formerly under Audit, but in 1928 were transferred to Traffic under Divisional Commercial Officers ?

(*b*) If so, is it a fact that the Administration placed both the Travelling Ticket Examiners and Special Ticket Examiners under the supervision of one Incharge, and consequently reverted all temporary Head Special Ticket Examiners, then designated as Inspectors, Flying Squads, in all the Divisions with the exception of Multan Division ?

(*c*) Is it a fact that in the Multan Division Sardar Bhagat Singh, a retired military pensioner and a permanent watch and ward Inspector on Rs. 140 p. m., was retained on Rs. 140 *plus* Rs. 110, whereas Messrs. Midford, Bhagat Ram, Z. A. Chistty, Ajwani and Handerson were reverted ? If so, why ?

(*d*) Will Government please state the reasons for the retention of two Head Special Ticket Examiners in the Multan Division ? Is it a fact that in that Division the number of Special Ticket Examiners is less than in Delhi, or Lahore, or Rawalpindi or Karachi, and that in the Delhi Division, the strength was 40 Special Ticket Examiners, and the Head Special Ticket Examiner, has been in the grade of Rs. 150—10—190 ?

Mr. P. R. Rau : (*a*) Presumably my Honourable friend is referring to the North Western Railway. If so, the statement is correct.

(*b*), (*c*) and (*d*). Government have no information. These matters are entirely within the competence of the Agent to whom a copy of these questions has been sent.

REDUCTION OF THE GRADE OF HEAD SPECIAL TICKET EXAMINER AT FEROZEPORE, NORTH WESTERN RAILWAY.

746. ***Shaikh Sadiq Hasan** : (*a*) Is it a fact that the post of Head Special Ticket Examiners, grade V, at Ferozepore, North Western Railway, was reduced to grade IV as an economical measure ?

(*b*) Is it a fact that grade V has again been sanctioned ? If so, why ?

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

EXTENSIONS GIVEN TO OFFICIALS WITH THIRTY YEARS' SERVICE IN THE PUNJAB POSTAL CIRCLE OFFICE.

747. ***Shaikh Sadiq Hasan** : (*a*) Is it a fact that selection grade as well as time-scale officials with thirty years' qualifying service have been ordered to be sent on pension under the retrenchment scheme ?

(*b*) Is it a fact that in the Punjab Postal Circle Office extensions of service are being granted to officials in selection grade, irrespective of these orders ?

(*c*) If so, what steps do Government propose to take to stop this procedure ?

The Honourable Sir Frank Noyce : (*a*) No such absolute order has been issued, but the retrenchment of officials of over thirty years service is permissible.

(*b*) and (*c*). Government have no precise information. The Honourable Member is, however, referred to the reply given to Mr. P. G. Reddi's starred question No. 767 in this House on the 26th September, 1932.

SELECTION OF SPECIAL CLASS APPRENTICES FOR THE SUPERIOR REVENUE ESTABLISHMENT OF STATE RAILWAYS.

748. ***Shaikh Sadiq Hasan** : (*a*) How many Muslims have been selected each year as Special Class apprentices by the Public Services Commission for the Superior Revenue Establishment of the Indian State Railways since the recruitment started in 1927 ? And what was the total number of admissions ?

(*b*) What is the total number of these apprentices under training in England and how many of them are Muslims ?

(*c*) What is the total number of the apprentices at present at Jamalpur, and how many of them are Muslims ?

(*d*) What is the total number of officers of the Superior Revenue Establishment of the Indian State Railways, in each of the transportation and power mechanical lines, and how many of them are Muslims ?

(*e*) What measures do Government propose to adopt to remove this old-standing grievance of the Muslim community regarding their paucity in the Superior Railway Services ?

Mr. P. R. Rau : (*a*) The total number of apprentices selected has been 60, of whom 33 are Hindus, 11 Muslims, nine Anglo-Indians, three Indian Christians and four belong to other communities.

(*b*) The first batch, consisting of one Hindu, one Muslim, one Anglo-Indian and one Indian Christian, has completed training in the United Kingdom and been appointed to the service. There are 17 apprentices under training at present ; of these, 10 are Hindus, four are Muslims, eight Indian Christians and one belongs to other communities. In addition, three have been granted scholarships as a special case. Of these two happen to be Hindus and one Muslim.

(*c*) The total number of apprentices at present at Jamalpur is 37, of whom 17 are Hindus, three Muslims, five Anglo-Indians and two belong to other communities.

(*d*) I would refer my Honourable friend to Appendix F of Volume I of Report by the Railway Board on Indian Railways for 1931-32.

(*e*) Government have in making selections followed the policy of reserving one-third of the vacancies for recruitment from among the minority communities.

TOTAL VALUE OF IMPORTS AND EXPORTS OF INDIA.

749. ***Lala Rameshwar Prasad Bagla** : (*a*) Will Government please state the total value of imports and exports of India for the year 1932-33 ? Will Government please exclude from the export figures the value of gold and silver exported during the period ?

(*b*) Are Government aware that there has been a continuous fall in the value of total exports and an increase in the total imports of India ?

(*c*) Will Government please state what action, if any, they have taken, or propose to take, in order to increase the exports and decrease the imports ?

(*d*) If Government have taken any action in this connection, will they please inform this House to what degree their efforts have been successful ?

The Honourable Sir Joseph Bhore : (*a*) The Honourable Member is referred to the Accounts relating to the Seaborne Trade and Navigation of British India for March, 1933, a copy of which is in the Library.

(*b*) No.

(*c*) and (*d*). The necessity for any specific action has not arisen.

SALE OF SILVER TO GREAT BRITAIN.

750. ***Lala Rameshwar Prasad Bagla** : (*a*) Are Government aware that there has been great resentment amongst the public in general and the commercial community in particular in regard to their attitude in the matter of recent sale of silver to Great Britain ?

(*b*) Is it a fact that America has accepted the payment from Great Britain of 10 million dollars in silver at 50 cents per ounce in respect of War Debt ?

(*c*) Is it a fact that Government sold silver to Great Britain at 32.5 cents per ounce when the market value of silver was 36.5 cents per ounce ?

(*d*) Do Government realise that they have put India to a heavy loss by the above transaction ?

(*e*) Are Government aware that Great Britain has gained 17.5 cents per ounce at the expense of India ?

(*f*) Will Government please state if they knew that the object of America in fixing the price of silver at 50 cents per ounce was simply to raise the price of silver ?

(*g*) Is it a fact that Government actually stood in the way of a rise in the price of silver ?

The Honourable Sir George Schuster : For general information on this question the attention of the Honourable Member is invited to the replies given to starred question No. 89 asked by Seth Haji Abdoola Haroon on the 28th of August and supplementary questions thereto.

I would supplement this with the following answers to specific parts of the question :

(*a*), (*c*), (*d*), (*e*) and (*g*). No.

(*b*) Yes.

(*f*) This is a matter of opinion.

INTRODUCTION OF INTERMEDIATE CLASS ACCOMMODATION ON THE SOUTH INDIAN RAILWAY.

751. *Mr. K. P. Thampan : (a) Will Government be pleased to state whether :

(i) the Mangalore and Palghat Municipalities urged on the South Indian Railway to introduce intermediate class accommodation on the broad gauge ;

(ii) the Local Advisory Committee also recommended and pressed for the same ;

(iii) they are aware that the public have been agitating for a number of years for its introduction ; and

(iv) the Railway has refused to comply with this popular demand ?

(b) Are Government prepared to direct the South Indian Railway authorities to introduce intermediate class accommodation on the broad gauge ?

Mr. P. R. Rau : I am making enquiries from the South Indian Railway Administration and shall lay a reply on the table in due course.

PROVISION OF FANS IN THIRD CLASS CARRIAGES ON RAILWAYS.

752. *Mr. K. P. Thampan : Will Government be pleased to state :

(a) if they have circularised all Railways on the question of providing fans in third class carriages ;

(b) what replies were received from the various Administrations ;

(c) what further action they propose to take in the matter ?

Mr. P. R. Rau : (a) No.

(b) Does not arise.

(c) None. The cost is prohibitive.

Mr. K. P. Thampan : Have they tried it in any of the Railways ?

Mr. P. R. Rau : No, Sir ; the cost is prohibitive.

INCREASE OF FREE LUGGAGE ALLOWANCE ON HILL SECTIONS.

753. *Mr. K. P. Thampan : (a) Will Government be pleased to state if it is a fact that :

(i) the free luggage allowance on hill sections (like the Nilgiris section) used to be half of that on the plains ;

(ii) although the free allowance of luggage has been recently raised on the plains, it has not been correspondingly raised on the hills ?

(b) Do Government propose to direct that the free allowance on hills be correspondingly raised ?

Mr. P. R. Rau : (a) The free luggage allowance on hill sections is not uniform. On the Nilgiris section it has not been changed recently ;

it has been 15 and 7½ seers for upper and lower classes, respectively, for some time. On the Kalka Simla section, I understand, the free allowance is the same as in the plains, and was raised in December, 1929, along with the free allowance in the plains.

(b) I am forwarding a copy of this question to the Agent of the South Indian Railway, for considering the suggestion made.

DISCHARGE OF MADRAS AND SOUTHERN MAHRATTA RAILWAY EMPLOYEES CONSIDERED MEDICALLY UNFIT FOR ONE CLASS OR GROUP.

754. *Mr. K. P. Thampan : (a) Will Government be pleased to state whether, with reference to the answer to my starred question No. 606 of 2nd March, 1933, they have since heard from the Agent of the Madras and Southern Mahratta Railway on the subject of the discharge of employees considered medically unfit for one class or group and whether they can make a statement regarding it now ?

(b) Are Government prepared to direct that employees should not be discharged in contravention of the Railway Board's orders on the subject ?

Mr. P. R. Rau : (a) Government obtained a report from the Agent of the Madras and Southern Mahratta Railway on the particular case referred to by the Honourable Member, and after examining all the circumstances saw no reason to interfere with the discretion of the Madras and Southern Mahratta Railway, which is a Company-managed Railway, in dealing with its own servants.

(b) As I have informed my Honourable friend in reply to his question No. 1222 of the 1st November, 1932, the principle of the recommendation of the Royal Commission on Labour was in conformity with orders already in force. Government have already instructed State-managed Railways and invited Company-managed Railways to continue to follow that principle. They do not consider any further action is necessary.

ARTICLE ENTITLED "MONSTROUS" IN THE *Indian Railway Magazine*.

755. *Mr. K. P. Thampan : (a) Has the attention of Government been drawn to the article entitled "Monstrous" at page 128 of the *Indian Railway Magazine* in its issue of May, 1933 ?

(b) Have Government taken any action against the Bengal and North Western Railway Administration under section 93 of the Railways Act ? If not, why not ?

Mr. P. R. Rau : (a) Yes.

(b) I have called for information from the Bengal and North Western Railway in regard to the allegations made in the article in question, and will lay a reply on the table in due course.

REDUCTION OF FREIGHT RATES ON INDIAN RAILWAYS.

756. *Mr. K. P. Thampan : (a) Has the attention of Government been drawn to the article entitled 'Killing freight charges' at page 131 of the *Indian Railway Magazine* in its issue for May, 1933 ?

(b) Are Government prepared to consider the question of a general reduction of freight rates through the Railway Rates Advisory Committee ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Railway Administrations have been examining individually local rates with the object of improving their earnings, and have in many cases quoted reduced rates where it appeared likely to result in improved traffic. Government consider that, in view of the present financial position of Railways, this is a particularly inopportune moment for embarking on a general revision.

POST OF PERSONNEL OFFICER ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

757. ***Mr. K. P. Thampan :** (*a*) Will Government be pleased to state whether, with reference to the answer to my starred question No. 607 of 2nd March, 1933, it is proposed to continue or abolish the post of Personnel Officer on the Madras and Southern Mahratta Railway ?

(*b*) Will Government be pleased to state if there has been a single case during the last three years where the Personnel Officer has interfered with the decision of the Chief Transportation Superintendent ?

Mr. P. R. Rau : (*a*) The post is still on a temporary basis, and its duration has since been extended till the 31st March, 1934. If it is decided to continue it thereafter, and to make it permanent, the matter will be placed before the Standing Finance Committee for Railways.

(*b*) Government have no information.

DISCHARGE OF MR. G. KRISHNAMURTHI, GENERAL SECRETARY OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY EMPLOYEES' UNION.

758. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(*a*) If it is a fact that Mr. G. Krishnamurthi, the General Secretary of the Madras and Southern Mahratta Railway Employees' Union was discharged by that Railway Administration on the sole ground that no employee should be the Secretary of the Union ;

(*b*) whether they approve of the principle involved in part (*a*) above ? If not, whether they are prepared to direct the Madras and Southern Mahratta Railway authorities to reinstate Mr. G. Krishnamurthi ?

The Honourable Sir Joseph Bhore : The matter is under examination and I am unable to say anything at present.

DISCHARGE OF EMPLOYEES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

759. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(*a*) how many employees of the Madras and Southern Mahratta Railway were discharged on grounds other than retrenchment in the years 1931 and 1932 ;

(*b*) how many of them had put in service of more than 10 years ;

(*c*) how many appeals addressed to the Agent against orders of discharge were received in 1931 and 1932 and in how many cases were the appeals successful ;

(*d*) whether they are aware that there is a considerable volume of feeling that there is no security of service on the Madras and Southern Mahratta Railway ?

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

PLAYING CARDS IMPORTED INTO BRITISH INDIA FROM JAPAN.

760. ***Mr. Jagan Nath Aggarwal :** (*a*) Are Government aware that the value of playing cards imported into British India from Japan during the last three years has been as under :

	Rs.
1930-31	20,025
1931-32	28,219
1932-33	2,53,413
April to June, 1933	90,268

showing that the import for the present year, if continued at the present rate, will be somewhere in the neighbourhood of Rs. 4,00,000 ?

(*b*) Have Government looked into the question how it is possible for Japan to under-sell in this line in the Indian market ?

(*c*) Do Government propose to take any steps under the Safeguarding of Industries Act to avert this danger ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) and (*c*). Government have received representations from certain playing card manufacturers in India ascribing the low price of Japanese playing cards imported into India to the depreciation of the Yen and asking *inter alia* for protection under the Safeguarding of Industries Act, 1933. These representations are now receiving consideration.

Mr. Lalchand Navalrai : May I know if this question will also be discussed by the forthcoming Conference with the Japanese delegation ?

The Honourable Sir Joseph Bhore : Sir, all relevant matters will certainly be considered at the Conference, and certainly the case of all industries which have asked Government to take action will be borne in mind during the course of those negotiations.

INCREASE IN THE IMPORT OF FRUITS AND VEGETABLES FROM FOREIGN COUNTRIES.

761. ***Mr. Jagan Nath Aggarwal :** (*a*) Are Government aware that the import of fruit and vegetables from foreign countries has increased very considerably of late ?

(*b*) Are Government aware that the imports of fruits and vegetables from Japan have grown as under ?

Fruits and vegetables from Japan.

	Rs.
1928-29	22,632
1929-30	30,129
1930-31	40,225
1931-32	51,034

(*c*) Are Government aware that imports from the United States of America during the same period have increased as follows ?

Fruits and vegetables from the U. S. A.

	Rs.
1928-29	8,793
1929-30	56,202
1930-31	2,75,097
1931-32	4,95,010

(*d*) Are Government aware that this import of fruits and vegetables has seriously crippled the fruit industry in this country in general and Kulu fruit industry in particular ?

(*e*) Are Government aware that, before Kulu fruit can reach rail-head, it has to traverse a long distance by road and has to pay tolls to the Mandi State and then postal charges for reaching ports and other stations ?

(*f*) Do Government propose to take steps to prevent the ruin of the Indian industry ?

(*g*) Are Government aware that postal charges form a considerable part of the price of fruit parcels sent outside Kulu and the recent increase in postal rates has hit the industry hard ?

(*h*) Do Government propose to keep the protection of this industry in view when the question of a trade agreement with Japan is being examined at the forthcoming conference ?

Mr. G. S. Bajpai : (*a*) No. On the other hand, the total value of fruits and vegetables imported into India decreased from Rs. 183 lakhs in 1929-30 to Rs. 134 lakhs in 1931-32.

(*b*) Yes.

(*c*) The figures quoted by the Honourable Member relate to fresh fruits and vegetables only.

(*d*), (*f*) and (*h*). Government have no figures showing the amount of fruit produced in India and are, therefore, unable to say how the local fruit industry has been affected by the increased imports from Japan and the United States of America. Imports from Japan and the United States of America already pay an *ad valorem* duty of 30 per cent.

A representation has been received recently from the Punjab Chamber of Commerce for protection to the fruit industry under the Safeguarding of Industries Act, 1933, and is being considered.

(*e*) Yes.

(*g*) Parcel postage rates were increased in 1931, but the charge for a parcel weighing six seers or more remained unaltered. The fruit industry in Kulu could, therefore, hardly be said to have been hit hard by the revised schedule.

Mr. E. Studd : Is it not a fact, Sir, that the majority of this foreign fruit reaches the ports of India at a time when fruit from Kulu is not available in those places ?

Mr. G. S. Bajpai : I do not think that that is true of all imports of fruit. It certainly is true of fruit which comes from Australia and South Africa which, being on the other side of the equator, have a different season for particular varieties of fruit.

Mr. Jagan Nath Aggarwal : Is it not a fact, Sir, that the foreign fruit is competing with Kulu fruit which has lost ground in the ports of India ?

Mr. G. S. Bajpai : I would remind my Honourable friend of what I said in my reply that Government have no figures showing the amount of fruit produced in India, and are, therefore, unable to say how the local fruit industry has been affected by these imports.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to obtain these figures ?

Mr. G. S. Bajpai : So far as I know, these figures do not exist.

Mr. Jagan Nath Aggarwal : May I inform the Honourable Member that, as a result of the large increase in the import of foreign fruit and also on account of the increase in postal rates, the Kulu fruit industry has been practically killed ?

Mr. G. S. Bajpai : May I also remind the Honourable Member that I stated in my reply that a representation has been received from the Punjab Chamber of Commerce on the subject, and it is being considered ?

Mr. Vidya Sagar Pandya : Are Government aware that as a result of the large import of foreign preserved fruit, the Government Jam Factory at Coonnoor had to be closed down ?

Mr. G. S. Bajpai : I am afraid, Sir, I have no information about the Coonnoor Jam Factory. It is not a Government of India concern.

MOTION FOR ADJOURNMENT.

FORFEITURE BY GOVERNMENT OF THE *Free Press Journal* DEPOSIT.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. I have received a notice from Rao Bahadur B. L. Patil that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

" The forfeiture under the Press Act of Rs. 10,000 out of a deposit of Rs. 20,000 deposited with the Chief Presidency Magistrate, Bombay, by the *Free Press Journal* as security by the Government of Bombay on the ground of publication of two articles :

1. " Freedom for Asia—cure for the world's ills ", dated 9th July, 1933 ; and
2. " From the Watch Tower ", dated 5th August, 1933 ".

Before I inquire whether any Honourable Member has any objection to the making of this motion, I must know from the Honourable the Mover under what law this forfeiture has been made.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, my information is that the action taken by the Government of Bombay is under the Press Act, being Act No. XXIII of 1931, as amended by another Act of 1932.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Act, XXIII of 1931, contain any provision enabling the aggrieved party

[Mr. President.]

to refer to the High Court, and has the High Court power to redress the grievance after making an enquiry?

Rao Bahadur B. L. Patil : I have got the Act in my hand. I feel that section 23 of that Act.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The attention of the Chair has been drawn to section 23 of the Act referred to by the Honourable the Mover under which this forfeiture has been made by the Bombay Government. According to section 23, the aggrieved party—

"may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 4, sub-section (*1*)."

That clearly provides for a sort of appeal to the High Court, and has the Honourable Member anything to say against the contention that in the light of section 23 this matter is to be considered as *sub judice* ?

Rao Bahadur B. L. Patil : Section 23 gives a right to the person affected, but here the object of my motion is to discuss the policy of the Government. I contend that the action taken by the Bombay Government involves a policy. That policy is the action of the exeeutive in preference to judicial process. In my opinion, Government can proceed under the ordinary law of the country, namely, the Indian Penal Code. This plenipotentiary power to the executive was invested by this Legislature expressly on one ground, and that was the prevalence of the Civil Disobedience Movement in this country last year. Even at the time when the Press (Emergency Powers) Act was passed, we were assured that Government would not make it a cloak to suppress the liberties of the Press, but would only use it wherever it was necessary to do so. Soon after, the Ordinances followed, and Ordinance No. X of 1932 gave immense powers to the executive, and after that, immediately followed the Criminal Law Amendment Act which contains the very stringent provisions of the Ordinances. Now, as the Civil Disobedience Movement has, even according to the opinion of Government themselves, died away, I submit that the necessity has passed away, and, therefore, it is necessary for this House to consider whether Government are justified in pursuing the same policy, which I may call the repressive policy, of curtailing the liberties of the Press. Freedom of the Press is freedom of the people.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair understands that the Honourable Member wants to discuss not the individual case of the forfeiture referred to in his notice, but the policy of the Government involved in that forfeiture. So far as the individual case is concerned, in the light of section 23 of Act XXIII of 1931, since the matter is appealable, it must be considered as *sub judice* and, as such, cannot be discussed in this House.

With regard to the request of the Honourable Member to discuss the policy of the Government, I am afraid the Chair cannot allow an adjournment motion on that point. The Bombay Government was administering an ordinary law of the land, and the policy of the Local Government or the Central Government, in administering a law of the land, is not a matter of urgency within the meaning of the rules, and as such, the motion is not in order.

THE MURSHIDABAD ESTATE ADMINISTRATION BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. B. J. Glancy (Political Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1625, asked by Pandit Ram Krishan Jha, on the 12th December, 1932.

COST INCURRED BY GOVERNMENT ON THE HAULAGE, TRAVELLING AND OTHER ALLOWANCES FOR THE NOMINATED MEMBERS OF THE LEGISLATIVE ASSEMBLY.

Statement.

*1625.

Year.	Delhi Session.	Simla Session.	June Session.	November Session.
	Rs. A.	Rs. A.	Rs. A.	Rs. A.
1921	42,173 8	28,056 7	..	..
1922	54,865 2	24,521 8	..	..
1923	48,051 11	24,917 1	..	..
1924	45,316 10	23,684 2	16,976 13	..
1925	52,407 1	27,153 2	..	..
1926	50,708 10	19,335 14	..	..
1927	49,703 3	24,483 4	..	..
1928	41,767 15	19,478 10	..	..
1929	48,324 5	19,224 7	..	..
1930	45,396 13	16,043 13	..	..
1931	47,100 6	25,160 6	..	20,418 5
1932	51,602 12	24,522 10	..	33,062 9

Figures collected from the travelling allowance bills as far as available.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 925 asked by Mr. M. Maswood Ahmad on the 27th March, 1933 ; and

(*ii*) the information promised in reply to a supplementary question to short notice question asked by Mr. M. Maswood Ahmad on the 22nd August, 1933.

ALLEGATIONS IN REGARD TO PUNISHMENTS, ETC., METED OUT TO POLITICAL PRISONERS IN THE HARIPUR CENTRAL JAIL.

*925. (*a*) Yes.

(*b*) and (*c*). The Honourable Member is referred to the discussion which took place in the North West Frontier Province Legislative Council on March 20, 1933, on the "Grant for Jails and Convict Settlements" and also to the Report of the District Magistrate published in a Gazette Extraordinary issued by the Government of the North West Frontier Province on March 13, 1933.

MR. GANDHI'S FAST.

A copy of the Press communiqué issued by the Government of India on the 18th August, 1933, is laid on the table.

Communiqué, dated the 18th August, 1933.

After his arrest on the 1st August, at Ahmedabad Mr. Gandhi addressed a letter to the Superintendent of the Ahmedabad Central Prison in which he made the following request : "You might know that before my discharge, owing to my fast, from the Yervada Central Prison in May last, I was permitted to do Harijan work and thereanent to see freely visitors and equally freely to receive and send letters, to have a typist and to receive newspapers, magazines and other literature. I hope that I would be given the same facilities now. I may state that a weekly newspaper called "Harijan" is issued at Poona and it is necessary for me to send matter for the paper and otherwise instruct the Editor." On the 4th August, after his re-arrest at Poona consequent upon his refusal to obey the order served upon him, Mr. Gandhi repeated this request, remarking that Harijan work could not be interrupted except at the peril of his life, and asked for a reply by Monday the 7th August. He was informed that the matter was under consideration, but that it was impossible for a decision to be reached by the date specified. Subsequently, on the 8th and 10th August, he addressed reminders to Government.

On the 14th August, Mr. Gandhi forwarded the following letter to the Government of Bombay, "It is now noon of Monday and I am yet without an answer to my request for resumption of Harijan work on the same terms as before my fast. This request was first conveyed on the 1st instant from the Central Prison, Ahmedabad, and has since been thrice repeated. The strain of deprivation of this work is becoming unbearable. If therefore I cannot have permission by noon next Wednesday I must deny myself all nourishment from that time, save water and salt. That is the only way I can fulfil my vow and also relieve myself somewhat of the strain mentioned above. I do not want the suspension of nourishment in any way to act as pressure on Government. Life ceases to interest me if I may not do Harijan service without let or hindrance. As I have made it clear in my previous correspondence, and as the Government of India has admitted, permission to render that service is implied in the Yervada Pact to which the British Government is a consenting party in so far as its consent was necessary. Therefore I do indeed want the permission, but only if Government believe that justice demands it, and not because I propose to deprive myself of food, if it is not granted. That deprivation is intended purely for my consolation."

On the 16th August Mr. Gandhi was informed that it had been decided that he would be granted the following special facilities for purposes of work strictly confined to anti-untouchability. (1) To receive newspapers and periodicals, but not to be

allowed interviews for publication in the press whether with press correspondents or others ; (2) to see not more than two visitors a day ; (3) to send instructions or contributions to the Editor of the "Harijan" three times a week, and a limited number of letters to other correspondents, and (4) to have at his disposal a convict typist and books, newspapers, etc., needed for Harijan work.

On this decision being communicated to him, Mr. Gandhi at first indicated that he would not fast. Later, however, he addressed the following letter to the Bombay Government. "I see that I have hastily and stupidly told you to restore goats to me. It shows how disinclined I am to starve. But on reading the notes of the orders you have left with me they are so far short of the original orders of the Government of India and of my requirements that I must not be precipitate in breaking my fast. If the Government wish to go back upon those orders I shall be sorry, but I may not work under the new orders, which are a manifest departure from the original and which seem to me to be grudgingly given. I observe that you cannot even let me have letters already in your possession and to hand manuscript to the acting Editor for this week's 'Harijan'. It pains me to have to write this letter, but it will give me much greater pain if I break the fast now and have to enter upon prolonged controversy with Government on many matters that need elucidation. I miss Government's response to meticulous care with which I am endeavouring to observe jail discipline and as prisoner tender co-operation which as a citizen outside prison walls I consider it a religious duty to withhold. I have read your notes three times and each reading has increased my grief to discover that Government cannot appreciate the desperate need there is for me to do Harijan work without let or hindrance. Much therefore as I am disinclined to continue the fast I feel I must go through the agony if I cannot serve the Harijan cause without the tremendous handicap which it seems to me the orders conveyed by you put upon it. Will you therefore please withdraw milk and fruit already received by me and accept my apology for having hurriedly told you that I would break the fast."

It has been explained to Mr. Gandhi that the orders permitted him to interview the Editor of the 'Harijan' as one of his daily visitors and to hand him his manuscript, and that letters so far as they dealt with Harijan matters would be delivered to Mr. Gandhi.

Government are not aware what Mr. Gandhi means by saying that they have admitted that permission to do Harijan work in prison is implied in the Yeravda Pact, though it is true that in the exceptional circumstances prevailing immediately after that Pact the Government did permit Mr. Gandhi as a State prisoner to inaugurate the movement to which he appeared to be devoting his whole attention. Protests were made at the time on behalf of the orthodox Hindu community, who did not agree with Mr. Gandhi's policy in this matter, against his being allowed facilities to conduct a public campaign from jail, and it might well be argued that Mr. Gandhi, having now after a period of freedom, courted imprisonment again on a purely political issue, should not be allowed any special treatment that is not given to other A class prisoners. Nevertheless the Government have been reluctant to take action which could be regarded as unreasonable interference with a work of social reform or to take their stand too rigidly on the fact that Mr. Gandhi is by his own deliberate act a prisoner convicted for a breach of the law. In spite of the inconvenience to jail discipline and the anomaly of the position they have allowed Mr. Gandhi facilities for pursuing his work on anti-untouchability which enable him to make an important and effective contribution towards it. It was noticeable that when Mr. Gandhi was at liberty he did not appear to devote the major part of his time or attention to this movement. His main energies were employed on politics and on the continuance in whatever form might be possible of the movement of civil disobedience. His present claim that he should be allowed from prison to carry on his Harijan work "without let or hindrance" amounts to a refusal to accept for himself the normal concomitants of imprisonment, except restriction on his actual physical liberty, and in effect is a claim to dictate the terms of his imprisonment.

The Government are satisfied that the facilities they have allowed are ample to enable Mr. Gandhi to conduct such work in favour of the removal of untouchability as is in the circumstances reasonable. If Mr. Gandhi now feels however that life ceases to interest him if he may not do Harijan service without let or hindrance, the Government are prepared, provided Mr. Gandhi is willing to abandon all civil disobedience activities and incitements, to set him at liberty at once so that he can devote himself wholly and without restriction to the cause of social reform. Mr. Gandhi has been informed accordingly.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

(*i*) the information promised in reply to parts (*c*) and (*d*) of starred question No. 1414 asked by Mr. J. Ramsay Scott on the 23rd November, 1932 ; and

(*ii*) the information promised in reply to unstarred question No. 90 asked by Mr. N. M. Joshi on the 13th March, 1933.

PREFERENCE TO GOODS MANUFACTURED IN INDIA.

*1414. Orders for the woollen goods referred to in my reply to part (*a*) of the question were placed through the India Store Department, London, owing almost entirely to the fact that goods of the requisite quality were not manufactured in India.

NUMBER OF OVERSEERS AND POSTMEN, ETC., IN EACH POSTAL CIRCLE.

90. (*a*) The information is furnished below :

1	2	3	4	5
Category.	Number on the 31st January 1931.	Number on the 31st January 1933.	Number abolished from 1st February 1931 to 31st January 1933.	Number converted from 1st February 1931 to 31st January 1933.
(*i*) Departmental Branch post offices	1,346	746	9	591
(*ii*) Mail Overseers	884	785	99	..
(*iii*) Overseer Postmen ..	183	150	15	18
(*iv*) Head Postmen	400	336	31	33
(*v*) Reader and Sorting Postmen	377	352	22	3

(*b*) Yes.

(*c*) Yes, in the majority of cases.

(*d*) As regards the first part, the reasons generally were the re-adjustments of staff necessitated by (*a*) the heavy fall in traffic ; (*b*) diversion of mail lines : (*c*) replacement of runners' lines by tonga and motor services ; (*d*) extension of the system of treasury contracts.

In regard to the second part, duties previously discharged by certain classes of official may in consequence of the changes now be discharged by officials of lower status. There is no rule against this.

(*e*) (*i*) It is not a fact that prior to 1931 the posts referred to by the Honourable Member were reserved solely for the promotion of postmen as certain classes of inferior servants in other branches of the Department were eligible for them.

As regards the appointment of outside candidates to the lower division cadre, the position is that owing to the Government's decision to convert 33 per cent. of the posts in the entire clerical cadre into posts in the lower division, it has been decided that

when an adequate number of qualified men of the postmen class is not available to fill all vacancies in the lower division clerical cadre, which since 1931 included also the posts named by the Honourable Member, direct recruitment should be resorted to, subject to the proviso that, for the present, vacancies in that cadre should be offered alternately to qualified men of the postmen class and to approved candidates for appointment to the upper division who have a claim on the Department. I may, however, inform the Honourable Member that the posts named in items (2) to (6) of his question have now been excluded from the lower division cadre and the position of postmen in respect of promotion to those posts is again the same as it was prior to 1931.

(*ii*) Does not arise in view of the reply to part (*i*) above.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir I lay on the table the information promised in reply to starred question No. 1129 asked by Mr. S. G. Jog on the 5th April, 1933.

AREA OF LAND IN NEW DELHI RESERVED FOR ALLOTMENT TO DIWANS AND RAISES.

*1129. (*a*) Yes. The area is 1.2 per cent. of the total area.

(*b*) Recommendations are made by the Chief Commissioner from amongst applicants whose names are listed to the Government of India in the Department of Education, Health and Lands, and the final selection is made by His Excellency the Viceroy.

(*c*) No.

(*d*) Thirty-one plots have been allotted and the allotment of one is under consideration. No other plots are available at present within the area in question.

(*e*) Twenty. Some of the applicants have been on the waiting list for 10 years.

(*f*) The 31 allotments made up to date are as follows :

The Punjab	19
Delhi	3
The United Provinces	3
Bihar and Orissa	2
Bengal	1
N. W. F. Province	1
Kashmir	1
Kathiawar	1

(*g*) This is not considered necessary.

(*h*) This is the policy which Government are already following.

Mr. B. J. Glancy (Political Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 55 asked by Mr. Lalchand Navalrai on the 24th August, 1933.

QUETTA CLUB.

*55. (*a*) It is presumed that the question refers to the Club in Quetta known as the Quetta Club, Limited.

(*b*) The information which the Honourable Member requires may be obtained from the Articles of Association of the Club which are deposited with the Registrar of Joint Stock Companies in Baluchistan and may be inspected by any member of the public on payment of the prescribed fee.

(*c*) No. As regards the second query the Honourable Member's attention is invited to the reply to part (*b*) of the question.

(*d*), (*e*) and (*f*). Government have no information.

(*g*) Under Section 54 (1) of the Income-tax Act, 1922, no such information as is here sought can be furnished.

(*h*) The Company enjoys no exemption in respect of license and excise taxes and pays such rents and taxes as are recoverable by law.

(*i*) Does not arise.

(*j*) Government see no reason to stop the business and trade of the Club. As to information regarding income-tax and other rates and taxes attention is invited to the replies already given to parts (*g*) and (*h*) of the question.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : When I made a statement regarding the probable course of public business during this week, I said that we might have to ask you to direct that the House should sit on Saturday for the transaction of public business. It is not possible for us, without knowing what progress is made tomorrow with official business, to say what course we shall adopt. If progress is slow tomorrow, I am afraid we shall have to ask you to direct that there shall be a sitting of the House on Saturday.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair takes it that the Leader of the House wants to make a request that the Chair should direct that the House should sit on Saturday in case the progress made with the course of official business tomorrow is not satisfactory.

The Honourable Sir Joseph Bhore : That is so.

Mr. President (The Honourable Sir Shanmukham Chetty) : Probably it will suit the convenience of the House if the Chair takes a decision on this point tomorrow, because we can decide after seeing what progress we have made. But even if the request is made tomorrow by the Leader of the House that the House should sit on Saturday, the Chair proposes to direct that the House should sit only in the forenoon and not in the afternoon.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : May I inform the Chair that there is a meeting of Standing Committee on that day at 10-30 in the morning ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has said that in case it directs that the House should sit on Saturday, it should sit only in the forenoon and not in the afternoon. Suitable arrangements will be made for the convening of the Standing Committee in the afternoon and not in the forenoon.

RESOLUTION *RE* PROPRIETARY RIGHTS OF CITIZENS IN THE LAND.

Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, I beg to move the following Resolution :

"That this Assembly recommends to the Governor General in Council to take steps to get incorporated in the new Constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without the payment of adequate compensation."

From time immemorial the landholders in India have got proprietary rights over the land and, even in Her Majesty the late Queen Victoria's Proclamation, an assurance was given.....

Mr. R. S. Sarma (Nominated Non-Official) : On a point of order. The only authority who can incorporate any provision like that at this moment is the Joint Parliamentary Committee and the time for sending a recommendation or memorandum asking for anything is already over. Therefore, Sir, what good will it do to have a discussion of this subject in this House ?

Rai Bahadur Lala Brij Kishore : ....that no changes would be ever effected in the British Indian administration which will affect the immemorial customs and rights and liberties of the people of this country. Sir, even in recent times the Simon Commission Report admitted that the great landlords in India form a nobility which claim and exercise the privilege of high rank. The advent of British rule has confirmed the status of the landlords ; and their influence in their old neighbourhood remains predominant. It was also admitted by the Simon Commission that the large landholders in different parts of British India were men who had considerable vested interests in the country and that they exercised great influence over the tenants and that they have been enjoying their rights from time immemorial.

The joint authors of the Montagu-Chelmsford Report have also recognised the landed aristocracy in India as the natural and acknowledged leaders in the country and, that they represent ancient and well-born families and that their states are often the result of conquests or grants from some mediæval monarch.

The successful termination of the last world war, which threatened the future of the whole of the civilised world, was due in no small measure to the active co-operation of the landholders of India. I confidently say, at least about my province, that the Talukdars of Oudh, a community to which I have the honour to belong, were greatly animated by a spirit of ardent co-operation, and came forward with all the means in their power during that trying period. It would not be too much for me to say that they had a considerable share in the great victory of the memorable year 1918.

A variety of circumstances, however, have thrown the country into a veritable political melting pot. Revolutionary changes in the Constitution and the Government of the country are in the air. Under the existing circumstances, it is both their a right and duty that their undeniable position, sanctified by a series of promises, shall be secured to them by statutory provisions on the occasion of the transfer of responsibilities from the British Parliament to the Indian people. One obvious guarantee to which the landholders are entitled is the recognition, by a statutory provision, of their rights and title to their estates. This is all the more necessary in view of the apprehensions caused by the attempt to spread the Bolshevic doctrine of confiscation of private property. The bulk of Indian masses are ignorant, and illiterate as they are, they are easily led away by the spirit of Bolshevic teachings. Under these circumstances, the need for the protection of our rights and private property can not be too greatly emphasised. Moreover, since the last decade or so, a suspicion is brewing in the minds of the landholders that, as they are not

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being given due representation in the future legislatures of the country, the time may not be far distant when their proprietary rights may be denied to them, in the absence of any definite enactment in the future Act of Constitution which is being forged by the Joint Parliamentary Committee and, if the landholders have got this suspicion, they cannot be blamed. It is the march of the events which is forcing them to this unfortunate conclusion. A number of times the landholders have waited on deputation and submitted their representation for the protection of their rights, and as early the 9th March, 1933, my Honourable friend, Mr. Anklesaria, raised in this House a debate on the question of safeguarding the interests of the land owning classes in India. At that time, the then Leader of the House assured us that some thing would be done to safeguard our interests and asked us to wait till the White Paper was out. Now, the White Paper is out. The only reference made in that important document on this subject is in paragraph 75, page 29, where it says that regarding rights of the property some reference should be made in the Constitution. We are disappointed to find that it makes no special reference to the rights and privileges of the landholders as such. The contemplated Government of India Act, without a special mention of a statutory provision safeguarding our interests, will not meet the present Indian conditions and environments. Any scheme of constitution that fails to provide specifically for our rights and privileges is not likely to bring an era of peace and prosperity. Any attempt to ignore this natural and reasonable demand of the landholders will amount to ignoring the natural and acknowledged leaders of agriculturists who form the bulk of the population of the country. Much nervousness is felt by the landholders that their rights of permanent settlement may not be taken away from the parts where they exist.

It is well-known that, in the future Constitution, land revenue is not going to be a reserved subject, but will be a transferred one, and so we can easily realise what will be our position in the future Constitution unless there is a sufficient safeguard about it by statutory enactment. When it is pressed that due provision should be made of the Minority Pact in the future Constitution which is also very necessary, I do not see any reason why our position also should not be adequately safeguarded.

Before I conclude, Sir, I would bring to the notice of this House that no one at least in this House will subscribe to the doctrine of confiscation of property and of nationalisation of land as is being done in modern Russia. Sir, nationalisation presupposes expropriation. Such expropriation can only be effected in two ways, one without indemnifying the owners and the other by indemnifying the proprietors of the lands. I will not be wrong if I quote, at this stage, the authority of the French Professor Leon Walras, who urged that the State could not in justice confiscate real property since this had been constituted and sanctioned under the guarantee of the law. The State has, however, the right recognised under the Legal Codes of every country to apply expropriation for reasons of public utility on payment of a fair compensation. Sir, what this learned jurist and professor laid down about real property is what my Resolution demands. Sir, the main principle underlying my Resolution is that proprietary rights on land should not be withdrawn ; but if

the exigencies of the State demand it, that should be done by the payment of an adequate compensation. My Resolution only demands that this principle be given the constitutional sanction by its being embodied in the future Act of the Constitution.

I may also mention that this is not a new Resolution, but that it was passed at the Joint Conference of the United Provinces Landholders Association, and the Association of the Talukdars, in July, 1931, at Lucknow, a copy of which was forwarded to the Government and also in the All-India Landholders Conference held at the Durbhanga Palace at New Delhi this very year.

In conclusion, I appeal to the Government most sincerely that if they want to avoid revolution and spirit of Bolshevism in the country, they should support the landlords, they should safeguard their interests in the future Constitution. Equity and justice also demand that no one's property should be taken away even by the State without giving adequate compensation. With these words, I commend this Resolution for the acceptance of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That this Assembly recommends to the Governor General in Council to take steps to get incorporated in the new Constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever with the payment of adequate compensation."

Mr. D. K. Lahiri Chaudhry (Bengal : Landholders) : Sir, I do not want to move the amendment that stands in my name but I rise to support the Resolution of my Honourable friend, Rai Bahadur Lala Brij Kishore. I find it difficult to move my amendment as it infringes the rights of the Land Acquisition Act. It is a fact, Sir, that the Government of India can do nothing at the present time except to send a copy of the debate on this Resolution to the Home Government, and I would earnestly request the Government Member-in-charge of this Resolution to do so. On the 9th of March last, when a motion on a similar matter was brought before the House, the Honourable Mr. Bajpai and the then Law Member, Sir Brojendra Mitter, explained the position of Government quite clearly. Mr. Bajpai was good enough to use the following words at the end of his speech which I will quote :

"I say that the future of the landlords lies not in any written word,—not in the letter that killeth—in any constitution, but in the spirit in which they identify themselves with the interests of the great bulk of the peasantry and utilise the position that they have inherited, their race, their birth, their traditional influence, to advance the interests of that peasantry and treat those interests as their own."

I very much appreciate those remarks and I hope that the landlords have not betrayed their trust. But what I do wish to emphasise is that the rights of the landlords should not only be contained in any Royal Proclamation, but that they should be definitely and clearly incorporated in the Constitution itself. We find from the White Paper that His Majesty's Government considered the question of the proprietary rights and they were satisfied that certain provisions should be inserted in the Constitution. We would very much like that our rights—nay the rights of any citizen—should be defined clearly and candidly in the Constitution itself and not confined only to the Proclamations. I have got a very strong support in my favour in the person of Sir James Fitz James Stephen, the famous ex-Law Member of the

[Mr. D. K. Lahiri Chaudhry.]

Government of India. At the time of the Ilbert Bill agitation, in the early eighties of the last century, this is what he said :

"The rights, said to have been reserved for the Indian subjects of the Crown in the memorable Royal Proclamation of Queen Victoria, had no legal validity whatsoever inasmuch as the said Proclamation, not being a Statute of Parliament, was not and could not be at all binding upon a British Sovereign's Government....."

This is a thing to be considered. The House is aware of the fact that even last evening, when a point of order was raised, it was defended that the section just came under the Indian Penal Code, and, you, Sir, ruled that, as that section did not come under the Government of India Act, it should not be valid on the part of this Legislature to take action on that section and you, Sir, suspended your ruling on that issue. The point is that if a thing, which is not mentioned in the Constitution itself, should not be binding on the Legislature. Therefore, at this stage my recommendation is that the proprietary rights should be clearly and candidly mentioned in the Constitution itself and not be left to the Royal Proclamations.

Now, Sir, I come to develop the point with regard to the permanent settlement. In this connection I wish to give to the House some very interesting figures to show that the revenue on acreage basis of ryotwari system does not exceed the revenue on acreage basis of permanently settled areas ; and, further, you will find that in Bengal, where there is permanent settlement, 90 per cent. of the land revenue has been collected. If you were to compare the permanently settled areas with Khas Taluks, you will find that the collection of land revenue in the case of the permanently settled areas is much more satisfactory. I will quote certain figures from Professor Benoy Kumar Sarkar who is really an authority on commerce and industry and also on financial matters. He says that the revenue which is collected by the Bombay Government, where Ryotwari system prevails, is in no way higher than the collection of the revenue in Bengal where there is permanent settlement. There are 49,187,000 acres of land in Bengal which yield a revenue of Rs. 30,073,000. In Bombay, the area is 78,740,000 acres and the collection of revenue is Rs. 48,314,000. If you will just compare these figures, you will find that, on the basis of acreage, Bengal does not pay less than Bombay although in Bengal there is permanent settlement. This, Sir, is a very sound argument on behalf of those who are enjoying the right of permanent settlement. They are certainly paying not less than those provinces where there is no permanent settlement. This is my first point, and another point is this.

12 NOON.

It has been sufficiently discovered and placed before the House even by the Treasury Benches that when responsibility is going to be transferred from one shoulder to another, sufficient safeguards should be made in connection with revenue and administration. There can be no better safeguard of revenue than permanent settlement. So I recommend to Government that they should strongly recommend to the Home Government—no doubt I know that the thing has gone out of their hands—but still the Government of India can append a strong note in forwarding a copy of the debate on this Resolution to the Home Government that really speaking if any assurance could be given in connection with the permanent settlement, it must be specifically

mentioned in the Statute itself and not by any Proclamation of His Majesty ; and the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without adequate compensation. With these words, Sir, I support the Resolution.

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I wholeheartedly support the Resolution moved by my Honourable friend, Rai Bahadur Lala Brij Kishore. In fact, I had given notice of such a Resolution myself, and I am glad that the name of my Honourable friend has found a place in the ballot. The causes for bringing forward this Resolution are : one of the reasons that has been given by the Mover himself is that there is fear of Bolshevism and communism spreading in the near future in this country. Secondly, there is a fear that there may be Congress ascendency in the coming Constitution. We have heard the Congress leaders on this point. Mahatma Gandhi, although he did not say in so many words that he did not want landlords in India, yet Pandit Jawaharlal Nehru has been very explicit on this point. Giving his interview to the Press on the 1st September, 1933, at Lucknow, he said :

"The zemindari system has broken down, it is as much an anachronism as autocracy in the Indian States."

At Amritsar, he declared he was a socialist and a republican. It is also known to everybody that he started the no-rent compaign in the United Provinces even before Mahatma Gandhi had returned from the Round Table Conference. By starting this movement he created bad blood between zamindars and tenants. If he had his way, he will see that landlordism goes. Even our beloved Governor, Sir Malcolm Hailey, who is one of the ablest Governors in India, when he was speaking in England, spoke of the peasant proprietors 50 years hence. He said he was afraid that, after 50 years, no landlordism as it exists now will remain and that these landlords would be in the position of peasant proprietors.

Now, as to the services of my community, I will point out firstly that it is not confined to Hindus, Muhammadans, Europeans, Jains and Sikhs or to any particular class. There are landlords belonging to every community. It was with the help of landlords that the mutiny was quelled. The world war itself was won with our efforts, because we supplied recruits, gave war loans and subscribed to the various war funds and even during the non-co-operation days we stood by Government and also during the Civil Disobedience Movement. We remitted large sums of money in rents and debts, found schools, hospitals, orphanages, colleges and hostels. What have we got as reward ? I am sorry to say that we got no rewards, but punishment. In 1902, the occupancy rights were given to the tenants and we acquiesced. In 1916, life tenancy was given, and seven years' registered leases were scrapped. We acquiesced. Although the Government were bound to accept the deeds which were duly registered in their own offices, yet by the Act of 1916, those registered leases were scrapped. Larger remissions of rent than of revenue were sanctioned. We acquiesced. We have suffered so long in spite of our services to Government, to the public and to our tenantry. But we are determined not to be coerced in future. Every Viceroy extolled our services from the days of Earl Canning, who was the first Viceroy, but now our eyes are opened and the Joint Select Com-

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mittee proceedings show what value to attach to the utterances of statesmen, however highly placed. One noble Marquis can attack a representative of the Crown for some of his sweet words in an after dinner speech. The present agitation is not only against landlordism, but against capitalism as well. So the captains of industry must also be on their guard along with us. Every one having stake in the land must try to nip the trouble of communism in the bud. Otherwise it would be impossible for us to do anything when it has taken firm root. I mean communism once established will uproot society as at present constituted and would revolutionise the existing order of things. Oriental mentality is opposed to abrupt changes. It will recoil on the heads of revolutionaries themselves and they would have to suffer the fate of that ill-fated monarch, King Amanullah. Our forefathers found these estates with the sweat of their brow and we watered the tender plant, weeded out undesirable growth. They helped their tenants in times of trouble and disease and we are doing the same. Whenever tenants want help, they turn to us, and we help them with money, grain, clothes, etc., to the best of our ability and resources. There is a silver lining in the cloud of agricultural depression, but still the future looks full of evil forebodings and hence the Resolution. I appeal to the nationalists, independents, Europeans, democrats and the Government not to let down their friends in the future Constitution. There is a paragraph in the White Paper which says :

"His Majesty's Government see serious objections to giving statutory expression to any large range of declarations of this character, but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should find a place in the constitution Act.

His Majesty's Government think it probable that occasion may be found in connection with the inauguration of the new constitution for a pronouncement by the Sovereign, and in that event, they think it may well be found expedient humbly to submit for His Majesty's consideration that such a pronouncement might advantageously give expression to some of the propositions suggested to them in this connection which prove unsuitable for statutory enactment."

So, Sir, the fear is not groundless. People are trying to whittle down the proposals contained in the White Paper. So we are naturally pessimistic about our future, but, in view of our services to the public and to the Government, we hope the Government and the popular parties here will support our humble demand.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : I have had no intention of intervening in this debate, but I see that the landlords and their partisans are rather apprehensive that their position will be worsened. They ought to have some confidence in the British Government, and as long as the paramountcy of Britain is there, I do not think the landlords have any cause to fear. The Government are maintaining the autocracy of the States and Government are also interested in maintaining the rights of the landlords and, I may assure my landlord friends that they have no cause to be afraid of. The last speaker alluded to the speeches of Pandit Jawaharlal Nehru and his followers. But as long as the strong arm of Britain is there, not only one Jawaharlal Nehru, but even 10,000 Jawaharlal Nehrus would not be able to do any wrong to the landlords. But, at the same time, I have a word of advice to the landlords themselves. The landlords have been in possession of extensive lands and privileges, and naturally they expect that all those privileges will be continued to them and their successors. But they have to realise, Sir, that times are changing and the opinions of yesterday are not the opinions of today and the opinions of today will not be the opinions of day after tomorrow. England is a capitalist country. Still the privileges and rights of the capitalists are being slowly reduced and the idea of nationalising the mines and nationalising banks is being preached and being acted upon to a certain extent. There has been a sort of capital levy and, in that way also, capitalism is attacked in its home. So my friends, the landlords, will have to prepare themselves for gradually losing some of their privileges ; but, at the same time, I may assure them that it is not the intention of Government or of any Member of this House that the landlord class should be annihilated.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : How can you speak on behalf of Government ?

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : He was once a Member of Government,—an ex-Minister.

Mr. B. V. Jadhav : I think every subject has a right to say something on behalf of Government. Government belong to the people and the people belong to the Government, and, if I say anything wrong, Government may deny it. Sir, I myself am not against the landlord class. I know that in the past they have rendered valuable services and people will not forget those services. But, at the same time, I may point out that the landlord, as formerly, is not now the father of his tenants. Formerly there was no conflict of interest between the landlord and the tenant ; latterly that conflict is going to arise, and, before it becomes bitter, the landlords ought to take a lesson and reform themselves and act in the relationship of patrons to their tenants. They ought to make it their concern to look to the interests of their tenants, and, if they do that and secure the affection of their tenants, the teachings of Jawaharlal Nehru or of any other communist will have no result. I do not think this Resolution is necessary, because Government have been wide awake and have been doing everything necessary for the preservation of the landlord class.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, this Resolution seems to be directed, in the opinion of the Mover as well as the supporters, against the Bolsheviks and the revolutionaries. I assure you, Sir, that I do not regard myself as a Bolshevist nor do I regard myself as a revolutionary. Still I do not think I can lend my support to this Resolution. In the first place, the Resolution asks that the proprietary rights in land alone should be protected and should not be taken away without compensation. By implication the Mover of the Resolution and his supporters feel that the other proprietary rights in other things may be taken away without compensation. (*Cries of* "No, no.") If that is not the idea, the Mover should have proposed the Resolution in wider terms.

Mr. D. K. Lahiri Chaudhury : We have said "the proprietary rights of any citizen in the land". That means rights of the people in general.

Mr. N. M. Joshi : You have said that the proprietary rights in the land will not be taken away without compensation. There are other

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proprietary rights in other things. I have proprietary rights in my body and mind and in other things. I think, if at all, proprietary rights are to be safeguarded, those rights should be safeguarded in all kinds of property and not only property in land. The Mover of the Resolution has not shown by one single argument why proprietary rights in land are more sacred than the proprietary rights in other matters. Let me make it clear that, even if the Resolution had been moved in wider terms, I would not have supported it, because I believe that the right of a State to resume property on behalf of the community is inalienable and no Constitution can take it away from the State. The State is the representative of the community. All the property belongs to the community and therefore every State must possess the power to resume the property on behalf of the community. I am not suggesting that the policy of taking away property without compensation should be followed by a State, but you cannot take away the right of a Government to resume property belonging to the individuals when the resumption becomes absolutely necessary in the interest of the whole community.

An Honourable Member : Without compensation ?

Mr. N. M. Joshi : I shall come to the point of compensation. First, I am dealing with the right of the State to resume property from individuals who possess it when the resumption is absolutely necessary in the interest of the whole community.

Then, Sir, I shall deal with the special question of the property in land. In the first place, land was not created by any of the individuals who hold it today. They cannot say that they made it. Natural resources were a gift of nature to mankind ; they were not created by the people who are holding it. Then, Sir, how did they get the land ? My Honourable friend said that his rights were ancient, but you did not tell us how the ancient people got it. It is quite possible that my Honourable friend may tell us how he got it. It is possible that he may have paid some price for it, but the ancient landlords cannot say how they got the land and their rights to the land. Some of them may have got it by wrong means. You will find that some people got their land by force of arms.

An Honourable Member : That is a legitimate right.

Mr. N. M. Joshi : Is it considered to be legitimate by the Mover of the Resolution ? If his ancestors got the land by force of arms, then certainly how can he suggest that any man today should not take back the land by the same force of arms ? If you got the land by illegitimate means, by force of arms, then certainly it is equally legitimate for other people to take away your land by the force of arms—it may be the arms of the State. I, therefore, think that on the whole, when we consider this question very carefully, we shall find that the landowners will not be able to explain how the original landholders got the land from nature. They may have got it by wrong means, and, if they have got it by wrong means, certainly they at least cannot object to other people getting it back from them by wrong means. (Interruption.) But I am not defending today the taking away of land by force of arms. What I am suggesting is this : that these gifts of nature must belong to the community ; they cannot belong to the individuals ; in the first place, we do not know how the land was parcelled out between the different individuals ; and, in the second place, land and other natural resources are a monopoly of nature : you cannot create more land ; you cannot create more mineral resources ; and, therefore, it is wrong in principle that a few people should possess a larger portion of land and some others should possess less or none. You cannot create more land, if some other people want land ; therefore, it is wrong in principle that one man should be given more land while others should be deprived of it or should not have any land at all. Therefore land and natural resources are unsuitable to be made the subject of private property.....

An Honourable Member : You advocate communism then ?

Mr. N. M. Joshi : I am not talking of communism at all. I am talking of certain points of view which occur to me in this matter. This is my general principle, that land, being a gift of nature and being a monopoly, should not be allowed to fall into the hands of a few private individuals, so that the other people may be deprived of their dues. Arguments have been adduced as to why the rights in land should be made permanent. Some people said that landlords were very useful to Government. If the landlords were useful to Government, I should like to know in what way. Perhaps they gave some money to Government. True.....

An Honourable Member : Not money, but men also.

Mr. N. M. Joshi : If you talk of men, I am willing to hear the figures : how many landlords were killed in the war and how many, who were not landlords, were killed in the war ? It is not true that the landlords rendered greater service than the other citizens of this land. The other citizens lost their lives, while the landlords may have lost their property, which is after all much less valuable than life. Then we are told that the landlords had great stakes in the country. I am quite willing to admit that those people who have possessed property have got some stake, if you believe in private property ; but what about the stake of life which the other citizens have ? Which landlord can tell me that the life of a poor citizen can be valued in terms of money ? Can any one tell me that ten acres of land is equal to the life of one citizen ? The life of a citizen cannot be valued in terms of property at all. If you take the people in this country and find out the amount of stake which their lives have in this country, you will find that the stake of your property is very small indeed ; and that it cannot be compared ; therefore, it is wrong to talk of people having stakes and, on that account, their rights should be protected.

An Honourable Member : It has become fashionable for them to say so !

Mr. N. M. Joshi : If Government are going to protect anything, let that Government first protect the lives of their subjects. That is the one thing that requires protection. Have the Government of India ever thought of doing so ? I was told that, in one of the paragraphs of the White Paper, the Government of India proposed to protect the rights of property. I want to know whether there is a paragraph in this White Paper where the right of life is secured to a subject in this country. We all now talk of unemployment ; we hear about unemployment ; there are hundreds and thousands of people who lose their lives on account of

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starvation. Is it not the duty of the Government first to secure this right of life, and then talk of securing the right of property ? Before Government, therefore, puts down any clause in the Constitution that the right of property should be secured, let Government put down in the Constitution that no citizen shall die of starvation. That is the first principle that every Government must accept and must follow. After doing that, I can understand the Government talking of securing the rights of property. I, therefore, feel that it is wrong for any Government, before they secure the right of life to their citizens, to go into the question of securing the rights in property. What will be the effect if we accept a Resolution of this kind ? Government may require land for the good of the community, for securing the lives of the citizens, in order to make the life of the citizens secure. Government may not have the money to pay compensation. If, out of 350 millions, about which my friend, Mr. Das, talked the other day, 340 millions are in danger of being starved, simply because the land belongs to the other 10 millions, will not the Government be justified in taking away the land of the 10 millions even without compensation, in order to protect the lives of the remaining 340 millions ? I am not suggesting that Government should follow a policy of confiscating without compensation ; but I am talking about the ultimate right of a Government to take the property of a citizen when that taking is absolutely necessary in the interests of the community. As my friend, Mr. Jadhav, has pointed out, if you once say that no man's property can be taken away by Government without compensation, you really arrive at an absurd position. My friends say that they really do not want to secure the rights only in land : they are quite willing to protect the rights in other matters also. Suppose I have thousand rupees, and an income-tax officer comes and says : " Out of this amount, you must pay me Rs. 10 ", and I say to him, you cannot take away my property without compensation, what will be your reply ? The reply is that the compensation is the good of the community. The principle is the same.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up.

Mr. N. M. Joshi : The principle is the same that when Government take away anybody's property, Government pay compensation to everybody, not necessarily in the form of money, but Government pay compensation in the form of the good of the community.....

An Honourable Member : Would you accept that compensation for labour too ?

Mr. N. M. Joshi : Well, Sir, I am quite prepared to accept it even for labour. If once you admit the principle that no man's property can be taken away without compensation, you make Government difficult. Government must have the power to take away property in order that their affairs may be conducted. I will tell the House one small example and then finish. In the United States of America, they had this principle that no man's property can be taken away without compensation, and they found it very difficult to levy the Income-tax law, for the very reason that I pointed out. Government, therefore, should have the right to take away the peoples' property, and the compensation which Government may offer on some occasions is the compensation in the way of public good. Mr. President, I oppose this Resolution.

Mr. F. E. James (Madras : European) : Mr. President, Mr. Joshi is himself a gift of nature and belongs, I hope, to the whole community of us. The trouble with Mr. Joshi has always been that he cannot make up his mind as to whether he is an evolutionary or a revolutionary. Unfortunately, he began his speech by stating that it was far from him to suggest that no Government had any right to confiscate any land without compensation.....

Mr. N. M. Joshi : No, Sir ; I did not say that. What I said was that I would not recommend to the Government to adopt a policy of confiscation without compensation, but I insisted that the Government should possess the right.

Mr. F. E. James : So that Mr. Joshi's position has slightly shifted.

Mr. N. M. Joshi : No, not at all.

Mr. F. E. James : While he admits that he will never himself recommend Government to take a particular course of action, yet, in the same breath, he admits that Government have a right to take that course of action. Mr. Joshi is an equilatarian. He believes in every one having exactly the same rights in land and in property as every one else. He also said that he had rights in his own personal body and in his own personal mind forgetting for a moment that the equilatarian principle does not apply to the mental sphere, for one man's brain is very often larger than another man's brain. But I will not waste the time of the House by going over all the grounds that Mr. Joshi covered in a general dissertation which is more suitable for a debating society than for a serious discussion on a Resolution dealing with a particular and most important point.

The Mover of the Resolution has chosen, I believe, an appropriate occasion on which to place his point of view before the House. He is not dealing with general proprietary rights ; he is dealing with proprietary rights in land, and I suggest to the House that as one who is interested in land, he has a perfect right to put that particular point of view. I might object to the Resolution in that he has not mentioned in it other rights in which Members of my own community, for example, and other industrialists are particularly interested ; but I am not complaining about the Resolution on that score.

Now, Sir, I take my stand on the general proposition that it is axiomatic that in the future the Indian Legislature must be free to adopt a policy of acquiring for the State land or any other property for the well being of the State. This Resolution does not deny that principle. What it does say is that the State should not acquire any property, whether land or anything else, unless it gives adequate compensation. In other words, we are anxious to be safeguarded in the future against confiscation, and those, who are not prepared to support a Resolution of this description, are in fact leaving the door wide open to confiscatory principles in the future.

Now, Mr. President, I want to urge upon the House the importance of this position in view of the probable future developments. I very much doubt whether, in view of our pre-occupations with the political issues in this country, any one of us has spared himself the time or the leisure to think into the future and to realise what forces are in the world today and what forces in this country will be released even if the existing proposals of the White Paper are carried into law by the British Parliament. I have stressed this point in other places during the last few weeks, and I am very

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anxious to take this opportunity of stressing this point in this House. You have only to look round the world to realise the forces that are at present in existence, violent forces, tremendously strong forces, which are securing and retaining power by the principle of confiscation, the very principle that this Resolution seeks to deny. Go to the continent of Europe and you find there, whether it is Bolshevism or Fascism or Hitlerism, that the weapon which they use in every case is the weapon of confiscation, whether of personal or proprietary rights. And surprising as it may seem, when we look further west across the Atlantic, we find the President of the United States engaged in the tremendous task of trying, almost singlehanded, to restore his people to economic prosperity, and using weapons which come very near the border line of confiscation. Therefore, these forces are in the world today and appear, owing to the inability of rulers or of the people to secure what they want, to be gaining ground.

I have suggested that great forces will be released by the White Paper. I want the House to envisage the future if it can,—great provinces, absolutely self-governing, with Legislatures elected on a tremendously wide franchise. The problems of the future are not going to be the political problems with which we are concerned now or with which we have been concerned in the past. They are going to be essentially economic problems, and, in the large extensions of franchise, we are going to find that forces will be arising all over the country based upon economic policies, led by men who belong to a younger generation than that to which we belong ; and that those forces will find a place in the Provincial Legislatures of the future. I believe that in some provinces, before very long, we shall have ministries in power supported by great majorities in Provincial Legislatures with radical programmes such as even Mr. Joshi today does not dream of. I believe also that in a very short time after the Federal Constitution has been established, even though we may have a leavening of the conservative elements in the country, the personnel of Members in this House will be completely changed. Sir, some of my friends on the other side, who are at present posing as leaders of Democratic Parties, will disappear, never to return, and in their place we shall have men who will come forward with real democratic principles, men who will be here on a definite programme tending towards what is commonly known as socialism with a bias towards the forcible confiscation of property. I do not think that I am forecasting anything that is fantastic. I believe those of us, who will have the privilege of living during the next 25 years in this country, will realise that what I am saying now will actually come to pass, and probably come to pass in a far more violent form than we now imagine. Is it surprising, therefore, in view of the forces that are at present existing in the world and in view of the forces that are shortly going to be released in this country by the constitutional proposals of His Majesty's Government,—is it surprising that those who have great interests in land should wish to have it laid down in the constitution that the State should be forbidden to acquire property, without paying due compensation to those who own that property ? Mr. Joshi, although he is a member of the Joint Parliamentary Committee, has enirely misread paragraph 75 of the White Paper proposals where it deals with the statement of fundamental rights. There is a sentence in which it says:

"His Majesty's Government see serious objections to giving statutory expression to any large range of declarations of this character, but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should, find a place in the Constitution Act."

In other words, the White Paper proposes an express protection of rights of property and that covers the point which has been made by the Mover of this Resolution. In my opinion, the Constitution Act of the future should contain an express provision to the effect that no person shall be deprived of his property unless proper compensation is made, the amount to be ascertained by arbitration or by judicial proceedings. Now, Sir, while I say that, while I join with my landlord friends in suggesting that there should be some provision in the Constitution Act which would act as a first line of defence against confiscation, I am also aware of the forceful appeal which was so eloquently made by my Honourable friend, Mr. Bajpai, when this matter came up in this House before. As far as I remember, when this matter was discussed then, my Honourable friend, Mr. Bajpai, laid particular emphasis upon the part which the landholding communities should play in the future. I believe that the future of India, as to whether it will go through the process of gradual evolution, or whether it will plunge itself into the chaos of revolutionary attempts by forcible methods, will largely depend upon the attitude to public life, to public service, and to the Legislatures, all-India and Provincial, of the great landholding communities. I do not suggest for one moment that they have not played in the past a very valuable part. I know, as far as the landholders in Madras are concerned, at the present time you can find distinguished men who are spending themselves in the public service, in all kinds of fields, political, social and economic. And I believe that, as long as they play that role, the future will be bright as far as evolutionary development is concerned.

My Honourable friend, Mr. Joshi, has suggested that the landholders did not play a reasonable part during the Great War.....

Mr. N. M. Joshi : I did not say that. I said they had not played a greater part than the other citizens.

Mr. F. E. James : I am very glad to have that put right. If I misunderstood my Honourable friend, I apologise to him.

Mr. N. M. Joshi : You always misunderstand.

Mr. F. E. James : I am very glad to know that he places the landowning community on a level with other communities who sacrificed so much of blood and treasure during the War. But my main point is that this is a Resolution which asks for statutory protection against confiscation, nothing more, nothing less. It only asks that if the State of the future should come to the conclusion that for public purposes it must acquire property which at present is in the hands of other people, it shall not acquire that property without paying adequate compensation the amount of which has been settled by arbitration or by judicial proceedings. I suggest that in a House of this character and at this particular time of the day when the Joint Parliamentary Committee is about to resume its labours, it is of the utmost importance that we should place on record that this is only a just request ; and we should underline the suggestion of the Resolution that there shall be a statutory provision, either in the declaration of rights or in some other form, that this form of forcible confiscation which is finding favour in so many quarters throughout the world and which is the gospel of certain political parties in this country should be ruled out as far as the Constitution Act is concerned. (Applause.)

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I had no intention of taking any part in this debate, but the extraordinary speech of my Honourable friend, Mr. Joshi, extraordinary even for Mr. Joshi, forces me to rise just for a few minutes not only to reply to Mr. Joshi but, if I may not be considered audacious, to congratulate Mr. James on his very useful and brilliant speech. Yesterday some one said that my Honourable friend, Mr. B. Das, was at heart really a capitalist while in this House he professed to be a democrat, or even a socialist. I am tempted to say that my Honourable friend, Mr. Joshi, appears to me today to be at heart a communist, while most probably he firmly believes that he is really a socialist. Therefore, I do think it is essential that, if not all of us in India, at least we in this House should realise the distinction between socialism and communism. What this Resolution desires to put on record is that we are against communism but we are not against socialism.

My Honourable friend, Mr. Joshi, exhibited in his speech a confusion of thought which seemed to me extraordinary. He asked my Honourable friends who have sponsored this Resolution as to who made the land which they now claim to be their own. He then went on to say ' Why do you confine this Resolution only to land. Why not to my brain and my body '. I ask Mr. Joshi who made his brain and who made his body ?

Mr. N. M. Joshi : I was against every kind of proprietary right. I simply asked that question to show the absurdity of the whole thing.

Sir Cowasji Jehangir : Mr. Joshi started his speech by saying that he was no revolutionary.

Mr. N. M. Joshi : I still claim that.

Sir Cowasji Jehangir : He clearly asked us whether he had a proprietary right in his brain and his body. I ask him who made his brain and who made his body and if he claims a proprietary right in his brain and his body, I say that my Honourable friends can claim equal proprietary right in the land they own today. The difference between socialism and communism is this, that in socialism the Government of the day can take a part of your wealth by way of taxation for the common good of the people but in communism Government can confiscate all you have got. Now, the confusion of thought is made completely clear by the analogy which my Honourable friend, Mr. Joshi, gave. He talked about owning Rs. 1,000 and Government demanding Rs. 10 from that one thousand by way of income-tax. He said that if he claimed proprietary rights over the whole of the thousand rupees and if the principle is put on record that proprietary rights should be maintained, then he went on to argue that Government could not claim Rs. 10 out of the thousand. There comes the confusion of thought.

Mr. N. M. Joshi : No.

Sir Cowasji Jehangir : In socialism Government can levy a tax on your wealth for the good of the people by a law of the land.

Mr. N. M. Joshi : 100 per cent. tax all round.

Sir Cowasji Jehangir : Mr. Joshi will have to part with his Rs. 10, as we have had to part for years with a very high percentage of our incomes and nobody complains. That is socialism. Who introduced that principle of socialism in the world ? Who carried it to an extreme point ? It was Great Britain. In England, socialism has gone further than in any other country in the world. Your income is taxed for the good of the people to an extent not taxed in any other country in Europe and it was supported by a Conservative Government. In the same way I am a socialist, as good a socialist as my friend, Mr. Joshi, but I refuse to be a communist and because I refuse to be a communist I am prepared to give my wholehearted support to a Resolution which puts on record the principle that Government shall not confiscate but shall take by legislation, by the law of the land a proportion that it is prepared to take from the poorest as well as from the richest. Communism means taking all from those who have got and giving it to those who have not. Does Mr. Joshi believe that we in this House or, may I say, a large majority of thinking people in this country will refuse in the future to be taxed for the common good. Whether we like it or not, we shall have to do it and we are prepared but we shall not admit the principles enunciated here today by my friend, Mr. Joshi, who practically advocated the principle of confiscation, for he said that if the people are starving Government should have the right to confiscate lands, property and the other proprietary rights that the people may have in order to prevent that starvation. I will not admit such a principle. The rights of life are protected by Government by laws and regulations.

Mr. N. M. Joshi : Which ?

Sir Cowasji Jehangir : If I were to kill you, Mr. Joshi, I will swing. Life is thus protected by law. Those are the rights of life, but if Mr. Joshi refuses to work and thereby starves, I cannot be deprived of my lands and my property to feed Mr. Joshi who refuses to work and prefers to starve.

Mr. N. M. Joshi : I am willing to work, but cannot get work.

Sir Cowasji Jehangir : Then Mr. Joshi can call upon the Government and the country to feed him, if they cannot give him work.

Mr. N. M. Joshi : Let it be in the Constitution.

Sir Cowasji Jehangir : The principle enunciated by Mr. Joshi and his friends is that for those who starve because they will not work Government shall confiscate the property of people who have worked for it and accumulated it or who may have inherited it due to the sweat of the brow of their ancestors. These are the principles, I trust, this country will never accept and I do hope that this Resolution will be passed unanimously, simply because Mr. Joshi has made the extraordinary speech he has, and let me express the hope that there may be many true socialists, such as I have explained, in the country in the future, not merely socialists in name but communists at heart. They are a class of people we desire to sweep out of the land. True socialists we shall welcome. Let us hope that every one of us will be such true socialists.

Mr. N. M. Joshi : Who is to decide ?

Sir Cowasji Jehangir : Let us hope that the landlord will really be the true father of his tenants. He will then be a good socialist. I have nothing more to say and I do hope that we shall rarely hear principles enunciated in this House, such as we had the misfortune to hear today.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : The Resolution moved by my Honourable friend, Lala Brij Kishore, raises a subject which was also discussed in March last on a motion moved by Mr. Anklesaria and I do not propose, because of my Honourable friend, Mr. Joshi's excursions into somewhat devastating doctrines, to let my remarks wander over a wider field than is legitimately covered by the Resolution before the House. On that occasion, when Mr. Anklesaria moved his motion in this House, the then Leader of the House, Sir B. L. Mitter, pointed out that the Government of India had recommended to His Majesty's Government that protection shall be given to proprietary rights in the new Constitution Act. That His Majesty's Government have accepted that recommendation is borne out by paragraph 75 of the proposals for Indian Constitutional reforms, from which I shall read the relevant portion :

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"His Majesty's Government see serious objections to give statutory expression to any large range of declarations of this character (*that is to say, declarations relating to fundamental rights*) but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property.....should find a place in the Constitution Act."

These proposals represent the considered views of His Majesty's Government and these proposals are now before the Joint Select Committee of Parliament. I gather that since the Joint Select Committee of Parliament started its labours evidence has also been led in support of the recommendation which is embodied in paragraph 75. In the circumstances, the only advice which I can give to my Honourable friends is to have patience and trust to the sense of justice and the sense of fairness of the Joint Select Committee of Parliament and, subsequently, when the matter comes before Parliament, of Parliament itself. Because my Honourable friend, Mr. Joshi, who, I am sorry to say, is no longer in his seat, has enunciated certain novel doctrines and because he happens to be on the Joint Select Committee of Parliament, let not my Honourable friends, who support this Resolution or favour the principles embodied in it, think that his views are going to prevail. The intention of Government is to forward these proceedings to His Majesty's Government to be laid before the Joint Select Committee of Parliament and I am quite sure that, when the Committee and the Members come to read what has been said in the course of the discussion today, the problem will fall in its true perspective, and the views which will prevail with them, I hope, will be the views which have been expressed so eloquently by my friend, Mr. James, and by my friend, Sir Cowasji Jehangir, and not the views which have been expressed by Mr. Joshi.

My Honourable friend, Mr. Lahiri Chaudhury, in the course of his remarks, expressed some doubt as to whether the proposal in paragraph 75 meant that statutory protection will be given to proprietary rights or whether such protection will be relegated to what he considers

to be a less secure document, namely, a Proclamation by the Sovereign. I refrain from presuming to interpret the White Paper. That function legitimately belongs to Parliament. But there seems to be no reason for my Honourable friend to think that either His Majesty's Government or the Joint Select Committee of Parliament have made up their mind in favour of what he considers to be the weaker procedure. As a matter of fact, by reading paragraph 75 as it stands one would be justified in saying that the inclination of His Majesty's Government is more in favour of statutory protection than protection by Proclamation. Sir, there was another point made by my Honourable friend, Lala Brij Kishore, who was not merely thinking of statutory protection which is to be given to the right of property. He also seemed to suggest that protection shall be given to the class to which he belongs by special representation. Now, I do not know whether that is strictly germane to the Resolution which is now being considered by the House but I would remind my Honourable friend and the House that this point was dealt with by Sir Brojendra Mitter in March last. Sir Brojendra Mitter then explained that under the Communal Award of His Majesty's Government—and the proposal which now figures in the White Paper is based on the award—landlords will have special representation to the extent, I think, of 36 seats.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : But that is very little ; it is not sufficient.

Mr. G. S. Bajpai : My Honourable friend will not let me complete my remarks. It may be, as my Honourable friend says, that the numerical special reservation of seats proposed in the White Paper is not what would satisfy the landlords, but my Honourable friend might also reflect upon the other remark which was made by the then Leader of the House, namely, the enlarged electorate of something like 27 or 28 per cent. of the adult popoulation of this country. If that electorate reflects in any way the proportion of agriculturists to the total population of this country which is 80 per cent., then, by virtue of their birth, their position and the special opportunities for serving their tenantry which the landlords have, they will be able to secure representation in future Legislatures not only to the extent of these 38 or 40 seats but in much larger numbers. That, Sir, brings me to what I consider is the most fruitful contribution made in the course of the discussion today, namely, the remarks of my friend, Mr. James. He emphasised that the trend of events in the world outside demonstrates the inherent futility of mere paper safeguards for one section or the other. Why is it that Hitlerism is devastating the constitution of Weimar in Germany ? Why is it that Fascism has replaced the system or the order which prevailed before it in Italy ? It is simply due to the fact that discontents were set in motion which the system of Government or the Party in power at the time were unable to control and because of grievances which those systems were unable to redress. I submit that it is not any written provision in the Constitution which is going to help the landlords, no matter what that provision may be. What is going to help them is leadership in the spirit of service to their tenantry which alone is going to ensure for them the protection and the position which they claim.

Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) : Sir, my friend, the Honourable Mr. Joshi, wishes to take us back to the period about which it has been said :

" When Adam delved and Eve span
Who was then the gentleman ? "

If he goes into the history of the property composed of land, houses, and so on, whether personal or public, he will not be able to find its origin, and if his principle that where it has been discovered that any property has been achieved by violence, then violence should be used to the owner being deprived of it and giving it to somebody else is accepted,.....

Mr. N. M. Joshi : I did not say that. What I said was that those people who have got by violence have no moral right to object to other people using violence.

Nawab Major Malik Talib Mehdi Khan : .....which means that those who had acquired some property by unfair means have no right to keep it when their brethren are starving in the country, as chaos will be the result. What should we do then ? We should be required to divide it whether by consent or by force. Suppose it was divided in the year of grace 1933, and after another 20 years or so, we find the same inequality, because the Dispenser of bounties—whatever you may call him, I call him God—did not grant the same amount of brain power, wisdom and determination to each man or did not afford each person a chance to cultivate them. Another 20 years, and the man with better brain will again carve his fortune, another division, and so on. What will be the result ? The worker would lose his hard earned income. So, what is the use of working and applying one's brain if the idlers, who are sitting in the streets will come out to divide the property ? There will be no incentive left to work, and everyone will fly at each other's throat to deprive him of his earnings. Would my Honourable friend, Mr. Joshi, like that system to be adopted in India ? My Honourable friend, Mr. Brij Kishore, the Mover of the Resolution, belongs to the landed gentry, and has thus picked out his own subject, namely, land, but there is no reason, as I said above, why houses and every other property should not be safeguarded. There may be other persons who will come forward with Resolutions safeguarding such things. To urge that everything should be divided or that everything should be equalised is impossible. Instead of that, we ought to bring a scheme to ameliorate the conditions prevailing in this country. I know little of what is actually going on in the Western countries, but I find that there is plenty of work for Indians to do in their own country if proper steps are taken to have it done. I think it is the present system of education which is defective. Our young men, when they get into schools and colleges, the first thing that they learn is to abhor the occupation of their forefathers.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will resume his speech after Lunch. The House will now adjourn till Half Past Two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Nawab Major Malik Talib Mehdi Khan : Sir, I was objecting to the present day education. What I mean by it is that the education in Indian schools and colleges is mostly theoretical, which we require it to be practical and it should be based on such principles that the callings and professions existing in India are improved by the products of these institutions. My second point is labour. I said in my opening remarks that there was plenty of scope in India for many years to come for the people to earn their livelihood. There is plenty of labour in the country, but we ought not to look down upon it. Unemployment, which is causing so much trouble in the country, is mostly among the educated classes who, as I said just now, do not get the proper education and find that manual work is beneath their dignity. If this can be remedied, there would be no unemployment or starvation in India for many years. My friend, Mr. Joshi, spoke something about the rights of people in property. I will not go far back now,—but refer the House to the Proclamation of the noble Queen Victoria made just after the Mutiny in which the rights in property were upheld and it was repeated by her successors. We have to take the facts as they are now and it will not serve any useful purpose to open the point and go back to the history of each holder of property. Not only will it not serve any useful purpose, but it will do harm. Unfortunately I find that an idea is gaining ground in the country that the rights of people in property should be enquired into from a given period, if not from the beginning. If I remember aright, I think Mahatmaji is also of the same opinion. He holds that we ought to go back for a hundred years and sift the position of each property as it is. Similarly, Pandit Jawaharlal Nehru toured in the Allahabad district and delivered speeches which tended to the disruption of the relations between landlords and tenants. I do not know what the conditions are in the United Provinces, but I can say that no difference exists in the Punjab between the landlords and tenants. The landlord knows that his interest is interwoven with that of his tenant and that his work cannot go on without the help of the tenants. He deems it his duty to support his tenants and make them as happy as possible ; and, if there is no dispute between the tenant and the landlord, I would say that it would be very unwise to create disunion between them. With these remarks, I support the Resolution of my friend, the Mover, and am thankful to Government for their offer, as Mr. Bajpai said, to submit these proceedings to the Joint Select Committee of Parliament.

Mr. M. Maswood Ahmad : Sir, I whole-heartedly support this Resolution and I would remind my friend, Mr. Joshi, that it is not correct to say that landholders have taken possession of land by means of force. It is as incorrect as to say that Islam was spread by the sword. Sir, the history is this that in the Hindu period and in the reign of the Mughal Emperors there were waste lands and jungles. Landholders' ancestors spent money and offered services for getting the lands. Then they tried to make the lands fit for cultivation purposes. They cut jungles and they prepared big irrigation schemes. After lots of troubles

[Mr. M. Maswood Ahmad.]

and after spending a sufficient amount of money, they made the lands fit for cultivation purposes.

I do not represent the landholders' interests here. Rather I represent the tenants' interests much more and I can safely say that this Resolution is supported by the tenants as well. This resolution is as essential for tenants as it is for landholders.

I want to say, Sir, that those original landlords also are not found now in large numbers in Bihar and Bengal. The landlords, who are found in my province, are those who purchased land trusting in the announcement of the noble Queen Victoria. They trusted the words of Government and spent lots of money on purchasing these lands about which my friend, Mr. Joshi, says that they may be confiscated. There is a suspicion that the interest of the landlords and of the tenants conflict with each other, but, I say, it actually does not conflict. If landlords be eliminated, I think it will be impossible for tenants to keep the land in the present condition and the land will deteriorate. My experience is that nowadays landlords are doing much ; they are responsible for irrigation and all other things.

Mr. B. V. Jadhav : We are doing without landlords in Bombay.

Mr. M. Maswood Ahmad : That may be so, but that is not the condition in Bihar. In Bihar and Bengal, I think it will be impossible to keep the land in this condition without the landlords. Quarrel on irrigation and other things are going on in the fields and the only man on the spot is the landlord. It is impossible for tenants to spend thousands of rupees for making irrigation arrangements for a village. Tenants will have their tenancy in one village or two, but this irrigation system sometimes requires to be taken from two or three villages far off. Interests of two villages sometimes conflict with each other. It will not be possible for tenants to maintain this whole system.

If my Honourable friend, Mr. Joshi, wants to protect his other properties, like brain or body, then he may bring in a Resolution and, I think, neither the representatives of the landlords nor of the tenants will object. We will all try to save his brain and his body.

The question of compensation was discussed the other day here and Mr. Joshi came forward with a long list that compensation should be increased and so on and so forth. We do not say here that it should be increased or anything like it : we say that if Government want, for the benefit of the public, to take up land, they must give adequate compensation. We have trusted them. On their words we have spent thousands of rupees in purchasing lands ; so, if they want to honour their words, it is their duty to compensate when they require any land for the public use.

My Honourable friend has suggested, as I remember, that lands should be divided equally amongst all—no more to one man and no less to another man. Where was my Honourable friend, when he suggested the other day that the compensation for the man earning Rs. 10 should be so much, and that, for the man getting Rs. 200 a month should be so much : he did not suggest that the compensation should be uniform for all employees, whether they get Rs. 200 or less. He never suggested that all labourers should get equal pay. I say,

the idea is not possible at all. As I have read books on Bolshevism and about Russia, I find there also people exist who have more lands and less lands : in the whole world, I do not find any country which can be shown by my Honourable friend where lands are equally divided to all men. Our requirements are different : one man may have a large family and another man may require less. God Himself has not divided land or money to all His creatures equally. What has not been done....

Mr. N. M. Joshi : May I interrupt the Honourable Member.....

Mr. M. Maswood Ahmad : I am not going to give way to the Honourable Member.....

Mr. N. M. Joshi : I am standing to a point of order : is any Honourable Member entitled to put in my mouth words and sentiments which I did not express ? I never said one word about equal distribution of land in this country.

Mr. M. Maswood Ahmad : That is not a point of order, Sir. I have noted here, and if my Honourable friend will go and see his speech at the time of correction, he will find there what I have quoted here. If he now suggests that more and less land can be given, then I have got nothing to say on that point, and I hope my Honourable friend will correct that portion of his speech.

Mr. N. M. Joshi : I challenge the Honourable Member to take the report from the reporter and if he finds that there is no mention of equal distribution of land, I hope he will apologise to me.

Mr. M. Maswood Ahmad : If that is so, I will be certainly ready to omit it in my speech if allowed to do so. However, I am glad to hear that he has no objection in having more lands.

In connection with this Resolution, I will, further, say that it is a most innocent Resolution that has been moved and this is a principle which should be accepted everywhere, that whatever rights we have got in any land, the money which we have spent on purchasing lands *plus* the compensation should be paid to us if Government want to take it, and it should be defined in clear words in the future Constitution. With these words, I support my Honourable friend's Resolution.

Lala Hari Raj Swarup (United Provinces : Landholders) : Mr. President, I have great pleasure in according my support to this Resolution which has been moved by my friend, Rai Bahadur Brij Kishore. I will only say one word about what Mr. Joshi has said and then leave him alone. He said that land was a gift of nature and that some zamindars got it without any effort or by force of arms and so they did not deserve any protection. Barring a very few, say one or two per cent., I think, Sir, most of the zamindars at this time are such as have paid for the land that they have acquired ; and, as such, I do not see why he should take objection to this Resolution. My Honourable friend only says that if proprietary rights are to be taken away by the Government, the Government should give adequate compensation.

I am thankful to the Honourable Members of this House for having accorded support to this Resolution and especially to Sir Cowasji Jehangir and Mr. Bajpai for having advised the Zamindars to become natural leaders of the tenants and to improve their relations. I want to inform this House, on behalf of the landholders, that our relations with our tenants are as

[Lala Hari Raj Swarup.]

cordial as they could be. If at times you hear of agrarian troubles, they are simply fomented by certain sections of the people who want to carry their points with the tenants and take advantage of their ignorance. We have always been trying to support the cause of the tenants. As a landlord in the United Provinces, I can say that we have been fighting hard with the Government for the reduction in water rates which directly affects the tenants. This is only one instance and can be repeated, but I will only be content by saying that we have always stood by the side of the tenants. We went even further than this. When we found that changes in Tenancy Legislation were necessary, we did not obstruct though they meant some curtailment of our rights. As for instance, when in 1902, Government brought forward the first tenancy legislation in the United Provinces, all the landlords gave their whole-hearted support to that legislation, because they thought that it would improve the lot of the tenants. Similarly, also, in the case of the 1926 legislation. The House will, therefore, see that the Zamindars have never lagged behind in protecting the rights of the tenants; and, by moving this Resolution, they simply want that their own rights should be maintained and they should not be disturbed in protecting their own rights and the rights of their tenants. So, Sir, I support this Resolution.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan) : Sir, I will not take a long time in giving my support to this Resolution. My chief purpose in getting up to speak is to draw the attention of the House to the relations between the Zamindar and tenant in Sind. I must say at the very beginning that, in considering this Resolution, the debate has drifted very far away. This is a restricted Resolution and we should have confined ourselves to the Resolution alone without thinking and indulging in socialism, communism or even " Joshism ". We have nothing to do with those questions with this restricted Resolution before the House.....

Mr. N. M. Joshi : May I ask the Honourable Member what the relations between landlord and tenant have to do with this Resolution ? This Resolution asks for a constitutional right.

Mr. Lalchand Navalrai : In placing the Constitution aright, if the Zamindar wants that the Government should be fair to him, protect his rights and put them in the Constitution, I say the peasant and the tenant require the same to be done by the Zamindars. I was submitting that we have nothing to do with anything more in considering this Resolution. We are confusing the question altogether if we go beyond it.....

Mr. N. M. Joshi : You are.

Mr. Lalchand Navalrai : I am not. On the contrary I submit that there was no question here of seeing what is going to happen hereafter when the Honourable Mr. Joshi expects communism to come into India. Sir, communism is said to have done the greatest injury to humanity outside, and nobody should even think of introducing it in India. The rights of the tenants and of the Zamindars have to be equally protected.

Now, Sir, coming to the Resolution itself, we find that this Resolution wants only two things ; one is that the vested rights of the Zamindars should be incorporated in the coming Constitution so as to give them the necessary protection, and the second is that there should be no such measure by which a Zamindar's land could be confiscated by Government without paying him compensation. Sir, when I read this Resolution this morning, I

was wondering why such a Resolution had at all been brought forward. I was feeling that the rights of the Zamindars were vested rights, and that the present Government had not done anything to deprive the Zamindars of their vested rights. I again put a question to myself as to why the Honourable the Mover had brought forward this Resolution when the Government had never offended anyone in that direction and when the thing is perfectly patent in itself. Then I looked at the second portion where it is said that no land should be taken away without compensation. Then also I was similarly wondering, because there was actually the law on the point,—there was the Land Acquisition Act which says that, if any land is needed by Government, it is legally taken from the owner of it after paying him due compensation. But when I heard the debate,—I am not blaming my friend for bringing forward such a Resolution,—and when I heard my friend, Mr. Joshi, I thought it would really create an impression among the Zamindars that something wrong was going to be done to them and, therefore, my friend had every right in coming forward with a Resolution like this asking the Government to protect the Zamindars by inserting the necessary safeguards in the new Constitution. Sir, I again say that the Government are sincere on this point,—they are sincere for two ways. When we read clause 75 of the White Paper, we find that it does not say that Government are not going to protect the vested rights ; on the contrary they say that there is every likelihood of the necessary safeguards being incorporated into the Constitution with regard to property and person and we had it just now from a responsible member of the Government, I mean the Secretary in the Education Department, who plainly told us that Government had no intention of doing anything wrong like that to adversely affect the interests of the Zamindars. On the contrary, he advised caution and patience to the Mover of the Resolution, until the matter was decided in England, but, in my view, there is absolutely no fear that Government will do wrong in this matter. We have been asking for declaration of rights, and this is one of the declaration of rights that these gentlemen want should be included in the Constitution. When I heard my friend, Mr. Joshi, for whom I have always got regard, because he is very sincere in putting forward his views and he is bold enough to place his views in this House, because it is not everybody who can come forward and place his personal views in a House like this so undauntedly, I give him full credit for that,—but when I heard my friend, I must say that he was wrong in accusing the Honourable Member—the Mover—for bringing forward a Resolution of this kind instead of a general Resolution. When he comes forward with Resolutions and questions in this House, does not my friend, Mr. Joshi, restrict himself to labour questions and Resolutions on matters of labour ? Has he always brought forward general Resolutions with regard to the rights of the people ? Therefore, Sir, the gentleman who has brought forward this Resolution is perfectly within his rights, because he has interest in land, and surely it is only but right that he should come forward with Resolutions relating to land in which all of us are also interested. I submit, Sir, it was wrong on the part of Mr. Joshi when he said that the Resolution, even if worded in some other form, would not be acceptable to him.

Then, again, Sir, I have no doubt that this Resolution will be accepted by the Government and the Constitution will be framed in accordance with the terms of this Resolution. I don't say that only this declaration of rights should be incorporated in the new Constitution, I certainly want

[Mr. Lalchand Navalrai.]

that other rights of ours should also be included in it. This Resolution, of course, does not call for reference to conditions under which land came in possession of Zamindars, but I might tell my friend that India's land was Indian, and the Indian people divided the land between themselves. That is how the land descended down, and some lands were since then transferred from one hand to another, and so on. I do not know why such questions should have been raised at all. The Resolution will undoubtedly be acceptable to Government and to every one of us on this side, but I want to give one advice to the Zamindars and it is this. Sir, I was very glad to hear from my Honourable friend from the United Provinces that the Zamindars there were very fair and that they provided with all sorts of amenities to their tenants. I am very very glad to learn it, but, Sir, the condition of our Zamindars in Sind is quite different. There, Sir, the Zamindar wants to devour the tenant ; he is not only unfair to the tenant, but his interests are detrimental to the interests of the tenant ; he robs him and he keeps him uneasy. (*An Honourable Member* : "Shame.") Sir, it is really a shame, and I want that my voice in this House should reach the Zamindars in my province so that they might improve the present conditions.

An Honourable Member : It is loud enough.

Mr. Lalchand Navalrai : I know it is. Sir, I need not go into details now. This is not the time for it. I think it is sufficient for me to say that the Zamindars in my province are not treating their tenants fairly and properly. But, Sir, for this I would blame the Government as well, and it is for this reason. The Zamindar wants to hoard up all the land, he would like to have every piece of land that can be got to be in his possession, and a certain type of him would play the part of a bull dog or a pet dog of Government. He tries to please the Government ; he is always with the Government, and he does it from purely selfish motives. He wants more and more land, and every big Zamindar in Sind has been given enough land by Government, and when he becomes bankrupt or goes to the Insolvency Court or when his estate gets under the protection of Encumbered Estates Act, Government again come forward and give him large acres of land, on the plea that the Zamindar has to maintain the dignity of his house. Is this fair ? Therefore, the Zamindar in my part of the country has been spoiled by Government. I hope the Zamindars in Sind will improve themselves. This Resolution by implication does ask the Zamindars to be fair to their tenants, and, in that sense, this Resolution is not restricted to big Zamindars alone, because there are small landlords also who hold land and in some cases are harsh to their tenants. When the Constitution will protect the rights of the land, surely the other rights also will be protected and embodied in the Declaration of Rights. Therefore, I hope this Resolution will commend itself to every Member including my friend, Mr. Joshi, who, I know, is open to conviction.

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

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

The motion was adopted.

Rai Bahadur Lala Brij Kishore : Sir, I am very thankful to the different Members of this House who have taken the trouble to support this Resolution. I am also glad to know that the dangerous doctrines enunciated by Mr. Joshi have not been subscribed to by other Members of this House and a sufficient reply to his arguments has been ably given by my friends, Mr. James and Sir Cowasji. I am also glad and am thankful to Mr. Bajpai for the sympathetic reply which he has given and also for his promise to forward a copy of this debate to the Joint Parliamentary Committee. I think it would be more forcible if this Resolution is carried unanimously and then sent to the Joint Parliamentary Committee. There are no other points which require any reply. I, therefore, do not wish to waste the time of the House and I commend this Resolution for your acceptance.

3 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly recommends to the Governor General in Council to take steps to get incorporated in the new Constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without the payment of adequate compensation."

The motion was adopted.

RESOLUTION *RE* ADMISSIONS TO THE MILITARY ACADEMY.

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : Sir, I beg to move the following Resolution that stands in my name :

"That this Assembly recommends to the Governor General in Council :

(1) that steps be taken to increase the number of admissions to the Military Academy both by direct examination as well as by selection from the ranks ;

(2) that if this be not found practicable at present, steps be taken to increase the number of admissions by selection from the ranks and especially from the 'Y' cadets before they pass the age-limit."

Sir, my object in putting this Resolution before the House is to draw its attention to the unsatisfactory and slow pace we are going on with the *Indianisation* of the army. Honourable Members know that at present we are taking 60 cadets a year by both direct examination and selection from the ranks and, if the annual recruitment of Commissioned Ranks in the Indian Army be appoximately 120, we can ultimately only aspire to a 50 per cent. ratio of Indians to British Officers at the most and that in not less than a period of 25 years. This is quite simple arithmetic. Now, Sir, I ask the House to consider this position fully. I maintain that unless the pace of Indianization is more than 50 per cent. of the annual recruitment, it is absolutely impossible to achieve our object, namely, the Indianisation of the Indian Army within a reasonable distance of time. If the objective before all of us is to achieve the status of a Dominion, any scheme of Indianisation of the army, which we are working, at present, or which may be drawn up in the future, must have a direct relationship to that objective. To be frank, I want to know whether the present pace of Indianisation, which leads us only to 50 per cent. after a period of about a quarter of a century from now, satisfies the legitimate

[Mr. B. N. Misra.]

wishes of the people of India. Unless more vigorous steps are taken, it will remain a pious hope. We, as responsible public men, do urge upon the Government that a scheme must be prepared so that public opinion may be satisfied that there is a reasonable chance of the Indian Army being Indianised within a reasonable distance of time and the responsibility of self-defence being made over to the Indian Parliament at some time or other in the near future.

Sir, the question, therefore, is that the number of admissions to the Indian Military Academy be *increased* to more than half the number of vacancies that occur every year, so that the objective, namely, the Indianisation of the Indian Army be achieved within a reasonable distance of time. I do not want to limit the qualification of the Indian Cadets. You can put them to a thorough test. I do not desire the efficiency of the Army to be in the slightest degree impaired, because we shall be putting in their hands the property and the lives of 35 crores of men. I am for very rigorous and strict tests of their capacity. But, what I cannot understand is that, with an ample material and a heroic history behind us, it is thought that we cannot produce 120 boys per year from amongst nearly one quarter of the world's population who will be able to stand the most rigorous and strictest test of efficiency before they are granted King's Commissions. Sir, the lessons of the Great War are not yet forgotten nor will they be ever forgotten. Our soldiers stood the horrors and the gravest consequences of the War as well as any other nation of the world and they proved their mettle. You can have no better test of endurance and heroism.

I wish to refer to the scheme adopted by the Government of India in 1922 which contemplated complete Indianisation of the Indian Army within 30 years. Turning to Appendix I to that report, the number of commissions to be granted during the first 14 years according to that scheme annually averaged 81.4. The number to be granted during the second period averaged annually 182 and the number to be granted annually during the third period averaged 227 on an increasing scale. In this way the scheme contemplated complete Indianisation of the Indian Army in 30 years. Sir, I hold that there is no reason to think that the conditions which existed in 1922 have undergone such a material change that the same principle cannot be adopted now. With the development of the new political structure in India, the defence of India must to an increasing extent be the concern of the Indian people and not of the British Government alone and, in order to give practical effect to this principle, the rate of Indianisation in the Indian Army should be commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency. We must have more Indians in the Army. Our sole concern must be to have an increasing number of Indians in the Army. For so many years, only Europeans have been employed in the Army. Indians have not at all been encouraged. If they have been engaged, it is only as sepoys and not as officers. What I plead before you is that Indians must be officers in the Army. With these words, I move my Resolution.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That this Assembly recommends to the Governor General in Council :

(1) that steps be taken to increase the number of admissions to the Military Academy both by direct examination as well as by selection from the ranks ;

(2) that if this be not found practicable at present, steps be taken to increase the number of admissions by selection from the ranks and especially from the ' Y ' cadets before they pass the age-limit."

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : The Resolution is divided into two parts. The first part has been adequately dealt with by my friend, Mr. Misra. Therefore I need not refer to that portion of the Resolution. His Excellency the Commander-in-Chief in the other place explained the military policy of the Government of India and therein he said that the present was not the time for increasing the number of admissions into the Military Academy. This is not the place to criticise that declaration and I shall confine myself to the second part of the Resolution that—

" if this be not found practicable at present, steps be taken to increase the number of admissions by selection from the ranks and especially from the ' Y ' cadets before they pass the age-limit ".

Admissions to the Military Academy are of cadets from two categories. Thirty cadets every year are admitted on the strength of a competitive examination and 30 more are admitted from the ranks. When the scheme was first started, it was feared that the supply of cadets from the ranks will not be sufficient for the 15 cadets wanted every six months. So the Government at that time took steps to induce capable young men to join the army and to qualify for admission into the Military Academy through the ranks and these young men who were specially induced to join the army are now described as the 'Y' cadets. A number of questions have been asked and answered on the floor of this House and the condition of recruitment of the ' Y ' cadets has been fully explained to the Members here. It is evident that these ' Y ' cadets were induced to join the army in the year 1930-31 and although no specific promise was made to them, expectations were raised in their minds that if they were properly recommended and if they pass the test that was required of them, they will have a preferential claim to be admitted into the Military Academy. But since the enrolment of these ' Y ' cadets it was found by the army authorities that persons already recruited into the army and serving in the commissioned and non-commissioned ranks of the various regiments were also drawn from the properly educated classes and that they were also eligible for admission into the Military Academy. So, the fear that was at first entertained that a sufficient number of cadets would not be available was found to be unfounded and it was found that the supply from the ranks ordinarily recruited was nearly sufficient.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty vacated the Chair which was then occupied by Sir Leslie Hudson, one of the Panel of Chairmen.]

Now, a sort of a competition has arisen between the ' Y ' cadets and the men who come regularly from the army. The ' Y ' cadets joined the army with expectation of being sent up to the Military Academy ; but the recruits that were ordinarily recruited in the army did not join

[Mr. B. V. Jadhav.]

the army with that expectation. Their highest expectation was to rise to the Viceroy's Commission and at the end of their service to be Subedar-Major or Risaldar Major. Of course, according to the new rules they were perfectly legible for being sent to the Military Academy if they were found fit and I am glad and rather proud of the army that they are supplying men in sufficient numbers from the army to take up the vacancies in the Military Academy. But, Sir, on account of the unexpected supply from the regular army, the chances of the 'Y' cadets have been rather shaky and many of the parents of the 'Y' cadets are entertaining reasonable fears that perhaps at the end of three or four years their sons might be thrown out of the army. It is to ventilate this feeling of the parents that this Resolution appears to have been tabled by my learned friend. Sir, there were in all, as we were told here, 34 cadets recruited, out of whom about seven or eight have been already admitted into the Military Academy. Three have resigned and two or three are found to be not fit for the officer's job in the army. So, I am given to understand that about 20 candidates are yet awaiting their admission into the Military Academy. The recruiting of 'Y' cadets has been stopped since 1931 and no more cadets are now taken on those conditions. Therefore, this number is a very limited one and the second part of the Resolution asks Government to make special provision for these young lads. These young lads have mostly come from the colleges. They have joined the army in the lowest grade on the expectation that they will have an opportunity of serving their country by being sent to the Military Academy and afterwards serving in the officers' ranks. The military service is not a very remunerative service. The expenses of the officers are very heavy and it is found that at least in the first five or six years the salary that is paid them is not sufficient to maintain an officer. Therefore the parents or the guardians of the young officers have to supplement their salaries. So, from the pecuniary point of view the military service is not a very attractive one. These youngmen from the colleges have joined the service in the lowest rank and are roughing it not for the sake of lucre but for higher sense of service to their country. These youngmen were spending Rs. 50 to Rs. 70 a month in their college career and now they have to serve on Rs. 16 a month in the army with all the inconveniences and hardships to which a private is exposed. They are all doing it very courageously and it is very creditable to them. Now, I ask Government to see that they also discharge their duty by them. They were especially recruited and the commanding officers of the regiments to whom they were attached have been asked to submit quarterly reports about their work, and in the case of 20 cadets I am given to understand that the reports are almost satisfactory. It is for Government to see that they do something for these young men. I do not mean to say that the admission of the regular officers from the army to the Military Academy should be stopped in order to provide vacancies for these 'Y' cadets. It would be an act of injustice in the case of the ordinary officers who are found fit for the Academy. But, then, if Government finds it difficult to make provision in the number of admissions each six month to satisfy the claims of the officers from the regular army and of the 'Y' cadets, then the prayer of this House is that the number of admissions from the 'Y' cadets from the army should be increased in order to provide sufficient vacancies for the 'Y' cadets. This will be required to be done for a year or two and it will not be a permanent arrangement, because when these 20 cadets are

cleared off, then the regular admission of 15 officers from the army may be resumed. Therefore, we pray, Sir, that Government should take these things into consideration and send these 20 cadets to the Army as early as possible. This is the prayer that has been offered in the second part of the Resolution. These 'Y' cadets as well as the officers from the army have to be admitted into the Academy before they complete their 25th year. There is an age-limit. If this age-limit is passed before they are admitted into the Academy, then their whole career will be blighted and it is for this reason that this prayer is placed before Government.

Mr. Chairman (Sir Leslie Hudson) : The Honourable Member has one minute more.

Mr. B. V. Jadhav : At the same time, I pray that those persons who have been found or will be found unfit for the officers' ranks should also be provided by the military authorities in the Military Finance Department or some other civil employment, so that those boys who left their college career need not be sent away in search of other jobs. They have left their college career and cannot resume it. If they are now asked to resign the army, they will be thrown out of employment and their lot will be a hard one. Therefore Government should take steps to provide them with suitable jobs.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : Sir, I rise to make a few observations on the Resolution under discussion. At the outset, I wholeheartedly thank my Honourable friends, the Mover and Mr. Jadhav, for taking keen interest in improving the position of the Indian Army ranks. After all they have realised that something substantial must be done to improve the standard of education among the Indian army ranks. The Indian soldiers have proved in many battlefields to be not inferior to any other soldier of the world. Before I proceed further, I wish to clear a doubt regarding "Y" cadets. I think in the minds of many Honourable Members there is a difference between "Y" cadets and Indian ranks. As far as I know, there is no "Y" cadets in the Indian army. The other day I asked a question to the Army Secretary about the definition of "Y" cadets. The Army Secretary said :

> "As I attempted to explain the other day, the 'Y' cadet is the term used in this country and is a term applied to certain young men who went in for open competition of the army and failed to secure sufficiently high marks to get a place and were then given an opportunity of getting into the Indian army by entering some regiment or other as a sepoy and, thereafter, running their chance of securing cadetship in the Indian Military Academy."

In the Indian Military College Committee Report, paragraph 40, they have simply mentioned "Indian army cadet". They have sanctioned some privileges only for the "Indian army cadet", not for "Y" cadet. They say :

> "We consider that like the army cadets at the academy the Indian army cadets should receive their education at the Indian military college free of charge."

They never mention the word "Y" cadet. I do not know how this expression has come to the minds of my Honourable friends. It is a very old expression which used to be prevalent in the British Army when the ranks were given Commissions in the Sandhurst and they were called "Y" cadets. But here, in the Indian Army, any young man who joins the Indian ranks is entitled to go for the examination and, if he

[Captain Sher Muhammad Khan Gakhar.]

receives a special certificate, then, on the recommendation of C. O., he is liable to be selected to go to the Indian Military College. In the second part of the Resolution, the Mover says :

" That if this be not found practicable at present steps be taken to increase the number of admissions by selection from the ranks and especially from the ' Y ' cadets before they pass the age-limit."

I must bring to the notice of the Honourable the Mover that there is no " Y " cadet and, therefore, the Resolution should simply be " by selection from the ranks of the Indian Army ".

Mr. B. V. Jadhav : May I remind the Honourable Member that in the speech of His Excellency the Commander-in-Chief, on the 1st October last, at the opening of the Military Academy, he also used the term " Y " cadets.

Captain Sher Muhammad Khan Gakhar : No doubt the term is used. But there is no " Y " cadet officially recognised in the Indian army. As a matter of fact, the term is used for the Indian army cadet.

Mr. B. V. Jadhav : Then ultimately that term will cease.

Mr. S. C. Mitra : The term is well understood by everybody.

Captain Sher Muhammad Khan Gakhar : For the Indian army cadet there is some sort of standard of education laid down and that is called special certificate. If he passes the special certificate, he is entitled to be recommended for selection as an Indian army cadet. What I want to bring to the notice of my Honourable friend, the Army Secretary, is about the education of the Indian army cadets. In the open competition, they take the boys who come out of college with high education and, after selection, they go to the Indian Military Academy where there is a handicap to the Indian army cadets, because the latter have to compete with brother cadets who have very high educational qualifications. If my Honourable friends really want to improve the conditions and the position of the Indian army cadets, then they should support me in the following suggestions. Owing to a very keen competition for admission to the Indian Military Academy, very highly educated candidates, with a thorough grounding, by paid coaches of exceptional merits, appear for the Indian Sandhurst open competitive examinations, whereas candidates who have received education at the King George's military schools, Jhelum, Jullundur and Ajmer, are generally in a disadvantageous position when competing against such candidates, owing to the fact that the education imparted to them by Indian officers employed in the military schools of Jhelum and Jullundur is out of date. The Indian officer instructors are not highly educated and have had no proper educational training and are, therefore, not fitted to instruct their students so as to enable them to compete with their fellow competitors. I, therefore, humbly suggest that the tutorial staff in the King George's military schools of Jhelum and Jullundur should be civilians of highest educational qualifications preferably with up-to-date knowledge of their special subjects. I wish to point out that it will be possible to effect an economy in the expenditure of these schools in this way as the salaries now paid to the Indian officers would be in excess of what the civilian teachers will receive. The present standard of education, though much improved, since the last two years, falls much short of what is required for the

Indian Sandhurst competitive examination. I would add that one Indian officer and three or four non-commissioned officers should, however, be retained in the cadre of instructors for the purpose of drill, etc.

The second suggestion is this. It is a matter of sincere gratitude that the military authorities in India have recognised the services of the old Indian army by granting 50 per cent. of the King's Commissions to educated Non-Commissioned Officers serving in the Indian army, but most of the Indian officers, while appreciating fully the idea of Indian Army cadet, complain that no preferential treatment is meted out to their sons in the selection of the three vacancies which are entirely left in the hands of His Excellency the Commander-in-Chief in the competitive examination for admission to the Indian Military Academy and which they consider should go to the sons of the deserving Indian officers. They believe that owing to their services in the Indian army, during the long past and their sacrifices and achievements in upholding and even enhancing the reputation of the army, their sons are deserving of special preferential treatment as even now the rank and file in the army consists of their own kith and kin. They further request that, while selecting cadets from amongst the educated Non-Commissioned Officers of the Indian army, preference may kindly be given to the sons of the deserving Indian officers who have served the benign Government with great distinction. In conclusion, I hope my Honourable friends will have every sympathy to improve the conditions of the Indian army cadets. (Applause.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I had to do something with regard to the entrance of a certain candidate into the Indian Sandhurst and I, therefore, feel that having taken an interest in it I have certain views on this question.

Sir, the Resolution, as it is worded, only means that what is required is further and more Indianisation of the army. On this question it cannot possibly be denied that Government have made a beginning in order to recruit Indian officers into the army. But our complaint is that the process is very slow. It is a snail's pace and we do not know when we are going to achieve our ultimate goal of Indianisation. As it is at present, I find that there are so many technicalities and difficulties in getting into this Academy which may be called the Indian Sandhurst that it is high time that there should be encouragement given to the candidates to enter the Prince of Wales College and the Academy. Sir, I submit that that allegation, which was being thrown into our face that there is a dearth of candidates, is long past. There are plenty of candidates now and people are anxious to send their children into the Prince of Wales College and, if there are any difficulties there, they should be solved and encouragement should be given. Sir, I said I had to do something with the entrance of a certain candidate into the Indian Sandhurst. I know a case in which a certain candidate had been sent up. The procedure with regard to the Prince of Wales College is that a student should be under 12 years of age and that he has first of all to approach the District Magistrate of his district and get a certificate from him, which is rather not easy. Then, if he is fortunate in securing that certificate, he has to go to the Civil Surgeon. Of course I do not think there is much difficulty there. Then he has to go to the Provincial Government. The Provincial Government has to recommend him, and then only that candidate can come up for selection before His Excellency the Commander-in-Chief at Delhi. Now, you can

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take it from me, Sir, that influence is required to go through all this ordeal. It is not, as a matter of course, that the candidates are selected in that manner. Great influence has to be exercised and then only they can be sent for selection before His Excellency the Commander-in-Chief.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, may I interrupt the Honourable Member for one minute ? The Resolution before the House deals with admission to the Indian Military Academy at Dehra Dun and has nothing whatever to do with the Prince of Wales College, which is merely a public school for preparation for the army. I thought I might remove that misapprehension because, from what Mr. Lalchand Navalrai was saying, the House might get the impression that entrance into the Academy was a matter of influence, and so on. Entrance into the Military Academy which we are now discussing is entirely by open competition held by the Public Service Commission.

Mr. Lalchand Navalrai : If my Honourable friend had waited a little, he would have found that I was coming to the Academy in a short time and show the Honourable Member what the difficulties were with regard to that Academy. My submission is that it is this Prince of Wales College which gives tuition to these young boys, keeps them for seven years and then sends them up for the Academy. The Prince of Wales College is a stepping stone to the Academy.

Mr. G. R. F. Tottenham : As a matter of fact, they do send a certain number of boys to the Academy, but the Government College at Lahore, for instance, and other different institutions have succeeded, I believe, in sending a larger number of candidates to the Academy than the Prince of Wales College at Dehra Dun.

Mr. Lalchand Navalrai : Therefore, I was within my rights in pointing out first of all the difficulties with regard to the Prince of Wales College.

Sir, to continue, I am much thankful to the Army Secretary who just got up to correct me. I said that there are certain technicalities in the way of candidates though I am thankful to the Honourable the Army Secretary for getting that boy, in whom I was interested, out of such a difficulty. I said that there was selection to take place before His Excellency the Commander-in-Chief. In that connection there are many difficulties that arise. In the instance which I have mentioned seven or eight candidates had to be selected from those recommended by the Provincial Governments. The boy in whom I was interested was not fortunate in getting the 8th place. It was given to somebody else and he was sent away. Then he had to appear in the next examination which was after six months. But just at that time he would have been about one or two days over age and, therefore, the parents, who were anxious to get that boy admitted into the Prince of Wales College, were very much exercised over this question. I had to approach the Army Secretary and he very kindly helped me in the matter. Fortune also favoured him and it so happened that the eighth boy who was selected did not appear at all so that there was a vacancy and he got it.

Well, Sir, what I wanted to point out was this that in encouraging these students to go into the Prince of Wales College and also to the Academy these small technicalities should not be stuck to. Then, the question, really covered by this Resolution, is that there should be an increase in the number

of candidates taken. To take only eight or nine students from outside is a very slow process towards getting Indian officers into the Indian army. Government, of course, are sincere in what they are doing about Indianisation, but they should see that it is made quicker, and that is the sole object of this Resolution. On this point, Sir, it will be very pertinent to refer to the statement of the Secretary of State, Sir Samuel Hoare, at the Round Table Conference on behalf of the British Government Delegation on the army question. I will quote a few passages and then ask what has been done since this statement was made and whether the assurance given by the Secretary of State has been implemented. He said :

"Then there was the wider question of the case of Indianisation and there they were invited here and now to state a programme and to give almost an undertaking that at a particular date the whole of the Indian army would be Indianised. They could not act in that way. With the best will in the world nobody could give an undertaking of that kind. They had got to take into account a number of very important, and some of them rather obscure, factors."

Then he made a statement of the difficulties with regard to the expenditure, military efficiency and some other. And now I will give the concluding portion of his speech : In the concluding portion he said :

"Those were questions suggested to the Conference, upon which nobody could dogmatise at present ; the most they could do was to state quite categorically that their policy was a policy of Indianisation in as large a measure as was consistent with efficiency. They had shown their goodwill in setting up the Indian Sandhurst with very little delay and in quickening up the rate of the experiment upon which they were already engaged."

Now, I would like to be enlightened by the Honourable the Army Secretary how that experiment has been carried out. He goes on further to say :

"Let them not think that the Government had no programme and were simply drifting on. They had a definite programme, *viz.*, the Indianising of an Indian division and an Indian Cavalry Brigade and it was hoped that they would have other programmes of the same kind when they had seen how that experiment was going. As that experiment proceeded, if it proceeded satisfactorily, they would be able to have a more ambitious programme than that upon which they were now engaged."

That was the statement made in 1932 ; and I would like to know how far that experiment has succeeded and how far we are now going to be put upon that ambitious programme.

Mr. G. R. F. Tottenham : Sir, as my friend, Mr. Jadhav, has pointed out, this Resolution falls into two parts : the Honourable the Mover dealt very clearly with the first part, and Mr. Jadhav, if I may say so, dealt even more clearly with the second part and explained the position of the 'Y' cadets in terms which were almost entirely accurate. I must deal with both parts of the Resolution. I take it that the object of the first part of the Resolution is to recommend that the number of admissions into the Indian Military Academy should be increased on the ground, so far as I understand it, mainly that the supply of suitable candidates now largely exceeds the demand. Even if that fact were true—and I do not deny that it would be possible to get a larger number of youths who would be capable of passing the entrance examination than the thirty a year which is now the rule—I do not think that it follows for that reason alone that we should necessarily increase the number of admissions. It might as well be argued that the strength of the Indian Civil Service should be increased because there were a large number of boys in the country who had the brains to pass the examination for entrance into the Indian Civil Service. It has been repeatedly explained to this House that the intake for the Indian

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Military Academy is calculated exactly to carry out the programme of Indianisation which is now the declared policy of Government : that is to say, to supply a sufficient number of officers to Indianise one whole Division and a Cavalry Brigade with all the necessary ancillary services. The annual intake required for that purpose, after taking into account the normal wastage and also the fact that the number of fully commissioned Indian officers per battalion in future will be greater than it is at present owing to the fact that in the Indianised army of the future the Viceroy's commissioned officer will not be required,—the annual intake required for that purpose is 60 a year. If therefore we were to increase the number of admissions to the Indian Military Academy to 70 or 80 a year, it would mean that we should be getting more officers than we require for that purpose : in other words, the demand for an increased number of admissions to the Academy is in effect a demand for an alteration in the present policy of the Government of India in respect of Indianisation. We have periodical debates in this House, and there have also been debates in another place, on this question of the programme of Indianisation ; and I cannot add anything to what His Excellency the Commander-in-Chief said on March 6th in another place in dealing with this subject. What His Excellency then said was as follows :

"The programme of Indianisation was recommended and agreed to by the Sandhurst Committee over which I presided. That policy, Sir, was not undertaken without the most careful thought on the part of everybody concerned, and for reasons which I have very often given, I think the House must realise that we cannot alter it at a moment's notice."

He went on a little bit later to say :

"It is when the present officers have had 6 or 7 years' more service and are commanding companies, squadrons and possibly batteries that an advance might come. In another 6 or 7 years is the time to accelerate Indianisation ; and I am perfectly certain that if these young men who are now serving in the Army show when they have got 14 years' service that they are fit to assume the responsibility, which I think most of them will be fit for, there will be no question but that Indianisation will be very rapidly increased."

Now, the time has not come to make that advance when the first batch of cadets has not yet passed out of the Indian Military Academy, and that brings me to another point in the first part of the Resolution. It seems to be assumed that because there is an ample supply of young men who are capable of passing this entrance examination, therefore they must *ipso facto* be suitable material to make military officers. That, I think, is a very large assumption to make. In fact it begs the whole question ; and I do think it is necessary to sound a note of warning against undue optimism in this respect. I have no doubt, at least I think, that if I had tried very hard I might myself have succeeded in passing any of the army examinations at home ; but I very much doubt whether I should personally ever have made a good military officer. The passing of the entrance examination is merely the first step on the ladder, and there are many rungs which have to be climbed before a man can prove his worth as a military officer. Even as it is, we have had some rather disquieting reports from the Commandant of the Indian Military Academy as to the quality of the candidates who have already succeeded in getting admission to that Academy. The Commandant, Brigadier Collins—and I am sure that every one who knows him will agree that no officer could be more sympathetic towards Indian aspirations and more whole-hearted in his determination to make

the Academy a success—has, as I say, reported that there is a very large difference between the quality of those candidates who get in at the top of the list and those who get in at the bottom of the list. The ones who get in at the top are very good, but of those who get in at the bottom some have already found the curriculum at the Academy too much for them. One or two have already had to drop out, and a few more have had to be put back for a term at least. We are making good these deficiencies so as to keep the Academy up to its full strength and not to retard in any way the progress of Indianisation ; but that does give some indication that the standard that we have at present set for qualifying for entry into the Indian Military Academy is on the low side, and that we may have to think about raising that standard.

Now, Sir, I must come to the second part of this Resolution which deals with the number of entries from the Indian Army and particularly with the question of 'Y' cadets.

4 P.M.

What I have already said about increasing the total number of admissions to the Academy applies equally of course to increasing the number of Indian Army cadets. The only way that we could increase the number of Indian Army cadets would be at the expense of the open competition candidates, and I think the House as a whole will agree that that would be a most unfair step to take. I hope I shall also be able to show that it would be equally unfair to increase the number of vacancies for these 'Y' cadets at the expense of the other Indian Army cadets. Now, Sir, there has been a good deal of talk about the term 'Y' cadet. It is merely a convenient term to apply to a number of young men who, as I explained the other day, went in for the open examination for the Indian Military Academy and failed in the written papers to qualify at that examination, but who managed to catch the eye of the members of the Interview and Record Board at the time as being likely to prove good officers, if they really and honestly wished to join the army. Although, therefore, many of them did not come from families with military traditions,—and they were perhaps of a somewhat higher social standard than those who generally join the Indian Army as sepoys,—they were given a chance of gaining admission to the Indian Military Academy by securing one of these Indian Army cadetships, by being offered the opportunity of joining the army in the ranks as a sepoy.

Now, Sir, it seems to be assumed by my friend, Mr. Jadhav, that these young men were definitely induced to join the Indian Army and that they were given some kind of promise that if they did well they would ultimately get a commission or at any rate admission into the.....

Mr. B. V. Jadhav : What about the expectations raised in them ?

Mr. G. R. F. Tottenham : That is not true, Sir. I have here with me the actual letter written to these so-called 'Y' cadets in 1931. It begins by saying :

"The Interview and Record Board before which you appeared in June last has brought to the notice of Army Headquarters that you are anxious to join the Army with the object of gaining through the ranks a nomination for the military college."

The letter then goes on to lay down the various terms and conditions under which they would be allowed to join the army and ends up by saying :

"You must distinctly understand that no promise of any kind can be given to you. Your progress will depend upon your conduct, industry and the attention you pay to your duties"

and so on.

[Mr. G. R. F. Tottenham.]

Now, Sir, I myself, and I think all the army authorities have nothing but respect and admiration for these young men. I think, Sir, that they showed considerable grit and determination in choosing this chance and deliberately undertaking a fairly hard life for several years in the hope ultimately of obtaining commissions in the army ; and I say, Sir, if they stick to it and succeed, all honour to them. But, Sir, they must not complain. That is not a way that they have in the army, and complaints, if they are unjustified, will do no good to anybody, and certainly will not do them any good. They went into this with their eyes open ; they knew that their success must depend entirely upon their own efforts. All that they were promised was a fair field and no favour, and I can assure the House that that promise is being strictly adhered to. As I explained the other day in this House, the officers at Army Headquarters receive periodical reports from the Commanding Officers on these young men,—I have seen those reports myself,—and I can assure the House that they are very careful and sympathetic reports, and that there is no trace of prejudice of any kind in them.

The facts are that, there were altogether 34 originally of these so-called ' Y ' cadets. Four of them were selected in 1930, and all those four have now got into the Indian Military Academy. In 1931 we selected a further batch of 30. Four again have succeeded in gaining admission into the Academy, three of them have retired at their own request thinking that they can do better elsewhere, and four of them have been discharged as unsuitable. That leaves 19 altogether who are still serving with their units. None of these young men have had more than two years' service in the army ; they still have several years to go before there is any possible danger of their being over-age, because the age limit in their case is 25. I do not think, Sir, that they have any right to consider, merely because they have had two years' service in the army, without any previous military experience, that they are the complete soldier already, or that they are in some way superior to the ordinary man who joins the Indian Army in the ordinary way. Many young men nowadays of a comparatively high educational standard do join the Indian army in the ordinary way. I know of several boys with university degrees who have joined as sepoys, and therefore it is a fact that these ' Y ' cadets have a fairly severe competition against them in the Army.....

Captain Sher Muhammad Khan Gakhar : May I know, Sir, who is the authority who enlists these ' Y ' cadets ? Has the Commanding Officer of a regiment the authority to do it ?

Mr. G. R. F. Tottenham : As I have explained, they were given certain terms of enlistment on the recommendation of the Public Service Commission. They were recommended to particular Commanding Officers who took them on in the ordinary way as sepoys and on the recommendation of the authorities at Army Headquarters.

Captain Sher Muhammad Khan Gakhar : If they are qualified, are the Commanding Officers authorised to take them in their regiments ?

Mr. G. R. F. Tottenham : They were not compelled to do so, but they agreed to do so.

Now, Sir, as I was saying, the standard of education in the Indian Army generally seems to be a good deal higher than we ourselves had reason to expect some years ago. We have been rather pleasurably surprised and I can assure my friend, Captain Sher Muhammad Khan, that the Indian Army Cadets at the Military Academy have had no difficulty so far in holding their own with the open cadets. We always have our eyes open to the need of providing adequate educational facilities in order to give these young men in the army a fair chance of getting cadetships at the Academy. The suggestions he has made for improvements at the King George's schools will certainly be taken into consideration. But my point is that it would be grossly unfair to the ordinary Indian Army man to give these particular ' Y ' cadets any form of preference whatever in the matter of allotting vacancies at the Military Academy. The only complaint, Sir, that I can possibly see that these young men could have is that it would be unfair to keep them on in their units for too long if they were definitely unsuitable for vacancies at the Academy. On that account, we have recently asked Commanding Officers,—after all these young men have been in their units for two years and Commanding Officers should by this time have formed an opinion of their character and should be able to say of most of them whether they are likely to be unsuitable,—we have asked the Commanding Officers to inform the ' Y ' cadets, whom they consider unsuitable, of the fact, as soon as possible, so that they may have an opportunity of taking up some other walk in life. Those who remain will have a very fair chance, indeed a very good chance, of eventually getting into the Indian Military Academy, provided that they are not too impatient about it and continue to do their best in their regiments. In fact, as I said the other day in answer to a question, I can assure the Honourable Member that the claims of the persons in question will receive every possible consideration at the hands of the military authorities, and that every effort will be made to give nominations to the Indian Military Academy to those who prove themselves likely to make good officers.

I am afraid, Sir, I can say no more than that, but what I have said will, I hope, convince my friend, Mr. Jadhav, and the other supporters of this motion, that the ' Y ' cadets are being given a fair chance ; and if that, Sir, is the portion of this Resolution to which my friends attach the greatest importance, I would ask them to accept my assurance that everything possible is being done in the matter and that there is no real cause for complaint.

Mr. B. N. Misra : May I say that the Army Secretary has not referred to the 50 per cent. Indianisation about which I put a question ?

Some Honourable Members : Withdraw the Resolution.

Mr. B. N. Misra : I beg leave of the House to withdraw the Resolution.

Mr. Chairman (Sir Leslie Hudson) : Has the Honourable Member leave of the House to withdraw the Resolution ?

Honourable Members : Yes.

The Resolution was, by leave of the Assembly, withdrawn.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

RESOLUTION *RE* GRIEVANCES OF THE TRAVELLING PUBLIC ON THE ASSAM BENGAL RAILWAY.

Mr. President (The Honourable Sir Shanmukham Chetty) : Diwan Bahadur Harbilas Sarda has authorised Kumar Gopika Ramon Roy to move the Resolution standing in his name.

Kumar G. R. Roy (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council that immediate and adequate steps be taken by the Railway Board to redress the various grievances of the general travelling public and particularly of the public travelling by the Assam Bengal Railway."

Sir, it has been my lot again to whisper in the ears of the Honourable Member in charge my woeful tale. I will whisper in the ears of the Commerce Member the woeful tales of my constituency with regard to the Assam Bengal Railway times without number till their grievances are redressed. His predecessor, the Honourable Sir George Rainy, assured me in 1931, in the conclusion of his speech, with these words :

"I hope my Honourable friend, the Mover, will be satisfied that we will look into the points he has raised to see what we can do."

But, to my utter disappointment, I have again to repeat that no appreciable redress of our grievances has been made except one, and that is also partly.

Sir, I represented to the House various grievances on the Assam Bengal Railway out of which only one has been partly redressed, and that in connection with the bath of the upper class passengers. Mr. R. L. Bliss, the Agent of the Assam Bengal Railway, writes and informs me in his letter No. E.P.|337 of October, 1331.....

An Honourable Member : 1331 ? 1931 ? It is 600 years !

Kumar G. R. Roy : Sir, we may have to wait for more than a century to have our grievances redressed ; we may have to wait for even 600 years :

"With reference to your interview with me on August 6th, 1931.

Important junction stations have bath rooms equipped with bath and cold bath can be obtained but if hot water is required special arrangements would be required to be made with Station Masters concerned."

All the rest have gone from bad to worse, the details of which I will submit, later on, before the House. This is just why I am going to repeat that I will, like Dickens's character, whenever I meet the Honourable Member, whisper into his ears times without number the most uninteresting piece of information and he may sneer like the "Lady of Love" "Willis is barking".

Sir, in order to expedite the removal of the grievances on the Assam Bengal Railway, I personally went to Chittagong to see the Railway Agent and to explain matters to him by discussion there. I saw him on the 6th August, 1931, and explained matters in detail. Perhaps Honourable Members in this House do well remember the innumerable grievances I mentioned on the floor of this House. One of them was raised platforms with sheds in the stations. The Agent told me that, owing to the scarcity of funds, the question of raised platforms could not be considered. I requested him to proceed with the work gradually, though not all at a time, in one or two stations every year. He told

me, if I remember aright his wordings, that "Blue Pencil" would go in Delhi and Simla from one end of the paper to another straight off if he proposed any expenditure on the raised platforms question, while, Sir, for the convenience of the passengers, to construct raised platforms in one or two stations may mean a nominal expenditure of Rs. 1,000 to Rs. 2,000 only.

May I ask the Honourable Member in charge of Railways, how much he did sanction to set up electric installation at Badarpur junction during these financial crisis and for whose convenience ? Perhaps it will be amusing.....(Laughter.) There are no laughing stocks here. Perhaps it will be amusing for Honourable Members to note that, after the departure of 10 Down at 19 hours 47 minutes from Badarpur junction, there is no other train in the night. The first train that arrives in the morning at Badarpur is the 9 Up at 6 hours 14 minutes. This is one of the finest specimens of the strictest economy that is observed by our pet darling, the Assam Bengal Railway, and this is how the Railways in India rise to the public grievances. A perusal of the "Assam Bengal Railway Time Table" will bear me out. Here is the guide.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Does the Honourable Member mean to present me with a copy, or does he lay it on the table ?

Kumar G. R. Roy : It is for the Honourable Member's ready reference, because I will refer him to many instances out of this guide. This is how one of the most important public necessities was rejected at the outset in the interview on the ground of financial stringency. For the railway platform in the Assam Bengal Railway Stations, the Honourable Mr. Sasanka Mohan Das, my successor in the Assam Legislative Council, has raised his voice, but he was referred to this poor Member who has started barking since 1931, and is going on barking still.

Perhaps Honourable Members in this House have not forgotten that I represented in the House that one of the causes of the frequent flood in the Chargola and Longai Valleys was the silting up of the rivers Chargola, Longai and Poamara and that for the construction of the bridges by the railway which was interrupting the free flow of the water in the rainy season. I raised that question in the same interview with the Agent at Chittagong and here is the reply of the Chief Engineer of the Assam Bengal Railway which has been forwarded to me by the Agent with a forwarding note No. E.P.|210, dated Chittagong, the 29th September, 1931. The letter runs thus :

"Dear Sir : Silting of the Longai and Chargola. At the interview you had with me in my office on 6th August, 1931, you stated that due to silting at the Longai and Chargola bridges the free flow of water is impeded. I enclose a copy of my Chief Engineer's letter No. W.|7|8|20, dated 23rd September, 1931, in this connection from which it will be seen that silting up is due to natural causes and not to the bridges themselves."

I am also tempted to read the contents of the Chief Engineer's letters which run as follows :

"Alleged silting of the Longai and Chargola. Your No. E.|337, dated 8th August, 1931. The bed of the Longai at the main line bridge has a greater average depth now than when the bridge was built. The Chargola does show some silting which is due to

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natural causes and not to the bridge. The Chargola is not a very active river and there have been complaints about its deterioration up the valley for many years. In the 1929 flood there was no appreciable current and practically still water under the bridge, the discharge passing by the Puamara Bridge to the Longai and a similar state of affairs existed in the 1916 flood. Under these conditions, some silting is to be expected."

Though the Chief Engineer of the Assam Bengal Railway has followed the principle of *suppressio veri*, still he had not the heart to fully repudiate the allegations I made on the floor of this House in 1931. The Chief Engineer has plainly confessed that there have been "complaints about its (Chargola river) deterioration up the valley for many years". He has also confessed that the Chargola does show some silting up which is due to the natural causes and not to the bridge. But, Sir, who is to arbitrate into the grievances if we go for redress against a railway question to the Member in charge of Railways, who is enjoying tranquillity in the salubrious climate of Shillong and who has no chance of losing a straw of his own in the flood, will promptly rise on his legs and reply that Assam Bengal is a "Company-managed" railway and that he has no control over it. The matter may be placed before the Central Legislature. So he is helpless to give us any relief there. So I tried to soften the heart of the Honourable Member in charge here, but we had no redress except the hollow words of solace. Recently in August last, flood has again threatened the Chargola Valley.

Sir, Railways, be they Government or "Company-managed", might be the pet child of the Government here and Government there (in Assam). But inundation by repeated floods is a life and death question to the inhabitants of Chargola and Longai Valleys. Is it too much if we expect that the Honourable the Member in charge of the Railways will rise adequate to the occasion and make a thorough inquiry into the causes of floods that frequent in the Surma Valley by which we are going to face extreme poverty gradually.

Sir, on the interview with the Agent at Chittagong, I represented to him the dire necessity of removing the Phakhoagram station from its present site to a more convenient and safe place. The Agent told me that he will inquire into the matter and let me know his decision. I have already said that I went to see him in the beginning of August, 1931, but I did not get a reply till February, 1932, on this subject. Seeing the unusual delay to get a reply, I wrote to the Agent on the 25th January, 1932, No. A.-103, and it runs as follows :

"My dear Mr. Bliss, I came to learn from reliable sources that you are going to construct a permanent structure of Phakhoagram Railway station on the Chargola Railway branch of your railway. Perhaps you remember that when I went to Chittagong and met you on the 6th August, last year, I requested you to remove the Phakhoagram station from its present site to the vicinity of your telegraph mileage Mark 258|3 or 258|4, that is near Noa Nabin village. This site will be highly convenient to the travelling public of your railway from the both eastern and western bank of the Son Beal. This site will be convenient for both rainy season and winter traffic too. I am sure it will be convenient for goods traffic and not only for passengers. The boat will be within a few yards of the Railway station if the station is constructed to my suggested site. Almost all the railway earnings of Phakhoagram are derived from my Estate and my tenants, and as a flag station I think the income of Phakhoagram is not negligible on the K. L. V. and Chargola line. I would also suggest, if you kindly accede to my suggestion of site, for the Phakhoagram station to create a siding on the said station. It is highly inconvenient for us to get goods loaded or unloaded

on the present site where Phakhoagram station is situated. For these inconveniences we get our goods by boats from Karimganj. The principal inconveniences and disadvantages of the present site of the Phakhoagram station are the following :

(1) There is no road to go to the present Phakhoagram station except by the railway line by both sides of which there are narrow strips of paths. From my personal experience I am of opinion that there is every likelihood of serious accidents to the pedestrians who alight at Phakhoagram or entrain there. The people in this part of the country, I hope you will realise, have little experience of travelling on foot side by side with a running train, and there is every possibility of their being run over by a running train. The passengers from the eastern bank of Son Beal are to walk from Noa Nabin village, that is to say, the telegraph post 258|5 to Phakhoagram station, that is about a distance of half a mile or above. Perhaps you will agree that this is undoubtedly a very dangerous practice to which the travelling public have no other alternative but to indulge.

(2) There is a railway bridge of two spans which is also to be crossed and which has neither any foot path by the side nor the slippers are covered by anything and the travelling public, from the eastern bank of Son Beal and Noa Nabin village, have no other alternative but to cross the bridge over the slippers. Would you kindly imagine what would be the fate of the poor pedestrians if they slip down from the railway slippers over the bridge or if a running train meets the pedestrians on the middle of the bridge? The bridge is considerably high and the bed of the Phakhoacherra is covered with big slabs of stones.

(3) The evening train from Karimganj to Dullavcherra arrives at Phakhoagram station at about 9 P.M. and the present Phakhoagram station, being situated within the hills and jungles, is frequented by tigers just after the departure of the train. This fact, I hope, will be corroborated by the Station Master of Phakhoagram. In fact, my tenants have reported to me several times that they met the king of the forest on the railway road and they escaped with their lives by the help of country torches and shoutings. Perhaps you will also agree that this is not also desirable that a railway station should be located in such a dangerous place if it can be avoided and that by a nominal expenditure. All these dangers could be avoided if the station is removed to my suggested site.

(4) Of the womenfolk who intend to travel by the railway from Phakhoagram, I hope you will be able to imagine what it means.

Under the circumstances, I hope you will give my suggestion your kind consideration and select the site I have proposed for the New Phakhoagram station for which myself with my tenants will be highly obliged."

To this letter the Agent replied by his letter, demi-official No. A.|918, dated the 3rd February, 1932, as follows :

"Your letter of 25th January. There is at present no intention to construct a permanent station building at Phakhoagram Railway Station.

2. If it is decided to do so at some future date or to move the present station building, your suggestions will receive careful consideration.

3. I regret very much that you were not informed of my decision not to move the existing station."

Sir, I am placing on the table a map for the Honourable Members to form an opinion as to what amount of apathy the Assam Bengal Railway Administration shows towards the inconvenience of the travelling public. I want this map* to go in the proceedings of the House. In this map Honourable Members will find the dangerous position through which the Assam Bengal Railway compels the passengers to travel. Sir, by the side of the Railway bridges I have seen notices with the inscription "Trespassers will be prosecuted", but the Assam Bengal Railway has forced the passengers to travel over the Railway bridge

*Not included in these Debates.

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and that at a Railway curve. In the map I have also shown my proposed site where the station could be conveniently removed. Sir, my apprehension of falling from the railway bridge at Phakhoagram has been a reality. On the 28th December, 1932, a peon of mine named Gokul Namasudra received serious injuries by falling from the Phakhoagram station bridge. The poor fellow had to remain in the Karimganj hospital for nearly a month and a half and now he has come out of the hospital with one hand practically useless for any work. The morning following I sent the following telegram to the Agent :

"My peon, Muktarampore Gokul Namasudra, received serious wound by falling from Phakhoagram station bridge last night while going to escort officers from station, please note."

Sir, I received no reply to my telegram from the Agent nor do I know of any inquiry being made into such a serious accident. Neither did he think it worth while to take any notice of the injured man in the Karimganj hospital, if not from any other consideration at least from the humanitarian point of view. Perhaps the House will be eager to know what will be the approximate expenditure of removing the station. The Phakhoagram station is a hut having a bamboo split roofing, bamboo split wall and bamboo posts. In any case, it will not cost more than Rs. 200 to build such a new hut. The removal of the station to my proposed site would not have cost more than Rs. 100. Having lost all hopes about the removal of this station, I tabled a Resolution on the 22nd July, 1932, reading as follows :

"This Assembly recommends to the Governor General in Council that immediate steps be taken to remove the Phakhoagram railway station on the Karimganj Dullavcherra section to a more suitable site."

But I regret very much to bring to your notice, Sir, that since then I have not received any opportunity to ventilate the grievances of my constituency on the floor of this House. I also requested verbally Mr. S. C. Das, the District Traffic Superintendent, Badarpur, to cover the sleepers on the bridge with a few corrugated sheets for the pedestrians to walk over the bridge with some safety. The District Traffic Superintendent informed me later orally that the covering of the railway sleepers was not permissible under railway rules as it might mean that the railway allowed the bridge for the thoroughfare of the pedestrians. What a nice logic ! They will compel the passengers to travel over the bridge and the railway line as there is no other alternative but to proceed from Noa Nabin village to Phakhoagram, but they will not cover the bridge for the safety of the travelling public. We are having a railway of such "Neroisms". Let us die by falling from the bridge, break our heads and limbs, but the "Nero" of Chittagong will fiddle on his harp as merrily as ever. I do not know if any other Honourable Member of this House can cite similar illustrations of railways in any other part of India. My Honourable friend, the Honourable Mr. Abdul Matin Chaudhury, is absent today. He had the pleasant experience of the Phakhoagram station and, if he were here, he would have borne me out. But here is our Commissioner, the Honourable Mr. Hezlett, to whom I had the good fortune of showing this Phakhoagram station and the conditions there while he was travelling in the train with His Excellency the Governor of Assam last August. I came out

to show him the awful plight of the passengers in the early part of a morning and I was compelled to rouse him from his sleep and show him the exact condition. I hope he will kindly bear me out what I say now. I pause for a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up. But in view of the importance of the subject, I would allow him to continue his speech on the next occasion. The House will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 8th September, 1933.

LEGISLATIVE ASSEMBLY.

Friday, 8th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to part (*b*) of starred question No. 373 asked by Mr. Gaya Prasad Singh on the 1st September, 1933.

Stores Purchase Policy of the Calcutta Port Trust.

*373. (*b*) The Government of India understand that the policy of the Calcutta Port Commissioners as regards the purchase of their stores is to buy them on the most favourable terms obtainable regardless of the country of origin.

The following is a comparative statement showing the value of stores purchased in and out of India by the Port Commissioners during the last five years :

—	Value of stores purchased in India (*).	Value of stores purchased out of India (†).	Total.	Remarks.
	Rs.	Rs.	Rs.	
1928-29 ..	37,90,792	10,57,989	48,48,781	(*) Excluding the value of stores and equipment purchased in India by the Engineering Department of the Port Commissioners, of which the figures are not available.
1929-30 ..	34,46,164	6,17,504	40,63,668	
1930-31 ..	25,74,721	1,70,160	27,44,881	
1931-32 ..	15,79,538	1,55,054	17,34,592	(†) The stores purchased outside India during the last few years consisted entirely of plant and materials not obtainable in India and of spare parts or renewals for machinery manufactured abroad.
1932-33 ..	13,78,897	94,714	14,73,611	

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to starred questions Nos. 309 to 314 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 9th February, 1933.

Inadequacy of the Space for the Staff in the Madras General Post Office.

*309. (*a*) A starred question No. 189, put by Rao Bahadur P. T. Kumaraswami Chettiyar on the 16th July, 1930, referred to the adequacy of accommodation for the staff in the Madras General Post Office ; in reply it was stated that there was enough accommodation in the General Post Office for the entire staff.

(*b*) No. The Madras Postal Co-operative Credit Society and the Postal and R. M. S. Co-operative Benefit Fund vacated the accommodation in the General Post Office because of the high rent and not for the reason suggested.

(*c*) The Bag office has been removed to the General Post Office building but it is not correct to say that it has been located in a very inadequate place.

(*d*) The window delivery post boxes were removed as stated but the delivery department did not consequently become, and is not in fact, ill-ventilated and very congested.

(*e*) The Foreign Money Order Department is now properly located in the Money Order Department and the accommodation provided for it is not congested.

(*f*) The tiffin rooms hitherto occupied by Hindu staff were close to the latrine and have therefore been shifted to better rooms to which the accommodation provided is larger by 102 square feet in area than that formerly occupied. The tiffin rooms formerly in use will be utilised for official purposes when required.

(*g*) 429.

(*h*) The information is given in the statement attached.

Statement.

Names of Departments.	Maximum staff working at a time.			Accommodation. required.	Space available.	Excess.	Short.
	Selection grade.	Time scale.	Menial.	Sq. ft.	Sq. ft.	Sq. ft.	Sq. ft.
Money Order Department	2	27	3	1,610	1,360	..	250
Registration Department	3	21	3	1,410	1,581	171	..
Delivery Department ..	2 (including 1 A.P.P.M.)	18	37	2,290	2,050	..	240
Treasury	..	8	1	620	576	..	44
Sub-Accounts	..	4	1	220	168	..	52
Accounts	1	6	1	570	1,139	569	..
Correspondence Department (excluding portion allotted for records).	1	31	6	1,770	2,200	430	..
Accommodation in Correspondence Department reserved for records.	..	..	..	740	740	..	..
Savings Bank	2	8	1	820	1,086	266	..
V. P. Claims	1	18	1	1,470	1,116	..	354
Customs Examination ..	1	8	4	1,280	2,112	832	..
	3 (appraisers Customs)	4 (clerks Customs)					
Inland Parcel	1	7	6	920	2,156	1,236	..
Foreign Parcel	1	14	8	1,410	4,234	2,824	..
Bag Department ..	..	9	5	775	1,321	546	..
Mails Department ..	..	5	6	495	814	319	..
Deposit Department ..	..	4	1	320	312	..	8
Sorting Department ..	..	6	4	380	792	412	..
Stores Department ..	..	2	1	170	1,196	1,026	..
Inspectors	3	..	..	300	1,246	946	..
Counter space	..	15	..	300	733	433	..
	21	215	89	17,870	26,932	10,010	948
Space for the public in front of the post box range.	..	..	..	200	200	..	..
				18,070	27,132	9,062	..

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

*310. (*a*) 200 sq. ft. for a Postmaster, or

100 sq. ft. for a Deputy or Assistant Postmaster,

50 sq. ft. for a clerk, where a separate record room is provided,

75 sq. ft. for a clerk where no separate record room is provided,

20 sq. ft. for a clerk working at the counter where a standard counter is provided,

20 sq. ft. for a postman or a member of the lower grade staff.

(*b*) Government consider that the scales of accommodation provided for the staff are reasonable and that they allow for the necessary working conditions. They would however be prepared to consider the special circumstances of any case brought forward by the Postmaster-General.

(*c*) If the question refers to the Madras General Post Office the conditions referred to in the question do not exist.

(*d*) The space occupied by the money order department is 1,360 square feet which is 250 sq. ft. less than that ordinarily admissible for the maximum number of staff working at one time in a day.

The maximum number of staff in the money order department is required to be on duty for one hour in a day and as the staff working during other times is below the maximum strength, the accommodation required for it varies from 1,350 sq. ft. to 1,400 sq. ft. The space now available does not therefore fall seriously below the normal standard.

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

*311. (*a*) Yes

(*b*) No. There is still left a space of 430 sq. ft. in excess of what is admissible according to standard.

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

*312. Fans are stopped in certain departments following the example of the offices of the Local Government during October to March except on close and hot days when the weather conditions justify this. The hardship implied by the Honourable Member does not exist, as there is no congestion or serious obstruction to the free passage of air and light.

STRUCTURE OF THE MADRAS GENERAL POST OFFICE BUILDING.

*313. (*a*) Between May, 1881 and April, 1884.

(*b*) Government are assured that the building is specious and cool and the accommodation is considered adequate.

(*c*) If the Honourable Member refers to the space skirting the main hall between the railings dividing certain departments and the wall, this is approximately five feet.

(*d*) The space is ample to allow of the passage of the officials who have to work on this floor.

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WANT OF PROPER LAVATORY ARRANGEMENT IN THE MADRAS GENERAL POST OFFICE BUILDING.

*314. (*a*) The latrine accommodation in the General Post Office is reserved for the supervisory staff. The clerical, delivery and inferior staff use an eight seated latrine situated about 80 paces away from the main building. The numbers of the establishment using it are somewhat overstated in the Honourable Member's question.

(*b*) Representations on the subject of the provision of extended accommodation in tiffin rooms and latrines have been received, and the conditions in respect of the tiffin rooms have already been remedied. Arrangements for enlarging the latrines are in progress. The space occupied by most departments is in excess of requirements and in six of them it is slightly inadequate.

Mr. B. J. Glancy (Political Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 64 asked by Mr. Gaya Prasad Singh on the 22nd August, 1933.

PRESENT POLITICAL AND ADMINISTRATIVE POSITION OF GILGIT.

*64. Gilgit proper is a part of Kashmir State and administered by them. The Government of India maintain a Political Agent at Gilgit, and also contribute towards the cost of maintenance of Kashmir State troops in the Gilgit Agency. The annual expenditure incurred by the Government of India is approximate seven lakhs (rupees 7,00,000). Out of this amount a sum of about Rs. 30,000 is recovered from the Kashmir State.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1652 asked by Mr. Goswami M. R. Puri on the 12th December, 1932.

RETRENCHMENT OF RAILWAY EMPLOYEES.

*1652.

Officers.	State-managed Railways.	Company-managed Railways.
Number of posts abolished or held in abeyance from 1st March, 1931	134	53
Number of officers retrenched or reduced from 1st March, 1931	55	19
Inspectors.		
Number of posts abolished or held in abeyance from 1st March, 1931	262	90
Number of Inspectors retrenched or reduced from 1st March, 1931	136	52

The difference between the number of posts abolished or held in abeyance and the number of officers retrenched or reduced on State and Company-managed railways is due to :

(*i*) sanctioned posts being left unfilled in the interest of economy prior to the issue of orders in March, 1931 ;

(*ii*) posts falling vacant subsequent to 1st March, 1931, due to transfer of their substantive incumbents not being filled ; and

(*iii*) posts falling vacant on account of death, retirement, resignation, etc., not being filled.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 7th September, 1933, agreed, without any amendments, to the following Bills which were passed by the Legislative Assembly at its meeting held on the 1st September, 1933, namely :

(*a*) A Bill further to amend to Indian Income-tax Act, 1922, for certain purposes ;

(*b*) A Bill to regulate the possession of Wireless Telegraphy apparatus ;

(*c*) A Bill further to amend the Land Acquisition Act, 1894, for certain purposes ; and

(*d*) A Bill further to amend the Indian Railways Act, 1890, for a certain purpose."

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 11th September. You, Sir, have already directed that in that week the House shall sit for Government business on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday. Should our business for the current Session not be concluded on the last day of the week, it is probable that we shall ask you, Sir, to direct that the House shall sit on Monday, the 18th, Wednesday, the 20th, Thursday, the 21st and Friday, the 22nd September, 1933. Our reason for making the request, Sir, will be that it is most desirable that we should not carry over any appreciable amount of business to the November Session.

On Monday, the 11th, a motion will be moved for the election of Members to fill certain vacancies in the Salt Industry Committee of the Assembly. Thereafter, leave will be asked to introduce the following Bills :

1. A Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, and

2. A Bill to amend the Indian Lac Cess Act, 1930, for certain purposes.

This will be followed by a motion to commit to a Joint Committee of both Chambers the Reserve Bank of India Bill.

On Tuesday and Wednesday the business before the House will be the continuation of the discussion of the motion to refer the Reserve Bank of India Bill to a Joint Committee. On the conclusion of this business the consideration of any Legislative business entered in the lists of business for the present week and not concluded will be taken up.

The business for Thursday, Friday and Saturday will comprise :

1. Continuation, if not already concluded, of the motion for reference to a Joint Committee of the Reserve Bank of India Bill.

2. Motion for reference to a Joint Committee of the Imperial Bank of India (Amendment) Bill which it is proposed to introduce on Monday next.

3. Continuation of the motion, if not already concluded, to refer to a Select Committee the Indian States (Protection) Bill.

4. Motions to take into consideration and pass the following Bills :

(1) the Indian Medical Council Bill, if not already passed ;

(2) The Murshidabad Estate Administration Bill, as reported by the Select Committee ;

(3) The Indian Merchant Shipping (Second Amendment) Bill, as reported by the Select Committee ; and

(4) The Indian Tea Control Bill.

5. Motion to refer to a Select Committee the Factories Bill.

6. Motion to re-commit to a Select Committee the Hedjaz Pilgrims (*Muallims*) Bill, as reported by the first Select Committee.

7. Motions to take into consideration and pass three short Bills which were introduced and passed in the other Chamber. These are :

(1) The Negotiable Instruments (Amendment) Bill,

(2) The Indian Arbitration (Amendment) Bill, and

(3) The Cantonments (House-Accommodation Amendment) Bill.

8. Motions to take into consideration and pass the Dangerous Drugs (Amendment) Bill.

9. Business other than Legislative business which has appeared in this week's list and has not been disposed of. This includes :

(1) Motion relating to the future administration of Aden,

(2) Supplementary and Excess Demands for Grants, and

(3) Motion in connection with the levy of dues in respect of lighthouses and buoys.

THE RESERVE BANK OF INDIA BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : Before calling upon the Honourable the Finance Member to make the motion which stands in his name, the Chair desires to make just one observation. It is usual, according to the convention established in this House, at this stage of asking for leave to introduce any Bill, for the Mover to make only a very short statement. But in view of the special importance of the Reserve Bank of India Bill, the Chair proposes in this case to depart from that convention and permit the Honourable the Finance Member to make a longer statement than is usually allowed in such circumstances.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, you have been pleased to suggest that the Honourable the Finance Member should make a long speech. When the Reserve Bank Bill was introduced last time, Sir Basil Blackett introduced the Bill first and afterwards he made his motion for circulation and made a long speech. I cannot understand why there should be a departure today.

Mr. President (The Honourbale Sir Shanmukham Chetty) : The Honourable Member will understand it now.

The Honourable Sir George Schuster (Finance Member) : Sir, I move for leave to introduce a Bill to constitute a Reserve Bank of India.

I am most grateful to you, Sir, for having allowed me a certain latitude in this matter recognising, as you have done, that it is a very special occasion. But I trust that this House has not been unduly alarmed by what you have said, because I certainly do not intend to make a very long speech. I only felt that there were certain things which ought to be said on the mere introduction of this Bill. In the first place, I wish to say by way of preface that I am impressed on this occasion by a very full sense of my responsibility in making what is perhaps the most important motion which it has fallen to my lot to move during my tenure of office as Finance Member. I use these words advisedly, because, in framing and passing this Bill, we shall be doing some thing to shape the destinies of the new India of the future to which we are all looking forward. In view of this, may I express a hope that the Members of this Legislature, in taking part in the coming deliberations, will set aside personal and party considerations and will act as members of a body which is united in one common purpose—the purpose of devising a measure which will promote the security and stability of Indian finance in the future.

I now turn to the special things that I wanted to say. In the first place, I want to say something about our time table and the occasion which we have chosen for bringing forward this measure. I have seen in certain Press articles a disposition to criticise us for unduly rushing this measure—for attempting unwisely in a few weeks to push through a measure on which the country should have a long time to ruminate and deliberate. I can only say that the Government of India are not usually accused of acting with undue haste, and it is not our disposition to do so. So far as we are concerned, we should have welcomed a little more time, and undoubtedly the time has been very short at least for the preparation of this Bill. Honourable Members will recognise that it had to be ready to go to the press within about a week of my own return to India. Nevertheless, when we take into account the time which will be available for the public to consider this measure before even the Committee stage is reached, and when we consider the time that will be available for the Committee stage and for the subsequent deliberations, and when we also take into account the fact that this measure or something very like it has been before the country for a very long time and has been fully discussed, I do not really think that there is any danger that.

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we shall be unduly rushed in arriving at our conclusions. On the other hand, if we had not moved now, there would have been very considerable delay : and, in choosing our time table, we have really been guided entirely by what we regarded to be our duty to the country. Let me ask the House just to consider the position. It is quite clear that in the normal Delhi Session, with a Railway Budget and General Budget which must in any case be got through, there is not sufficient time to give that full and continuous consideration which is necessary to a measure of this kind. Therefore, if we had not brought forward this Bill now and started on what we intend to be our programme now, it would have been necessary to postpone this measure either until the next autumn Session in Simla or until a Special Session to be held next summer, say in May or June ; but even the latter alternative would have meant seven or eight months' delay, and plans made so far ahead are always uncertain. We did not think it fair to risk that delay and that uncertainty in getting through the legislation which is necessary before we should initiate the practical steps for setting up the new Bank. We felt it necessary to put Government at least in the position to take those steps as early as possible. The steps themselves are bound to take a considerable time, and it is important that they should be taken as far in advance as possible of the inauguration of the new Constitution, for it would certainly be most undesirable that the very drastic changes involved in transferring the control of currency and credit to a Reserve Bank should coincide or be telescoped together with the actual constitutional changes. Moreover, as Honourable Members are aware, the setting up of the Reserve Bank has a very definite place in the whole of the constitutional programme and we in the Government of India were anxious to give a practical demonstration that we are determined to do everything that lies in our power to make the new Constitution a reality as early as possible.

That brings me to another point on which I wish to say something—the significance of a Reserve Bank in the constitutional plan. I have seen it said on many occasions that this idea was sprung upon the Indian public as something quite new at the end of the Third Round Table Conference, and Indians have asked "Why is this new condition proposed ? Why is it necessary to have a Reserve Bank before financial responsibility can be transferred ?" This questioning or criticism does not do justice to the motives of the British Government in this matter. The case is really quite simple. It has generally been agreed in all the constitutional discussions, and the experience of all other countries bears this out, that when the direction of public finance is in the hands of a ministry responsible to a popularly elected Legislature, a ministry which would for that reason be liable to frequent change with the changing political situation, it is desirable that the control of currency and credit in the country should be in the hands of an independent authority which can act with continuity. I do not think that I need enlarge upon that. Further, the experience of all countries is again united in leading to the conclusion that the best and indeed the only practical device for securing

this independence and continuity is to set up a Central Bank, independent of political influence. Those who were considering the constitutional proposals on behalf of His Majesty's Government exercised much thought in examining the possibilities of other devices for securing this object and they were always and inevitably brought back to the conclusion that there was no other satisfactory way except to set up an independent Reserve Bank. Therefore, as according to their declared purpose His Majesty's Government intended to transfer financial responsibility in the new Constitution, they determined that the only satisfactory way to frame the White Paper proposals was to do so on the assumption that an independent Reserve Bank would be in being when the time came for setting up the new Constitution ; and, this conclusion having been reached, it became the determined purpose both of His Majesty's Government and of the Government of India to do everything in their power to see that a Reserve Bank should actually be set up in time for this ; and it is, in pursuit of that purpose, that we are taking our present action.

That, then, explains our position in this matter ; and now, I want to say just a few things about the Bill which is now being presented. In its preparation we have had two things to work on : the former Reserve Bank Bill of 1928 with which the country is already familiar, and the Report of the London Committee, on which Indians in general and the Indian Legislature in particular were so well represented. The Committee's report did two things : working itself, on the basis of the 1928 Bill, it first proposed certain definite changes in that Bill, and, secondly, recommended that several important points, on which it was unable to reach final conclusions should receive further consideration in India. As regards the definite proposals, we have endeavoured to incorporate these as exactly as we could interpret them in the Bill which I am now presenting ; and, as regards the points which were to receive further consideration—and these include some points which are not subjects for legislation in the Bill, but which will have to be dealt with in separate agreements—we have not had time since my return to give them the full consideration which they deserve, and, moreover, we desired to consider them in consultation with the representatives of the Indian Legislature before we committed ourselves finally to definite proposals. For that purpose discussion in Joint Committee which we intend to propose will afford the suitable opportunity. In taking this line, I do not intend to suggest that the Government desire to shirk this responsibility in these matters. When the time comes for the Joint Committee discussions, we shall be ready to assist the Committee with definite proposals which we, as a Government, are of course best qualified to work out, but we do not desire to commit ourselves at this stage by incorporating definite proposals in the Bill.

In the papers which I am presenting with the Bill will be found Explanatory Notes on various clauses, and in these Notes various points are especially mentioned as being left for further discussion in the Committee stage. Though we have called special attention to those points, it is, of course, clear that all the clauses including those clauses where we

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have had to interpret the definite recommendations of the London Committee, will be equally open for discussion in the Committee stage. I should only like to express the hope that all Members will enter the discussions with a strong disposition to accept the recommendations reached, after prolonged, careful and representative discussion in London.

That, Sir, I think, explains the nature of the Bill which we are now presenting, and I would ask Honourable Members to read the Bill in the light of that explanation.

There is one other point to which I wish to refer, and that is in regard to the significance of this Bill. I said in opening my remarks that, in handling this Bill, this Assembly would be doing something to shape the destinies of India under the new Constitution. Strictly speaking, of course we here can only legislate for India under the present Constitution, and the wording of the Bill has had to be made appropriate to that. But the Secretary of State and his representatives at the London Conference made it clear that they were desirous that the present legislation should be so framed as to be appropriate with the minimum change for the conditions which will prevail under the new Constitution. That point is clearly made in the Committee's Report, and I would ask Honourable Members to bear it in mind when they are considering the provisions of the Bill in detail. That, Sir, is, I think, all that I need say at the present stage.

I would, however, like to conclude by referring again to the importance of this measure and the sense of responsibility with which it should be handled. I want particularly to appeal to the un-official parties of this House that when the time comes for electing Members to the Joint Committee, if they approve that course, they should help us and help India by supporting the election of those of their members who are best qualified to give valuable counsel. This matter is one which is attracting wide attention outside India, and the eyes of many countries will be on these proceedings. As one who is proud to be a Member of this Legislature, I would appeal to my fellow Members to demonstrate once again how the Indian Legislature can rise to its responsibilities.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to constitute a Reserve Bank for India."

The motion was adopted.

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

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to consolidate and amend the law regulating labour in factories.

Sir, in view of the importance of this measure and of the comparatively late stage in the Session in which it has been introduced, I feel it

is due to the House that I should indicate very briefly the procedure which, if this motion is carried, I would ask the House to be good enough to adopt.

As the House is aware, the Bill is the result of prolonged and detailed examination. The important changes in the law which it contains are nearly all based on the recommendations of the Royal Commission on Labour. After these recommendations had been before the public for about a year, we published a consolidating Bill which embodied them together with a few other desirable amendments. As the result of the circulation of the Bill, we received an immense mass of detailed and, on the whole, very valuable criticisms. The House will get some impression of the exhaustive analysis to which the proposals have been subjected when I say that the opinions in their printed form amount to some 360 foolscap pages and are, therefore, in volume longer than the Report of the Royal Commission itself. The Bill now before the House,—thanks to the labour and skill of the draftsman,—differs considerably in form from the Bill as circulated, but if Honourable Members care to compare the two Bills, they will find that there have been comparatively few changes of substance. I do not, therefore, propose to ask the House to circulate the proposals again, but intend to move, if possible, as I hope it will be, during the course of this Session for the reference of the Bill to a Select Committee. But as I fully recognise the desirability of giving the public adequate opportunities of examining the measure as now introduced in detail, I would suggest that the Select Committee should not meet before January, 1934. In the meantime, I hope to supply the members of the Committee and any other Members of the House who would care to have them with sets of the opinions and if the Local Governments or members of the public offer further opinions in the interval, these will also be supplied. I propose also to try to arrange that the Select Committee should have the assistance of one or two experienced Chief Inspectors of Factories to whom they can refer during its sittings if they desire to do so. I trust, Sir, that this procedure will commend itself to the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to consolidate and amend the law regulating labour in factories."

The motion was adopted.

The Honourable Sir Frank Noyce : Sir, I introduce the Bill.

THE INDIAN TEA CONTROL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill to provide for the control of the export of tea from India and for the control of the extension of cultivation of tea in British India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to provide for the control of the export of tea from India and for the control of the extension of cultivation of tea in British India."

The motion was adopted.

Mr. G. S. Bajpai : Sir, I introduce the Bill.

THE INDIAN STATES (PROTECTION) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion moved by the Honourable Sir Harry Haig :

"That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select Committee."

Mr. B. Das will now resume his speech.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, in moving my motion the other day, the remarks that I made would have led the House to conclude that I am opposed to the principle of the Bill and that no useful purpose would be served by this House in considering this Bill. I was discussing the particular hardship that would be caused to the Indian Press which is already suffering from the rigours of the Press Act by which various presses under the slightest pretext are called upon to deposit heavy sums of money, and these deposits are forfeited without any consideration as has happened in the case of the Free Press of India recently. Sir, I also quoted the views of the *Amrita Bazar Patrika* which is a strong nationalist paper without any leanings towards extremism which my Honourable friend, the Home Member, might speak of other papers.

Apart from the hardship that will be caused to the Indian Press which will be a serious disaster for the expression of the strong public views of India, there is another aspect which has to be considered, namely, whether the rights and privileges of the people of British India would not be affected if the Bill, as introduced, would be passed into law. Sir, as a representative of the British Indian people, I do not concede the right to the States to be the allies of His Majesty the King Emperor. I do feel that the Government of India and, through the Government of India, we, the British Indian people, have certain control over these Indian States. The British Indian Press and the Indian public have all along criticised the misdoings of some of these States. If this Bill is enacted into law, as I said the other day, no British Indian can make any observations about the maladministration of these States, because he will be hauled up before a Court and be punished. Sir, I have seen in my own experience from the contact that I had with 26 petty States on the borderline of Orissa province, where the British Indian people are at times ill-treated, because these States, barring a few noble exceptions, live in a state of absolute barbarism. Before 1900, these Orissa States were treated as almost Zamindaries or tributary

mahals. They had no power ; they used to come to Calcutta High Court to defend their cases. But the Butler Committee came to their rescue, and today some of these petty States, which control only a few or a few hundred square miles, expect themselves to be treated as the allies of His Majesty the King Emperor and they feel that they will not allow themselves to be subjected to the criticism of the British Indian public. Yet, British Indians have at times been ill-treated in these States for which they have no remedy unless the Indian Press ventilates the maladministration of these States.

Then, there is another thing to be remembered. These Indian States, along with British India, are entitled to be represented in International gatherings like the League of Nations, the International Labour Conferences. And what do we find there ? Any humanising legislation, any convention that is introduced by the International Labour Conference or any mandate that the League of Nations may issue, is not binding on these Indian States although it is binding on the Government of India and binding on us. I will give an instance. Sir, in the year 1929, when I accompanied you to the League of Nations International Labour Conference, we took part in the forced labour Convention. That forced labour Convention had been ratified by this House with some modification, because some of the subsequent Indian delegates made certain mistakes and it has to be accepted in the way the House accepted it. It was moved by my Honourable friend's predecessor, Sir James Crerar, on the floor of this House. But what do we find ? Forced labour is the usual thing in most of the Indian States. How can they be allies to His Majesty the King Emperor, not to speak of their being British subjects, when they are not amenable to the laws and Conventions which the British Government and the Government of India accept. Sir, forced labour is prevalent in almost every State. Among the Orissan States more than half the States have this forced labour. While I was on the Forced Labour Committee at Geneva, the representative of the South African Colonies stated that as the natives of those territories could not pay taxes, the Government took from every adult 40 days of forced labour. 40 days labour is the maximum forced labour that is taken from the adult population in Africa, but what do we find in Indian States ? The subjects of these Indian States pay an equal tax, almost the same tax, sometimes even more, as we, the British Indians, pay to the Government or to the landholders, who obliged us yesterday with their views on the floor of the House. The subjects of the Indian States pay equal tax, yet I know that in certain States the people at times work 40 to 50 days a year of *begar* (forced labour) for the Princes of those States.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Without payment ?

Mr. B. Das : Yes, when it is forced labour, it means no payment and at times these poor people have to bring their own food and stay weeks and weeks to carry out the behests, not only of the Ruler himself, but of his satellites.

Dr. Ziauddin Ahmad : Is it a fact that you are saying ?

Mr. B. Das : My Honourable friend, Dr. Ziauddin, ought to read the forced labour Convention and other literature that my Honourable

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friend, Mr. Clow, can supply him. Mr. Clow can supply him with volumes of books as to the prevalence of forced labour in the Indian States, and when my Honourable friend, Mr. Joshi, will speak about the prevalence of forced labour, my friend, Dr. Ziauddin, will know things which he could not have known when he was absorbed in his work at the University of Aligarh. Sir, there was a time when these Indian Rulers were amenable to the public opinion prevailing in those States. As I mentioned already, they are today protected by the mighty British arm and they have learnt the so-called civilized ways of the British Rulers. They must have their elephant *Kheddas* ; and the British officers or Indian officers from British India, including the mighty Political Agents and their Assistants, must visit these States, and *Kheddas* and *shikárs* must be organised for their entertainment. Did these Political Agents, when they did go and took part in these shooting parties, ever inquire of these poor beaters, thousands of them, who had been there for days and days, as to how they were fed ? I know in certain States the elephant *Kheddas* usually take place in the month of November and December when the harvest season is on and when every adult man is forced to be made a beater.

The Honourable Sir Harry Haig (Home Member) : May I interrupt the Honourable Member and ask him whether he claims the right to organise *jathas* in order to remedy the conditions which he alleges or in what other way these are relevant to the provisions of the Bill ?

Dr. Ziauddin Ahmad : May I ask whether the Honourable Member can suggest any method by which these wrongs could be redressed, besides the *jatha* organisation ?

The Honourable Sir Harry Haig : They can always be represented, and this Bill does not in any way affect such representation.

Mr. B. Das : Sir, I am not alluding to the *jathas* at present. I am referring to the maladministration of these States and this Bill aims at stoppage of all criticism against the maladministration of these States. We, British Indians, live almost as close neighbours to the subjects of these Indian States, but we cannot but criticise their maladministration. I was also saying how these States could not become our equals in the Federation, if they perpetuated their present barbaric rule. They claim equality with us in the League of Nations and in International Conferences. The representatives of the Government of India and the British Government always denounce them privately, though not publicly. That is one illustration of how the States are mismanaged. Sir, the Government of India, in spite of their being today sovereign of these States, cannot enforce humanizing administration in those States. If this Bill was not going to take away all right of public criticism from the hands of the British Indians and Indian States people gathered in British India, I would not go into such detail, but my Honourable friend, the Home Member, and my Honourable friend, the Political Secretary, know it, that this Bill will take away all rights of criticism. In spite of that, my Honourable friend, the Home Member, said the other day that the right of criticism of the maladministration of the States was not being taken away. We know how differently the law is administered once

it goes through this House. While I am on this subject, I will just read one sentence from the *National Call* which reviewed the speech of my Honourable friend, Sir Harry Haig, in this morning's issue :

> " If a newspaper in British India expresses ' disapprobation ' of the actions of the Ruler of an Indian State or of the policy followed by his Government, it will not be penalised. But the hounds of the law will be on its track and the moment its comments bring the Ruler of a State into contempt or excites disaffection among his subjects. The dividing line as drawn by Sir Harry Haig is clear enough. But a little thought is enough to show that in actual practice it will be an almost impossible task to distinguish where disapprobation ends and disaffection begins. Even the mildest disapprobation expressed by a newspaper in the most general terms may conceivably be considered to excite disaffection among some section of the population of the State concerned. Indeed, the condition of some of the States is so bad that there is enough disaffection going round to last them a good long while even without any prompting from the British Indian Press."

Sir, I would not myself discuss the relationship of the Indian States people with the Government of India or of His Majesty's Government, had not my Honourable friend, the Home Member, brought in the word " Federation " in the future Constitution in his Statement of Objects and Reasons. The Government of India thought it fit to send representatives of the Indian States people to the First and Second Round Table Conferences. They omitted them in the Third Round Table Conference. No States people are represented at the Joint Select Committee. Naturally, the States people are very apprehensive. The Princes are very clever. They know that the British Government and the Government of India are very anxious to get their holy or unholy alliance over the Federation. I wish to draw the attention of my Honourable friend, Sir Harry Haig, to the Resolutions that were passed under the Presidency of our old friend, Mr. N. C. Kelkar. The States people's objective is contained in the speech of Lord Irwin which he delivered to the Chamber of Princes in 1931 and which the Indian States People's Association have embodied in a statement to the nations of the world. I will read the extract from Lord Irwin's speech. This is the advice he gave to the Princes, mighty and small :

> " There must be a reign of law and order, based either expressly or tacitly on the broad goodwill of the community. Individual liberty and rights must be protected ; and the equality of all the members of the State before the law be recognised. To secure this, an efficiently organised police force must be maintained and a strong and competent judiciary secure from arbitrary interference by the Executive and irremovable so long as they do their duty. Taxation should be light as circumstances permit, easy of collection and certain and proportionate to the means of the tax-payer to pay. The personal expenditure of the ruler should be as moderate as will suffice to maintain his position and dignity, so that as large a proportion as possible of the State revenues may be available for the development of the community, such as communications, education, health and social services, agriculture, housing and other kindred matters. There should be some effective means of ascertaining the needs and desires of the subjects and of keeping close touch between the Government and the governed."

If I had not quoted the name of Lord Irwin, the Honourable the Home Member might say that I was reading an extract from a speech of Pandit Jawaharlal Nehru or a note by Mahatma Gandhi, but it is a former Viceroy of India, Lord Irwin, who said this. The people of the States only demand what is contained in this speech of Lord Irwin. Today the citizens of the Indian States, of almost all the States, have not even the elementary right of citizenship. They have no right to their property, to their home and, I am ashamed to say, even to their

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wives and daughters. That is the condition in some of the States. I am not going to read out the resolutions which were passed at the last States People's Conference, because their views are contained in the short extract which I read out from Lord Irwin's speech. The Indian States' people claim only a few fundamental rights, not so much as my Honourable friend, the Political Secretary, possesses in his own country or in British India, not so much even as I possess, in spite of my limited political rights in British India. They claim only certain fundamental rights :

(*a*) they claim the right to possess personal property ;

(*b*) they claim the right to use one's own form of worship ;

(*c*) the right to freedom of speech, opinion and association ;

(*d*) the right to be tried by open trial by proper judicial authority ; and

(*e*) the right to use their mother tongue.

There is not one in this demand which is a new one to the points enunciated by Lord Irwin in his eloquent address to the mighty potentates.

I ask, why is my Honourable friend, the Home Member, so anxious to have this legislation now ? He himself said that he was not in a hurry. He said : "Let the Select Committee consider, and then we can legislate in the Winter Session of 1934". Then, why not circulate the Bill ? Although I am opposed to the principle of the Bill, still I have suggested circulation, because, when all these opinions are collected and placed before the Home Member, in spite of his pre-occupation over political prisoners and detenus, when he will read them, he will be overwhelmed with the argument that he was wrongly advised to introduce such a piece of legislation in this House. And after all, who are concerned ? These States. It is understood—I do not know if it will happen—that when the Federal Assembly comes into existence, we will have here 125 stalwart representatives from the States. They may not be the Princes themselves ; they will be their *diwans* or the representatives of their peoples. Let them come here, and let the British Indian representatives and the Indian States' representatives meet one another. Let each other know their respective views on this matter, and then let legislation be introduced and passed in the Federal Assembly. There is no necessity of my Honourable friend being in a hurry to bring forward this piece of legislation, unless it be that the Government of India feel that, in spite of the enormity of mismanagement and enormity of miscarriage of justice in Indian States, they should raise these petty States into sovereign States, as if they will ever be sovereign States. They are raising petty Chiefs of States to the status of a Governor of a British Indian Province. It may be that my Honourable friend, Sir Harry Haig, may not be in India then, but I can picture the reserved Councillors of the Governor General who will find themselves in a hornet's nest when there will be only 11 Governors of Provinces, barring Burma, and if Burma is not separated, 12 Governors—12 Governors and there will be 560 States each claiming the status of a Governor ! And my Honourable

friend, Sardar Harbans Singh Brar, reminds me that they are claiming the status of a King, the status of internal sovereignty. Where is this internal sovereignty ? Does it exist now ? I know of Indian States' Princes carrying the lap dogs of a Political Agent when that Political Agent went on an elephent. And these claim internal sovereignty in their States ! I want to make an appeal to the Government of India. I know things have gone wrong. I know that what we people claim, what we people aspire to,—responsible Government, Dominion Status,—all have gone wrong. We are not going to get Dominion Status not even in 50 years.

An Honourable Member : The Viceroy said you will get it soon.

Mr. B. Das : I am not supposed to discuss His Excellency the Viceroy's speech, because we cannot discuss it on the floor of the House. But, Sir, as you remarked elsewhere, even "Dominion Status in action" is not going to come in 50 years. I warn the Britishers, who today constitute the Government of India, not to commit the error, not to raise these petty Princes to the status of kings or sovereigns, not to raise them to the status of Governors of British Indian provinces, and not to turn their heads by high sounding words of paramountcy and sovereignty and make them perpetuate their misrule or perpetuate the wailings of millions of their subjects. Their subjects never have peace ; they never have contentment ; never have the right of British justice. I have lost my faith in many characteristics of the Britishers, but if today the Britisher is respected, it is for his administration of justice. I challenge my Honourable friend, Mr. Glancy, to say that there is any vestige of administration of justice in these States, of course barring a few noble exceptions. There is no administration of justice there. My Honourable friend himself was a member of an enquiry committee in Kashmir. There is a hushed up report, the Fitz-Patrick Committee Report about Patiala, and there are dozens of such reports. If only a few reports have been published, there ought to have been thousands of such enquiries in every State for their maladministration. Today there is no justice and, if I have still faith in British justice, I appeal to the Honourable the Home Member not to deny justice to the people of the Indian States, and it will amount to denying justice if this piece of legislation is forced through this House, as I very much fear, some day it will be forced through, knowing the weakness of the Members of this House. My Honourable friend, the Home Member, will render injustice to one-third of the people of India who are groaning under great sufferings by the misrule of these Princes. One thing more, why is it that the Government of India and the Political Department is so chary as to deny justice to these people of the Indian States. If I have understood rightly the framing of the White Paper, the British Government and the Government of India are afraid that they will not be able to run the administration, and that is why they have introduced so many safeguards. I do not find any safeguard provided to the States people against their rulers. Autocracy is good, but, as I said the other day, the Princes are practising Hitlerism *minus* the spirit of democracy that controls Hitler. But is there a benevolent autocracy today in any Indian State ? Personal rule is good if it is according to oriental tradition, but today these Princes have no oriental tradition.

12 NOON.

[Mr. B. Das.]

Educated in half-westernised Princes' schools and colleges, living in hotels like the Hotel Cecil and the Maidens Hotel, forgetting their ancestral tradition.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Where does the Honourable Member live ?

Mr. B. Das : In Hotel Cecil, Sir ! Forgetting their ancestral tradition and their ancestral religion and the long usage and practice of wise Government which in India was known as *Ramrajya*, forgetting all these, they try to imitate the petty British officers whom they meet in their night carousals in their night clubs in Simla or Delhi or London.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Do you want *Ramrajya* again ?

Mr. B. Das : I am not a learned scholar like my Honourable friend, Mr. Jadhav, but, I am sure, when, later on, he takes part in the debate, I know we will hear from him the ethics as to how *Ramrajya* should be administered. I appeal to the Government to introduce such safeguards so that the fundamental rights of citizenship will not be denied to the States people. Apart from this safeguard being introduced in the White Paper proposals, before any piece of legislation can be considered by this House in giving further autocratic powers to these autocratic rulers of these Indian States, the Government of India, as Britishers and as representatives of the British Parliament and British democratic institutions here, should see that the elementary rights of citizenship are not denied to the Indian States people. With these few observations, I commend my motion for the acceptance of the House that the Bill be circulated for eliciting opinion thereon.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th of January, 1934."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : May I know whether the point of order that was raised, I mean the legal point, whether that will be taken up now or at some other later stage ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair said the other day that it proposed to give a ruling on that point at a later stage. The Chair's intention is to give a ruling whether clause 3 is *ultra vires* or not when actually the discussion on clause 3 takes place ; but it proposes not to give a ruling on the point now, because it has already stated that, even though one particular clause of a Bill may be *ultra vires* of the Legislature that does not make the whole Bill *ultra vires*. The Chair would draw the attention of the Honourable Member to section 84 of the Government of India Act, which says :

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

That is the provision of the Government of India Act, and when actually the time comes to discuss clause 3 and, before putting clause 3 to the vote of the House, the Chair will give a decision whether clause 3 is *ultra vires* of this Legislature.

Mr. Gaya Parasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan Rural) : Clause 3 will not be under consideration till the Bill comes back from the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Bill will go to the Select Committee as it is at present framed, and when the Bill comes back from the Select Committee, the Chair will then consider whether the clause is *ultra vires* of this Legislature.

Mr. C. S. Ranga Iyer (Rohilkhund and Kumaon Division : Non-Muhammadan Rural) : In view of the speculations in the newspapers, may we request the Chair that, before we disperse today or before the Assembly Session closes, it will enlighten this House as to what is the opinion of the Chair in regard to that particular clause, because this Select Committee motion, even if it is adopted, as I believe it will be, will bar taking up the Bill clause by clause. The discussion of the Bill, clause by clause, will come up only in the January Session. In the meantime, there will be a good deal of Press criticism and also speculations. Therefore, in these circumstances, I will request the Chair to give a ruling before we leave Simla.

Mr. Lalchand Navalrai : With regard to this objection, if it is kept in abeyance, and if this Bill goes to the Select Committee, the Select Committee will have to consider this clause 3 also and, if, subsequently, it comes up before the House, and it is decided by the Chair that clause 3 is *ultra vires*, then I think the whole labour of the Select Committee would be absolutely lost. To avoid that, I would request the Chair to consider this legal point, for it is of vital importance and it should be considered and a decision arrived at before we refer the Bill to the Select Committee.

Dr. Ziauddin Ahmad : Clause 3 is rather an important part of the Bill and, if that clause is taken out of discussion, then half the Bill disappears.

Mr. President (The Honourable Sir Shanmukham Chetty) : If it is the general desire of the House that the House would like to have a decison on the point even before the Bill is referred to the Select Committee, the Chair will have no objection and it will certainly see, if it is possible, to give a ruling before actually this question is put to the vote. Even if that is not feasible, the Chair will certainly adopt the suggestion of Mr. Ranga Iyer and give a ruling as early as possible before we disperse.

Mr. C. S. Ranga Iyer : Sir, I must confess I have not given to the Bill before this House the same attention and the same consideration that I would have liked to give. I admit it is a very complicated piece of legislation, complicated in this sense that we here are faced with something in the nature of a trial. We were almost placed on the horns of a dilemma, especially when the Honourable the Home Member concluded his speech with a reference to the Federation, and I was very much embarrassed as to what attitude I should take in this matter. That embarrassment continues and that is one of the very reasons why I refused to prepare myself for this debate. I thought the act of speaking would set the mind thinking and I merely propose to place my views before this House with absolute detachment and speaking purely

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for myself and not for my party as it happens to be. And, in the meantime, I propose to seek light from Honourable gentlemen like the new Leader of the Democratic Party, Mr. Neogy, who has had experience both of constitution-making in England along with the Federationists and association with Indian States which, I am certain, he represented with great ability and for which he worked with great devotion as he always does when he takes up a case. I should very much like to know also from other Leaders of Parties whom I miss, Sir Cowasji Jehangir, as to what he thinks, specially with his great knowledge of constitution-making in England and his association as a Member of the Executive Council of Bombay and as a prominent public man with the States and their representatives. When he was a Member of the Executive Council of the Government of Bombay, probably the Bombay Government had something to do with Indian States and he came into intimate contact with the States representatives in his recent consultations and confabulations for the last three years in England. Not having had those opportunities, I feel very much embarrassed as to what I should or should not say on this occasion. Sir, I am a believer in Federation and I am prepared to pay the price that Federation requires. It may be a heavy price, but I am prepared to pay that price. I am not a believer in Federation at any cost or at any price, but I believe in Federation under reasonable circumstances and at a fairly reasonable price. If the Princes are to come into the picture of the Federation,—as I believe they have got to come, otherwise there can be no Federation,—then you must place before the Princes a sufficient inducement to come into the picture ; and there is a great deal of panic created by what they deem to be a sort of unholy propaganda by the Congress newspapers and the Congress leaders in the minds of the Princes.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Oh !

Mr. C. S. Ranga Iyer : I am very glad to find that my Honourable friend from Lahore, Mr. Puri, exclaims, " Oh ", and when he makes his speech, he will make me understand with all the ability that he undoubtedly has as the leading lawyer in the Punjab as to the implications and complications which he sums up in the word " Oh ". (Laughter.) In the meantime, let me proceed with my speech, and my view is this. My friend, my old friend, Pandit Jawaharlal Nehru, in one of his important statements published in the *Tribune* of Lahore, gave expression to the view that the future of Indian politics was going to take two directions,—the agrarian plan directing an attack on the zamindars and the present capitalistic system, and the democratic plan directing all the current and energy of the Congress to bring down the autocracies of the States. I, therefore, believe, at any rate I am able to visualise, the sort of attack that is going to be levelled against the States to bring down the autocracies. It is for me to decide here and now what position I propose to take in regard to the future : whether I propose to take my stand on the side of constitutionalism, fight with the force of constitutionalism, with my back to the wall and either fall in so doing or succeed in speeding up evolution and achieving my democratic goal as a constitutionist,—or whether I am going to join hands with the unconstitutional forces in a red revolution, sweeping the Princes and the zamindars out of existence. That is the issue, Sir, that is going to be raised in the country.

Mr. N. M. Joshi (Nominated Non-Official) : But that is not the issue in this Bill.

Mr. C. S. Ranga Iyer : That is the issue in this Bill also. If you only carefully read the Bill, specially where it deals with the *jathas* and if you read the Bill in the light of the speech of the Honourable the Home Member about Federation, you will find that that is the issue in this Bill. Let there be no mistake about it that this Bill is aiming at putting down people marching to the States, people collecting themselves into large bodies in British India and attacking the States in group processions of *jathas*. The prevention of the beginning of a new Civil Disobedience Movement against the Indian States is contemplated in this Bill. There is no use saying it is not in this Bill. I want to know whether we, who support the Federation,—and Mr. Joshi also is probably a supporter of Federation,—want to encourage forces in British India of an unconstitutional kind directed against the Indian States, " the autocrates of the Indian States " as some of them call it and some have stated in this House ; or whether we are going to encourage the growth of a healthy public opinion controlled and legitimately controlled as it ought to be. For what is it that we are asked to do ? We are asked in this Bill to treat the Princes fairly and squarely and not to encourage forces of disruption emanating from British India. We know what happened in regard to Kashmir when *jathas* proceeded from British India. Had this Bill been in existence, instead of the poor Maharaja of Kashmir incurring the odium of putting them in prison, the British Government would have legitimately taken the responsibility on their shoulders and stopped these people proceeding to the State. They were arrested after crossing the borders. The example of Kashmir is before me : I personally feel that I should not go into the details in regard to a particular State. But, Sir, I am within my province when I say that I do not want the mischievous, the wicked and the unpardonable kind of propaganda that was carried on in a certain section of the Punjab Press against a Hindu Maharaja. I do not want mischievous forces to be organised in British India to proceed in batches to bring down the prestige and the power of the ruler of a State as they did in the case of Kashmir.

Mr. Lalchand Navalrai : Even when the rulers misbehave ?

Mr. C. S. Ranga Iyer : The champion of the Hindu cause in Sind says that " the rulers misbehave ". As regards the ruler of Kashmir, I should like to know from Mr. Glancy, who was inquiring into the matter, whether the ruler has not been behaving in a manner consistent with the dignity of the house of Kashmir. I believe the ruler, apart from the administration, has been behaving consistently with the prestige of the great house of Kashmir.

Mr. Lalchand Navalrai : What about Bahawalpur State ?

Dr. Ziauddin Ahmad : What about Mr. A. ?

Mr. C. S. Ranga Iyer : I am not going to be drawn into particular States and personalities. I propose to generalise. Here is an Honourable gentleman, my friend, Dr. Ziauddin Ahmad, who may have had con-

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nection with some of the State rulers, specially the Muslim ones, and, when he stands up, probably he will enlighten us on the matter instead of trying to drag me again, in the shape of an intriguing or an uninteresting question, into the Kashmir controversy. I was merely illustrating, Sir, my point by reference to a particular circumstance, a particular episode in the history of the relations between the Indian public in British India and the ruler or the administration of an Indian State. I think it is a most unhealthy way of bringing a State administration down by encouraging unconstitutional forces from British India to proceed and disturb the subjects of Indian States. I say it is an unhealthy way even to encourage British residents in British India to go and create trouble in a constitutional way in the Indian States. I would rather adopt the old motto of the Indian National Congress when it was founded and which was observed by men like Sir Surendra Nath Banerjea, Gokhale and others. What was their motto and what was their policy ? Their policy was non-interference in the administration of Indian States by British Indian politicians ; and we would rather continue that policy instead of encouraging forces of destruction from British India. That is one of the healthy features of this Bill. I do not know how far it will or will not meet the situation. It requires careful examination in the Select Committee, and, if I agreed to serve on the Select Committee, it was because I was attracted by this feature of the Bill.

Now, I come to another feature of the Bill and that relates to the Press. Wherever the Honourable the Home Member wants to interfere with the rights and liberties of the Press, I at any rate will approach him with a certain amount, if I may say so, of suspicion.....

Mr. B. Das : President of the Upper India Journalist Association.

Mr. C. S. Ranga Iyer : My friend, Mr. B. Das, says " President of the Upper India Journalist Association ". I am not speaking in the capacity of a President. I am speaking in the capacity of one who entered this profession of journalism, attracted not so much by what it could give in the shape of the goods of the world, but the glamour and the greatness of the profession. I concede criticisms in a certain section of the newspapers have been of a blackmailing kind : I concede that Princes have been made targets for attack in this irresponsible Press : I admit that a section of the Press requires a good deal of watching and a good bit of control, for we do not want that an irresponsible section of the Press should condemn the entire Indian Press. Therefore, whenever a suggestion comes that we should put a certain amount of restraint on a section of the Indian Press which criticises the Indian Princes, I am prepared to admit that the case requires examination ; but must you apply it to the newspapers edited in English, or must you not confine it to the purely Vernacular Press ; for I do not believe that the English edited newspapers, newspapers conducted in the English language, have been so flagrantly guilty of attacking personally the Princes. This is a matter which requires examination.....

Mr. Gaya Prasad Singh : The *Statesman* attacked the Maharaja of Kashmir very violently.

Mr. C. S. Ranga Iyer : My friend, Mr. Gaya Prasad Singh, is perfectly right if he says that the *Statesman* wrote most vehemently on the Kashmir administration.

Mr. B. R. Puri : Is there a difference of opinion betwten the Deputy Leader of the Nationalist Party and his Secretary ?

Mr. C. S. Ranga Iyer : My friend, Mr. Puri, has had the opportunity of crushing, if he could, my humble party : it has not yet been annihilated by him behind our back.....

Mr. B. R. Puri : It will be after this speech of yours. (Laughter.)

Mr. C. S. Ranga Iyer : I ask my friend to carry out his threat. It is a pity that he has not succeeded all these months in undermining the party. I have given him adequate opportunity in the past ; and, if he has failed, I can only pity him for his incapacity to carry out his noble object. I am told that he was in Lahore in those days ; that is the unhappy part of the business.....

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Is discussion of party politics relevant to this debate ?

Mr. C. S. Ranga Iyer : Who introduced the discussion of party politics ? Let him first ask his own Deputy Leader about it. (Interruption.) Are the Democratic Party ashamed of announcing the fact that they have formed a party ? Are they ashamed of accepting the fact that they have got a leader in this House ? I spoke with great respect about the Democratic Leader and his devotion to his cause. I accepted the inevitable circumstance that there is a Democratic Party in this House. I did not cast any slur upon that Party ; but here is an Honourable gentleman, the Deputy Leader of that Party, who has the audacity to stand up and say that the Secretary of the Nationalist Party is interfering with the Deputy Leader of that Party. Not at all. He was making an important point when he said : " Was not the *Statesman* of Calcutta criticising rather vehemently the Kashmir administration ? " Probably the reply of the Government will be that " even the *Statesman* requires restraint ; we are not discriminating as between the *Statesman* and the Indian newspapers in this particular legislation ". That perhaps will be their answer and their justification for saying that the Press should be controlled. But that is not my justification. That does not satisfy me. I say the *Statesman* is entitled to criticise as strongly as it can any State administration : even so every Indian newspaper must be entitled to criticise the administration of any Indian State ; and that for this reason : the States have no responsible government, not even parliamentary government in the sense in which we are having dyarchy in the provinces and the sort of government through legislation that we have now in the centre. Therefore, the States have got to be criticised, very strongly, very persistently and very insistently, in the Indian Press. There are States in which there is no liberty of criticism, where there is no newspaper ; there are States in which personal rule still persists ; and even though they are going to be Federation units for the future, they have shown no tendency to approximate their position to that of the provincial units in British India. I, as a strong supporter of Federation, expect the States to rise from within without external assistance in the way of direct provocation or action to the same position as units in British

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India. If you want Federation to work, you cannot put democracy and autocracy together without autocracy trying to come up to the same level as democracy in British India. Therefore, I am anxious that no restraint should be put upon reasonable criticism in British India, because it is only in British India that you have the educative Press which goes into the States, even though some of these newspapers, when they happen to be unpleasant, are proscribed in those States: there the rulers have autocratic power. Therefore, we have to allow the forces that are legitimate in British India to play on the forces that are reactionary in the Indian States to lift the Indian States to the same position and status as provinces in British India. Therefore, I will have to approach with a good deal of hostility, until I am convinced to the contrary, in the Select Committee, the provisions relating to the Press. It may be argued that you have put upon the Press so much restraint under the Ordinance Bill which amended the Press Act. Why not apply the same provisions to Indian India? Why not allow the same courtesy to Indian India which British Indian administration enjoys? I have already answered that. Even though I may, in ordinary circumstances, be tempted to do so, I cannot forget the fact that the Government in British India is subject to criticism of a kind to which Governments in the Indian States are not. Therefore, the British Indian Press will not like to be gagged to the same extent as it has been gagged in spite of our opposition from this side of the House in its criticisms of the States. From this side of the House we have opposed the restrictions on the rights of the Press to condemn what is wrong in regard to British Indian administration. Restraining the Press unduly, in regard to criticism of the States is equally wrong. We have not submitted to these Press provisions. The Bill was carried into law in spite of our opposition, and, therefore, opposition on that point must continue, and, so far as I am concerned, will continue. I cannot, Sir, agree to restraining the rights and liberties of the Press in the manner in which the rights and liberties have been restrained under the Ordinance Bill which amended the Press Law. All that I am prepared to agree to is, I am prepared to go only to the extent that I was prepared to go in the Select Committee on the Press Bill in which my friend, Mr. Puri, with all his ability and knowledge of the law took a very important part. Beyond that, in this particular Bill I will not be prepared to go unless I am convinced to the contrary by the Honourable the Home Member and the Honourable the Political Secretary whose names I note are included in the list of Members of the Select Committee. If they convince me that we must put this restraint on the Press, I am their man, but nothing that has been said by the Honourable the Home Member has convinced me that there is necessity to put those restrictions on the Press. While I am willing to give every encouragement to the Princes to come into the Federation, I would ask the Princes at the same to give every facility to the newspaper press in British India to bring them up politically, administratively, and constitutionally to the same position as the provinces in British India. These two points that I have referred to are adequate for my purpose. I will agree to a Select Committee motion, but I support circulation if circulation can be completed before January. If circulation can be completed before January,—because the Honourable the Home Member has told us that he is not in a hurry, at any rate he is not in haste, and he is quite prepared to wait till January,—if a hurried circulation is possible within that period, it will be worth knowing the opinion of the important bodies in this country on this point, because the Bill is a complicated one. Then the Select Committee would be in a better position to judge. Such a Bill was never presented to us before. We ought to know the opinions of important legal and other bodies on this matter, and, therefore, circulation will not be too bad. His object is to carry this legislation through in the January Session, the other Session being a special one, and I think if he only circulates from now and instructs the bodies consulted to be quick in giving their opinions, it will be possible for us to know the opinion of all the important bodies concerned on this very complicated measure. It is original in the sense that we have not been faced within the life of this Legislature with such a piece of legislation as the one presented to us. I want to approach it with all fairness. I am prepared to take courage in both hands and say pass this legislation if it will promote Federation and induce the Princes to come into the picture, but I would at the same time reserve to myself the right of criticism in Select Committee and of modifying the Bill wherever necessary. I admit that the Honourable the Home Member is more or less animated by a desire to make liberty restrained, for liberty must restrain itself in wholesome proportion to lack of what I may call licence. Some one described—the passage escapes me—liberty as being in proportion to wholesome restraint. That, I believe, is what the Honourable the Home Member is aiming at, but for myself when the Honourable the Home Member applies restraint when democracy thunders and strides on, I will say that the Executive must not be unduly at any rate very hastily trusted with new powers until they are carefully examined and until public opinion is consulted. (Applause.)

Mr. N. M. Joshi: Sir, this Bill comes in the natural order in which our Government seek to bestow protection on the different classes of people in this country. Yesterday, we discussed a measure by which protection was sought to be obtained for one class of people. Today, we are discussing a measure by which Government seek to give protection to another class of people. Mr. President, it seems to me that this is one of a series of measures of protection which, though intended apparently for the protection of the classes which are sought to be protected expressly in those measures, still really are intended for the protection of the British Government in this country. I would like first to deal with the general aspect of this measure. I have an instinctive abhorrence or dislike for measures which try to restrict the freedom of the citizens of any country. When I try to find out the reason for my instinctive dislike, I find there are two. One of the reasons is that when you try to pile up measure after measure of this kind, a general atmosphere of fear is created round every public man. This is not a solitary measure which is trying to restrict the freedom of the people of this country. One Bill after another has been introduced and passed, with the result that the most loyal subject, the most constitutional public worker in this country, feels a kind of nervousness, he feels a kind of hesitancy in undertaking public work.

Sir, I am not against any kind of penal legislation. Penal legislation is absolutely necessary for anti-social and anti-moral acts, but when penal legislation is proposed for acts which in their nature are not anti-social, but which are considered to be anti-social by Government, when they transgress the limits of reasonableness, surely we must accept such measures with a greater caution than was shown by the Deputy Leader

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of the Nationalist Party. Sir, it is true that there are some acts which do become anti-social when they are carried beyond a certain limit. At the same time we must remember that the apprehension felt by even the most loyal citizens, when such measures are passed, is also a natural one, because our safety depends upon the whims and caprices of the Magistrates and Judges. The border line between an act which is legal and an act which is illegal is so thin that no man feels safe to conduct his public work in this country.

There is another reason why I have an instinctive abhorrence for such measures. Whatever may be the professed object of passing these measures, their application goes much beyond what appears on the surface. I shall give you only two instances. Some years ago, this Legislature passed an Act in order to put a check to the communal hatred that was feared to grow between the Hindu and Muslim communities—I think that was section 153, I do not remember the section exactly. That Bill was passed. Last year one of the provincial Governments launched a prosecution against a man who stated publicly that the capitalists exploited their workers, on the ground that it created hatred between two classes. I will give you another instance. Last year, the Legislature passed what is called the Ordinance Legislation. It was stated that the measure was intended against the acts of those people who resorted to civil disobedience. I have seen a prosecution launched under that measure against a person who resorted to picketing purely in an industrial dispute. Sir, after having got this experience, is it unnatural that people like myself, who have to take part in agitations, should feel a kind of fear when such measures are proposed ?

Dealing with the legislation before the House, let us see what grounds the Home Member has put forward in support of it. The Home Member first stated that India was one country although it was divided between British India and 500 Indian States. I agree with that statement. India is one and indivisible, but the question is not whether we agree to that statement ; the question is whether the Rulers of States agree to that statement or not. We on our part are anxious that India should be regarded not only as one social unit, but that it should be regarded as one political unit and that there should be a strong Central Government in the whole of India and not only in British India. (*Mr. B. Das* : "Hear, hear.")

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member will resume his speech after Lunch.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. M. Joshi : When the House adjourned for Lunch, I was dealing with the point made by the Honourable the Home Member that India, being one country, the Governments that exist within the borders of this country should have the same protection which the Government of

British India have. I stated that we, the citizens of British India, are anxious that not only India should be one socially and ethnologically, but India should have one strong Central Government. That is our ambition. Unfortunately the rulers of Indian States are equally anxious that the Government of British India should have as little to do with the Government of Indian States and, it is on account of that fact, in spite of our desire that there should be a common Government for the whole of India, we are obliged to treat some Governments within the borders of India as being foreign to ourselves. Let us examine the present Constitution itself. Under the present Constitution, it is true that the Governor General in Council has not only control over British India, but he has also some control over the Governments of Indian States. That control is strictly limited. I am sure, even the Honourable the Home Member will admit that the control which is exercised by the Governor General in Council, on account of the power of paramountcy, is limited to grave maladministration of Indian States. The Governor General in Council has no control over the day to day affairs of Indian States. If there is an act of injustice in an Indian State, the Governor General in Council has no control. If the acts of injustice go on multiplying and if the extreme limit is reached and the Government of India find that there is grave maladministration, then alone the Government of India can exercise their powers of paramountcy. Whatever may be the opinion of the Government of India and the Political Department in this matter, the rulers of Indian States are not going to admit that the Government of India have got power to interfere in day to day administration. Mr. President, you have been a Member of this Legislature for a long time and, may I ask you, on how many occasions could we discuss in this Legislature the question of injustice done in Indian States to British Indian subjects ? We have discussed the questions of injustice done to British Indians in South Africa. We have asked hundreds of questions on this subject. We have asked questions of injustice done to British Indian subjects in the United States of America. May I ask you to bring to mind, Mr. President, whether any questions were admitted at any time in this Legislature regarding the injustice done to British subjects in Indian States ? How many times have we been allowed to discuss injustice done to British Indian subjects in Indian States ? We are not allowed to discuss these questions in this Legislature, although we are allowed to discuss the injustice done to British Indian subjects in foreign countries like the United States of America and the dominion of South Africa. This is the present Constitution.

Now, let us examine the future Constitution which is proposed to be established. If there is really little connection between the Government of British India and the Governments of Indian States, the connection between the Government of British India and their own Governments will be much less in the future Constitution. The Princes are claiming that in the future Constitution the powers of paramountcy will not be exercised by the head of the Federal Government, but they will be exercised by another entity, called the Viceroy of India. That shows the desire of rulers of Indian States that the connection between British India and their own States in the matters with which we are concerned in this Bill should be as little as possible. The rulers of Indian States, after a few years, may even go further and claim that the same person should not be the Governor General of India and the Viceroy and thus they may complete the separation that already exists between British India and the Indian States. I can understand the Government of a country wishing for protection against

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conspiracies of its own citizens when the citizens of a country have got constitutional rights to get their grievances redressed. That is the justification for any Government of a country seeking protection against conspiracies of its citizens, but why should a Government which has nothing to do with our Government, which is as foreign to the Government of ours as the Government of the United States, if it is not more foreign as I have shown in this matter, claim this right ? There are very few countries besides India which try to protect the Rulers of other States in a vicarious manner. The Government protects itself against conspiracies, but it does not undertake the vicarious duty of protecting the Rulers of other States and I do not know why our Government, when the Rulers of Indian States themselves are anxious that their Government should be kept separate in the matter of law and order, should undertake this duty. Moreover, I can understand the Government, which is constitutional, expecting its citizens to be constitutional, but what is the Constitution which the Rulers of Indian States have given to their subjects and what is the constitutional remedy which British Indians have against injustice done by the Rulers of Indian States. I, therefore, think that when our Government insist that when we want our grievances to be redressed against the Rulers of Indian States, we must adopt only constitutional methods. I want the Government to tell us what is the constitutional method open against injustice done in Indian States. I have shown that there is very little constitutional method open. If constitutional method is open, by all means insist upon only constitutional methods being employed or at least see that the Governments of Indian States first become constitutional and then expect either the subjects of Indian States or subjects of British India to be constitutional.

Mr. President, the second argument used by the Honourable the Home Member in support of this measure was that there must be reciprocity in this connection. He told us a historical fact that the Rulers of Indian States had helped our Government in putting down the agitation in British India. I am aware of that fact. I remember very well an *ex*-Member of this Assembly, a well-known man in India, Mr. Muhammad Ali Jinha, being sent out bag and baggage from an Indian State. I remember a man like Mr. Srinivasa Shastri being forbidden to speak in another Indian State.

Mr. B. Das : Shame.

Mr. N. M. Joshi : It may be true that these Rulers of Indian States have helped our Government in putting down political agitators in this country, but is it right that those Rulers, who do not want to have any connection with us, should be protected on the ground of reciprocity ? The only matter in which they are willing to have reciprocity is to tighten the ropes round the necks of Indian citizens ? Do they really want reciprocity with us in all matters ? If they want it, we, in British India, also want reciprocity with the Rulers of Indian States and with the subjects of Indian States. Let us examine how far they are willing to have reciprocity with British India ? Examine the White Paper. The representatives of Indian States, according to the proposals of the White Paper, will have a right to discuss purely British Indian affairs. They will have a right to vote purely on British Indian matters, and even on a legislation like this which will not be applicable to Indian States. But, Sir, will the States, on the ground of reciprocity, agree that legislation of this kind applied in their own States could be discussed in the Federal Legislature and will the

Federal Legislature be allowed to discuss and vote on criminal law as will be applicable to Indian States ? They will not agree to such a reciprocity ; they do not desire such reciprocity. I will give you one more example. The White Paper proposes that all subjects of Indian States and perhaps the Rulers of Indian States will have the rights of citizenship, franchise and the right to stand as candidates in British India. During the examination of the Secretary of State before the Joint Parliamentary Committee, I asked the Secretary of State a question. I asked him : Will he, on the ground of reciprocity, secure similar rights to British Indian subjects in Indian States ? His reply was an emphatic " No ". Why ? Because the Secretary of State knows that the Rulers of Indian States are not willing to have reciprocity with British India. When the Rulers of Indian States are not willing to have reciprocity in these matters, why should our Government go out of their way to have reciprocity in this matter before us ?

There was another argument used in favour of this Bill. It was said that there is going to be a Federation and, therefore, all the units of the Federal Government should be protected even in these matters. If there had been a Federation, whose authority in the matter of criminal law or penal law had been acceptable to the Rulers of Indian States, I would certainly have granted the protection which is asked for to all the units of the Indian States. But, Sir, we are not going to have a Federation where the Federal authority will have any power in matters of criminal law in Indian States. Under those circumstances, why should we make the proposals for a Federation as the ground for giving protection to the Rulers of Indian States when they are not willing to accept the authority of the Federal Government in a matter with which this Bill is concerned.

Then, Sir, I wish to speak a few words about the position of subjects of the Indian States. Sir, the subjects of Indian States are at least for practical purposes the subjects of the British Crown and these poor people deserve some consideration at the hands of the British Government. What is their condition ? My friend, Mr. B. Das, has described those conditions in detail. He has told us that the subjects of most of the Indian States have not got even ordinary elementary rights, leave aside the constitutional rights of having a Legislature and discussing matters in that Legislature. They cannot hold a meeting to ventilate their grievances ; they cannot hold a Conference to ventilate their grievances. If they are treated with injustice, there is no power which can save them. You may know that when our future Constitution was discussed in London, there was a Round Table Conference. Every interest was represented at that Conference. We sent representatives of British India. On the other side, the people of Great Britain were represented including the representatives of the Government of Great Britain, of the Liberal Party in Great Britain ; when the Labour Government was in power, of the Conservative Party ; when National Government is in power, the Labour Party was represented. Were the subjects of Indian States represented at that Conference ? Not only were they not represented at that Conference by delegates, but when the subjects of Indian States wanted to appear before the Joint Parliamentary Committee to give evidence, even their witnesses were not accepted. Now, Sir, where are these subjects of Indian States to go for redress ? How are they to seek redress ? What business have our Government to tell them that they must follow only constitutional methods and not unconstitutional methods. Give them

[Mr. N. M. Joshi.]

protection and then insist on their following the constitutional methods. Considering from all points of view, then, the Bill which is before this Legislature is undesirable. It is a Bill which seeks to support the States and their maladministration and their autocracy. The Honourable the Home Member admitted very frankly that even where there will be maladministration, you cannot resort to unconstitutional methods; you cannot create hatred for maladministration. That is the clause in the Bill.

Now, if we are not to create hatred, if we are not to create contempt for maladministration, I want to know what we are going to create for maladministration? Are you going to create respect and admiration for maladministration? Therefore, before our Government try to penalise the creation of hatred or conspiracies against Rulers from whom no redress is possible by constitutional method, let them see that the Rulers of the Indian States become constitutional rulers. At the beginning of my speech, I stated, although the professed object of the Bill was to protect the Princes, if you asked my opinion frankly, perhaps bluntly I might say that the Bill was equally intended to protect the British Government in British India. When we were discussing yesterday the question of protecting the proprietary rights of the zamindars, the representative of the European Group, who spoke on that Resolution in an unguarded moment, let out a confidential secret. He knew the secret, being a British subject, and there was no difficulty for him to know the warlike plans of Government. We Indians are not admitted even to the Cypher Bureau, but he being a good Briton knew the confidential plans. He said that the protection of proprietary rights in land were the first line of defence. Of course he did not say that these lines were the first line of defence for the British Government. He did not like to tell us the whole truth, but he just gave us a glimpse of what the truth was. Now, the Government of India, at the request of our zamindars, are creating that line of defence. Unfortunately that line of defence is not quite reliable. You know the shape of that line of defence and, if the artillery tries to hit the target, it might hit one of its own men. Not only it sometimes may do this by accident, but the artillery, not being homogeneous but heterogeneous, one section of the artillery sometimes hits at another section of its own line. Some of the gunmen are very erratic. Sometimes the gunmen, represented by my Honourable friend, Mr. Maswood Ahmad, may open fire on another section represented by my Honourable friend, Bhai Parma Nand. That line of defence is found to be not reliable. It is a defective line of defence. This information about lines of defence was given to us yesterday by one of the representatives of the European Group. Many years ago I had heard from a man well known in my part of the country as being a very wise man. I had heard that he had also discovered these lines of defence. Sir, you may have heard about Mr. Ranade. He was a social reformer and was also regarded as a political leader by large sections of people in the Deccan. I have heard that Mr. Ranade used to tell those people who used to gather round him that in the Indian situation there were factors which would always be used by the British Government as lines of defence for the maintenance of their authority in this country during our struggle for freedom. We, in India, have got several such factors each one of which affords to our Government a very strong line of defence. The Hindu community is full of injustices. We have the evil of the caste system, the evil of untouchability, and the

evil of Brahmin, non-Brahmin quarrels. I am not suggesting for a moment that the British Government have created these injustices. We have to thank ourselves for these injustices in our social system. But there is absolutely no doubt in the fact that these injustices serve as bulwarks for the support of the British authority. I shall not tire out the House with instances. But I shall give you, Sir, one more. Take the religious intolerance amongst our own people. The Hindu-Muslim feuds. I am not suggesting for a moment that it is the British Government who created these feuds. We have to thank ourselves for their existence. But can any one deny the fact that these feuds amongst ourselves, between the Hindus and Muslims, have not served as a bulwark for the support of the British authority in this country? But these bulwarks have now begun to totter from their foundations. The Brahmin—non-Brahmin quarrel has practically ended, the leaders of the untouchables have begun to co-operate with the touchables in the struggle for freedom. In this House itself there are parties where the Hindus and Muslims co-operate. Therefore, it is natural that our Government should seek for other fortifications, other lines of defence. There are new lines of defence arising, one line of defence consists of the orthodoxy among the Hindus, as represented by my Honourable friends, Pandit Satyendra Nath Sen and Mr. M. K. Acharya, another line of defence we discussed only yesterday, and this Bill represents the line of defence which is the strongest of all. This Bill is intended, whatever may the professed object of this Bill, to strengthen this line of defence and to strengthen this fortification. I wish to make an appeal, Mr. President, to our Government which is a British Government. I make this appeal as a loyal citizen. Whatever my amiable friends may have said yesterday about me, I still claim that I am a loyal citizen. I claim also that I am one of the most firm believers in the use of constitutional methods and I say, Sir, that I am not only a loyal citizen, I am not only a firm follower of constitutional methods, but I am an admirer of British history, not only of British history, but I am an admirer of British character and Britishers as a whole and, in that capacity, I make an appeal to our Government that measures of this kind are not in accordance with the traditions of British history. They are against their traditions. Instead of depending upon the forces of reaction, the forces of autocracy, let them depend upon the goodwill of the progressive sections in this country. They may say that they may show goodwill towards the progressive sections but that the progressive sections may not respond. Even then I say that the British Government should stick to their tradition of freedom. If they fail on account of our not responding, even their failure will be glorious. But, Sir, if the British Government insist upon staying in our country as unwanted guests with the support of all forces of reaction and autocracy, it will be an eternal disgrace to their tradition and history.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I remember the occasion as vividly as if it was only yesterday when, eleven years ago, in this very hall, the Legislative Assembly refused leave to Government for the introduction of the Princes Protection Bill which subsequently became the first certified legislation under the new Constitution. It may interest my Honourable friend, Mr. Ranga Iyer, to know that it was the Democratic Party which had taken the lead in the matter on that occasion. Sir, much water has flown down the Jumna Bridge at Delhi since that day, and I am free to confess that there has been a good deal of change in the atmosphere of the Indian States. My Honourable friend, Mr. Ranga

[Mr. K. C. Neogy.]

Iyer, has referred to my brief association with the Princes in London, and I may tell him that I do not allow my professional engagements to interfere with my personal opinions on questions of public importance.

Mr. C. S. Ranga Iyer : Sir, I neither suggested nor insinuated that Mr. Neogy's professional engagements had anything to do with his private or public opinion. All that I suggested was that his experience as a Member of this House and his association with Indian States will enable us to get from him an enlightened lead in this matter.

Mr. K. C. Neogy : I never said that my Honourable friend made any uncharitable suggestion about me. But I wanted to tell this House that it was a watching brief that I had in London on behalf of a section of the Indian States which may very appropriately be described as the untouchables among the princely order ; and, if in that capacity I had occasion to see more of the game than those who were actually engaged in it and if it is that experience which my Honourable friend, Mr. Ranga Iyer, wants me to relate on this occasion, I can tell him that it was a great education to me to find that on that historic occasion the Princes and the people of India fought shoulder to shoulder for getting recognition of the just rights and privileges of their common motherland. Sir, much as I learnt to appreciate and honour some of the distinguished members of the order of Princes, I do not mind telling this House that I found very few of them yet prepared to make any substantial concessions of a constitutional character in favour of their people.

Now, Sir, my Honourable friend, the Home Member, has referred to the Federal Constitution which is looming large on the political horizon. My Honourable friend, Mr. Ranga Iyer, also made his confession of faith in that form of Government. May I also add that I was an enthusiastic supporter of that very ideal till the publication of the White Paper ? Sir, I cannot but recognise that if India wants to have self-government of the real type, if India wants to control her defence and foreign policy, we cannot ignore the Princes. The Princes must come into the Constitution if we expect to control the foreign and the defence policy of the country as a whole ; and it was in the hope that we were going to get real self-government that I, in my own humble way, tried to promote the idea of a Federal Government. Now, Sir, what have we got in the White Paper ? A mongrel Constitution to which I for one am not prepared to pledge my support. Sir, I remember very well the consternation that was created among the diehards in England and in India when it was found that the Princes had joined the British Indian leaders in demanding self-government on the basis of Federation, because they had counted upon the Princes to oppose the grant of self-government to British India, and they did not think that their patriotism would in the end even transcend their sense of expediency in having perhaps to go against the secret wishes of the powers that be. But when I find, as I find on the present occasion, Members of the Government of India giving their enthusiastic support to the federal ideal, when I find my Honourable friend, the Home Member, introducing measure after measure calculated to make India " safe " for Federation, then I begin to suspect. Now, Sir, I will not be partial to the Honourable the Home Member ; I will begin from that end of the official Benches. The Honourable the Leader of the House appropriately enough has taken the lead in this matter. He expects to secure the independence of the Railways,

independence or control of the future Federal Legislature, and he is trying to bring about that happy consummation which was described so graphically yesterday by the Honourable Member from Sind, when Mr. P. R. Rau would be riding on the back of the future Transport Minister. Coming to my Honourable friend, the Member for Industries and Labour, not being so bold as his other colleagues, he is just nibbling at the road system of India, it is said on behalf of an undisclosed principal, namely, the Army Department, in the name of co-ordination which will have the effect of curtailing the control of the Provincial Ministers over the road policy, for the benefit of the army, mechanised as it has been. My Honourable friend, the Law Member, not having an administrative portfolio of his own, has to content himself with aiding and abetting his Honourable colleagues in the pursuit of their common object. May I now come to the future Councillors under the White Paper ? I do not know whether my Honourable friend, the Army Secretary, has inherited the qualities of his predecessor in office ; if he has, he will perhaps find it possible to devote more attention to the Simla A. D. C. than to the future Federal Assembly. (Laughter.) And my Honourable friend, Mr. Glancy, when he introduces the Murshidabad Bill in future, will word it in cypher of the secret code, because it will be an Act of the Governor General. Sir, is this a picture of the Federal Constitution over which any one can enthuse ?

An Honourable Member : What about the Finance Member ?

Mr. K. C. Neogy : I am very glad my Honourable friend has reminded me of him, because I did not find him in his seat. The Honourable the Finance Member is engaged in lightening the labours of the future Finance Minister so that he could devote his undivided attention to the important task of raising taxation for the benefit of the Governor General and the reserved departments. Now, Sir, is it any wonder that the average British Indian, in which term I include myself, has no more use for the Federation ? The attitude of the average British Indian may be summed up in these words " *Bhik nahi mangta : tumara kuttha bula lao* ". That is the attitude of the average British Indian towards the Federal Constitution as adumbrated in the White Paper.

An Honourable Member : What is the meaning of that ?

Mr. K. C. Neogy : My Honourable friend, the Home Member, in his Statement of Objects and Reasons of this Bill is yet undecided as to whether this measure is needed to satisfy the spontaneous promptings of the Paramountcy conscience or whether it is essential as a concomitant of the Federal Constitution that seems to be inevitable. If it is a matter of paramountcy, as has been pointed out by my Honourable friend, Mr. Joshi, how is it that we are discussing the measure here ? It is no doubt true that the Governor General in Council is at the present moment, constitutionally speaking, the agent of that paramount power ; but I ask my Honourable friend, Mr. Glancy, to tell this House as to whether the Princes relish the idea of the British Indian Legislature having anything to do with regard to the paramountcy obligations of the Crown. I do not think that the Princes would support the idea of this measure being considered at all by the British Indian Legislature. As has been pointed out by my Honourable friend, Mr. Joshi, in the future Constitution such a measure would relate entirely to the special responsibility of the Governor General. That has been secured by strenuous efforts on the part of the Princes. They do not want that British Indians should have anything to do in regard to

[Mr. K. C. Neogy.]

such paramountcy matters. If it was on the other hand, a mater arising out of the Federal Constitution, how is it that this is not being postponed so as to enable the future Federal Legislature to afford the necessary protection to all the federal units, irrespective of the fact as to whether they belong to the category of British Indian provinces or the Indian States? Is the Honourable the Home Member sure that the States would support the idea of the future Federal Legislature having anything to do with legislation of this character? No, Sir. They have made it abundantly clear that, although the Federal Government and the Federal Legislature may be vitally concerned in maintaining the Federation unimpaired and, in preventing the disintegration of the Federation, they do not want these matters of common concern, as they are certainly matters of common concern, to be decided by the Federal Legislature of the future. So far as protection of States' interests are concerned, they have made it abundantly clear that they look to the Crown and to the Crown alone and to the Governor General as its agent, and not to the Governor General in Council, to afford them the necessary protection in the matter. I, therefore, do not think that the Honourable Member was quite right when he said that the Princes want such a measure. It may be that the Princes want many other things besides. But is the Honourable Member quite sure that the Princes want the British Indian Legislature to afford them protection?.....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Rural) : May I just interrupt my Honourable friend? Does he mean to say that, in the future Constitution, any legislation that may be required by a reserved department will not come before the Legislature? 3 P.M.

Mr. K. C. Neogy : It will perhaps have to be ultimately enacted as a Governor General's Act, as far as I can see.

Sir Cowasji Jehangir : I do not want to interrupt my Honourable friend ; but I want to put him right. I do not think that is quite so.

Mr. K. C. Neogy : If the Honourable Member will read the White Paper carefully, he will find that, so far as the Princes are concerned, they look to the Governor General and not to anybody else.

Sir Cowasji Jehangir : If I may interrupt the Honourable Member for a minute : I think he is confusing the issues. The question of legislation with regard to reserved departments, whether it be the Army or Foreign Affairs or Indian States, will have to come before the Legislature in future.

Mr. K. C. Neogy : I was dealing with the attitude of the Princes in regard to this matter.

Sir Cowasji Jehangir : The attitude of the Princes is perhaps rightly explained by the Honourable Member ; but the confusion comes in where he says that legislation with regard to the reserved departments will be done by Ordinance or by a Governor General's Act : that is not correct.

Mr. K. C. Neogy : It is undoubtedly true that legislation initially would come up before the Legislature ; but my point was that the Honourable Member could not have put the case of the Princes correctly if he meant that the Princes wanted protection from this Legislature by way of this particular enactment ; and what I wanted to convey was that, even

under the proposals of the White Paper, the Princes look to the Governor General to afford them protection in such matters, and not to the Governor General in Council. It may be that, as a matter of procedure, legislation may have to be initiated in the Federal Legislature ; but what I wanted to know was as to whether the Princes approved of this particular procedure.

I will now try to examine some of the salient features of this particular Bill. Coming to the proposal to amend section 121A of the Indian Penal Code, I desire to point out that there is a fundamental principle underlying the present section 121A which is being infringed by this proposed amendment. Section 121 deals with waging war against the King ; and if my Honourable friend will read the history of the enactment of section 121A, which was incorporated into the Statute in the year 1870 by an amending Bill introduced by Sir James FitzJames Stephen, an honoured name among British jurists who ever came out to India, if my Honourable friend will study the history of that enactment, he will find that this particular section was passed as being merely ancillary in character and supplementary to section 121. Section 121 dealt with waging war against the King ; and it was found that there was a defect in the law, because there was no provision with regard to conspiracy to wage war against the King, which, but for the enactment of a specific provision, would have to be dealt with as abetment of waging war. If my Honourable friend will refer to the speech that was made by Sir James JitzJames Stephen, while introducing that Bill, he will see that this section 121A was merely a paraphrase of a provision of what is known as the Treason Felony Act, which was enacted in the year 1848, if I am not much mistaken. It was felt in England that but for a provision of this character, the prosecution of conspiracies, which might not achieve their object, would lead to considerable difficulty ; and as this particular point was dealt with by the Treason Felony Act, Sir James FitzJames Stephen introduced section 121A for the purpose of serving the very same object.

Now, Sir, my point is this. Section 121 deals with treason. Treason goes with allegiance. There can be no treason if there is no obligation of allegiance, and section 121A deals with treason felony, and, there again, unless there is an obligation of allegiance, there cannot be any treason felony. Sir, I hope it will not be contended by the Honourable the Home Member that we, British Indian subjects, owe any allegiance to the 500 and odd Indian princes.....

The Honourable Sir Harry Haig : Will the Honourable Member explain what is the justification for section 125 of the Indian Penal Code?

Mr. K. C. Neogy : Section 125 was deliberately enacted for the protection of certain Asiatic powers which were in alliance with the Queen. My friend can take it that if his distinguished predecessors of those days had found it feasible, they would have enacted a similar specific provision in the interests of the Indian States.

The Honourable Sir Harry Haig : My friend does not suggest that British subjects owe any allegiance to the Asiatic powers?

Mr. K. C. Neogy : What I mean is this. You cannot amend section 121A in the way that you are seeking to do. I am not concerned with section 125, which creates a distinct offence, allegiance or no allegiance.

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In seeking to amend a particular section which deals exclusively with treason felony, you have no business to tamper with the underlying principle of that section, because, as I say, treason and treason felony go only with allegiance. It is only in the case of a breach of that allegiance which we all owe to the King Emperor that a charge under 121 or 121A could be sustainable. Legislation is not mere patch work, it is not mere scissors and paste work. There are fundamental principles which were perhaps better understood by our predecessors in those days.

I now come to the provision relating to the Press. My Honourable friend, in his speech, referred to the fact that this was originally contained in the Criminal Law Amendment Bill, which was passed into law against the teeth of popular opposition in November last. My Honourable friend said that although one of the clauses contained the provision which is now sought to be enacted with reference to the press in this particular Bill, that was dropped by the Select Committee. I could not quite catch what he said later, but I gathered the impression that the Select Committee thought that this particular provision could be re-enacted later....

The Honourable Sir Harry Haig : Considered. I think, I said, Sir, that in the Select Committee we thought that, if this proposal were to be pursued, it should be put up separately.

Mr. K. C. Neogy : Now, Sir, I have in my hand the Report of the Select Committee, and I naturally expected that if the Select Committee had offered a particular reason as stated by the Honourable the Home Member for omitting for the time being, this particular provision, they would have given us some indication of their attitude in the matter. But this is what the Report says : " We have omitted the references to Indian Princes and Chiefs ". That is all. Now, Sir, my Honourable friend, along with two other Members of the Government, had a minute of dissent appended to that Report. No mention do I find even there as to the intention of Government in regard to this particular provision. What is more,—our amiable friend, Mr. Anklesaria, whom by the way I want to congratulate on his C.I.E....

An Honourable Member : And his pleasure trip to England !

Mr. K. C. Neogy : Even our Honourable friend, Mr. Anklesaria, had appended a minute of dissent. He was not satisfied with this particular omission. This is what he says : " The position in respect of Indian Chiefs and Princes will not tend to advance the object of the Bill ", and so on. Then, later on, he says : " I would, therefore, keep sub-clause.....as it stood originally in the Bill ".

It cannot be said that this was dropped as a result of absent-mindedness or that the reason why it was omitted from this Bill was not inserted in the Report of the Select Committee out of sheer absent-mindedness. Here was Mr. Anklesaria to remind the Government of their duty....

Mr. S. G. Jog (Berar Representative) : Was an amendment given by Mr. Anklesaria ?

Mr. K. C. Neogy : I do not find any trace of any amendment in the discussions.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : He had given notice of it, but he did not move it.

Mr. K. C. Neogy : What is this emergency provision which is sought to be introduced ? The idea is that the provisions of the Indian Press (Emergency Powers) Act, as amended by the Criminal Law Amendment Act, shall include cases in which any writings " tended directly or indirectly to bring into hatred or contempt or to excite disaffection towards the administration established in any State in India ". Now, Sir, " tended directly or indirectly to bring into hatred or contempt ",—what does this mean ? If the facts that have been related this morning by my friend, Mr. B. Das, and by my friend, Mr. Joshi, were printed, as they will be in the official proceedings of this debate, I am very much afraid, even that would come within this description, because the very bare narration of the facts as they exist in the Indian States may have the effect of bringing any administration into hatred or contempt, in spite of anything that anybody might do to prevent such a result. As to whether a particular publication does tend directly or indirectly to bring any administration into hatred or contempt, would depend upon the character of the facts which are disclosed, and not upon any motive or intention on the part of the writer to create any disaffection.

Sir, again, speaking as a result of my experience of the Indian Princes, I say that there are very honourable exceptions among their order,—but can it be said, even by my friend, Mr. Glancy, that there are not States in which things continually go on, for the bare publication of which, however truthful, a publicist may be hauled up on the ground that it would tend directly or indirectly to bring into hatred or contempt, very well-deserved hatred or contempt, the administration of those States,—and penalised for it ?

Sir, my friend, Mr. B. Das, read out an extract from a speech delivered by Lord Irwin at a meeting of the Chamber of Princes in March, 1931. That speech merely summarised a note which Lord Irwin had circulated on the 14th June, 1927, among all the Indian States, in which he laid down certain minimum requirements of good administration which he expected the States to satisfy. Now, Sir, my Honourable friend, the Political Secretary, when he gets up to speak, will perhaps oblige this House by telling us as to what effect that particular note has produced, how many Princes, for instance, have conformed to the requirements as laid down by Lord Irwin himself, and not by any irresponsible newspaper man. On this particular point I find, the Butler Committee, reporting in 1931, said that 30 Princes have established Legislative Councils most of which are at present of a consultative nature only ; 40 have constituted High Courts, and so on. It gives us the numbers of Princes who have taken certain steps in liberalising their administration. But then it added :

" Some of these reforms are still no doubt inchoate or on paper, and some of the States are still backward ; but a sense of responsibility to their people is spreading among the States and growing from year to year."

That was about three years ago. Will my Honourable friend, the Political Secretary, tell us as to what the progress has been in this matter ? Speaking at a meeting of the Chamber of Princes in March, 1931, Lord Irwin had to give a few bits of advice to the Princes. That

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was the last speech that he delivered at the Chamber of Princes. My Honourable friend, Mr. B. Das, has already quoted a portion from it, but there are some more observations in it which have some bearing on this particular measure.

This is what Lord Irwin said :

" There is no use in disguising from ourselves that the new order of things and the irresistible logic of events are lifting the veil from much that has hitherto been considered of private concern, and more and more factors are tending to bring your affairs into publicity (*meaning the Princes*). Where there is criticism of any of your administrations, be it based on reasonable grounds or scurrilous and misinformed....."

I want to draw the attention of the House to these words :

" .....be it based on reasonable grounds or scurrilous and misinformed ; the best answer on the part of those who have nothing to hide is the issue of full and regular administration reports from which the public may learn how your Government is carried on."

Lord Irwin did not think of a legislation of this character as the remedy ! Then he went on to observe :

" But let us not forget that, as you acquire a share in the control of common subjects, and as your internal affairs become of increasing interest to public opinion in India, there will come to you more and more responsibility for bringing your administrations to the level demanded of all modern Governments. I acknowledge gratefully that there are many States that have nothing to fear, where within the compass of their resources all that is possible is done for the welfare and progress of their subjects. But there are still others to which this description cannot apply ; where personal extravagance has injured the financial stability on which sound administration must rest, and where too little is spent on the welfare and advancement of the people. Where such conditions exist, they cannot fail to be a danger to the whole body of your Order, and I appeal to Your Highnesses to use all your influence, as the Viceroy must use his, to secure improvement."

I very much expect the Political Secretary to tell us as to what effect this admonition had upon those other Princes to whom his Lordship referred,—how many of them have established Legislative Councils, for instance, which he had advocated, though not in so many words, how many have conceded the most elementary rights of citizenship to their subjects, how many States permit public meetings to be held in their States without any permission.

Now, Sir, my Honourable friend, the Home Member, justified this Bill on grounds of reciprocity. I should like to know in how many States there is an independent press, because I take it, when he meant reciprocity, he meant reciprocity in regard to the different provisions of this Bill. I should like to know from the Political Secretary how many States have got an independent press, which would enable us to judge of the value of the reciprocal protection which we enjoy in regard to press criticisms of British Indian affairs.

Now, my Honourable friend has said : " You cannot expect a dead level of similarity in regard to the forms of administration that prevail throughout this country. " I entirely agree with him there, and I do not think that it is any impediment to our having a Federal Constitution if, for instance, the States have a different system of administration from our own. But that does not mean that, whatever forms of Government may obtain in the States, the people themselves should have absolutely no voice in the affairs of the Governments of their own.

Now, Sir, I do not know what the present policy of the Government of India in this matter is ; perhaps, they think they have no right to dictate to the Princes as to what form of administration they should set up in their States. But may I draw the attention of the Political Secretary to what was stated by Lord Lytton on the occasion of the rendition of Mysore. This is what he said :

" The British Government now undertakes the duty of protecting all Native States in India from external enemies and of preserving internal order by measures necessary for securing the people from misgovernment and for supporting the lawful authority of the Ruler. So also the powers of the British Government to prescribe the forms of administration (Cheers) and to insist that its advice be adopted are the necessary correlatives of the admitted responsibilities of the British Government for the internal peace of the whole Empire and general welfare of the people."

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Sir Abdulla-al-Mámún Suhrawardy, one of the Panel of Chairmen.]

I should like to know whether there has been any departure from this declaration of policy in regard to the Indian States. If the Honourable gentleman says that that was merely an expression of opinion on the part of an individual Viceroy, then I want him to tell us as to what effect has been given to the wishes of the last Viceroy of India who left our shores not very long ago. And may I take it that Lord Irwin's admonition in this matter represents the British policy in regard to the Indian States ? If that be so, my Honourable friend should have no difficulty in satisfying this House that substantial effect has been given to this piece of advice tendered by Lord Irwin, if he wants this House to support this particular measure.

Sir, my Honourable friend, the Home Member, said towards the conclusion of his speech, that Federation could not be built upon a basis of distrust. I entirely agree with him. But my conception of Federation is not a collection of units in a state of armed neutrality either. There must be perfect understanding and goodwill and community of interests among all the units of the Federation. That alone can make for a stable Government, whether of the federal type or of any other type. Now, Sir, my Honourable friend, in seeking to promote a legislation of this character at this particular moment, is only seeking to increase distrust where distrust was vanishing, thanks to the noble part which the Princes played in London in fighting the common battle of our common motherland. For all these reasons, Sir, I cannot give my support to this measure.

Mr. S. G. Jog : Just about an hour ago, a very influential man in the Government Benches made a remark that I was silent since the opening of this Session. I gave him the explanation that the Simla climate was more suited for silence than for any activity. However, I have great pleasure in breaking that silence and expressing my views on the measure that is before the House, which has got a gravity of its own.

I am glad to find that the Honourable the Home Member has realised and has also explained to the House the gravity of this measure. He also explained that he is in no hurry to rush this Bill, but at the same time he has made a motion for the Select Committee. The question is of still greater importance, because it has been associated with the question of Federation. People in India are getting more and more impatient as regards this Federation idea and everybody is anxious that, in whatever

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form it may be, the new Government should start functioning,—the sooner the better. The more it is delayed, people are getting more and more anxious about the coming Federation. The question of granting protection to the Princes is of great importance as I have just now said. Probably many Members of this House have no idea of the number of States in India and their population. The area covered in the Indian States is 675,267 square miles with a population of seventy millions. The Indian States embrace the widest variety of country and jurisdiction. They vary in size from petty States like Lawa, in Rajputana, with an area of 19 square miles, and the Simla Hill States, which are little more than small holdings, to States like Hyderabad, as large as Italy, with a population of thirteen millions. They include the inhospitable regions of Western Rajputana, Baroda, part of the Garden of India, Mysore, rich in agricultural wealth, and Kashmir, one of the most favoured spots on the face of the globe. This is the area and this is the number of States that will be affected by this legislation. Although the legislation is a very small one, its implications are of grave consequences. This is the first time the House gets an opportunity of discussing the political affairs of Indian States and it is for the first time that the Honourable the Political Secretary has come to the House and is anxiously listening to the debates. Though the measure has been introduced by the Home Department, it is no doubt at the dictation of the Political Department. It is no doubt true that the relations between the States and British India are of an extremely delicate nature. How far the Political Department will be justified in interfering in the internal affairs of the State is a very difficult question. They interfere when they like and, when they do not want to interfere, they give the reason that they are not authorised to interfere with the affairs of the State. I am glad to find that the Political Department is coming more and more into the discussions of this House and I think this itself is an indication of the political progress in the States. The question of the protection of the Princes came prominently before this House in 1922 and this measure has a notoriety of its own. It was introduced by the then Home Member, the Honourable Sir William Vincent. I would like to tell the House with what scant courtesy this measure was treated by the House then. Even breaking the convention of the House, it was thrown out at the first introduction of the measure. It was for the first time that the Viceroy exercised his power of certification. The Bill went before the Council of State. As to what happened there, the Assembly debates give us no guide. One speech was made by the Honourable Sir William Vincent and one speech was made by Munshi Iswar Saran and the motion was negatived by 48 votes to 41. That is the only record of the debate we have got and the whole measure was summarily rejected by the House. Then, the matter was taken up by the Council of State and there the matter was not thoroughly discussed and, without much discussion, it became the law under the certification power of the Viceroy. This is the history of this legislation. Soon after the inauguration of the reforms, the Viceroy had to use his power of certification, and, as such, this measure has got a notoriety of its own. The Honourable the Home Member then made out his case on three grounds. He said that the British Government was under a pledge bound to respect the privileges and dignity of the Princes. There were several attacks made in the press and elsewhere of which he had given instances, but I do not wish to tire out the House by reading all

those. The Government then thought that it was their bounden duty to protect the Princes. Whatever may be the effect of that legislation, we have a sort of legislation which has been able to protect them so far and the question before this House now is, whether there is any necessity of amplifying that legislation or introducing a new measure. The Honourable the Home Member, in his Statement of Object and Reasons, has stated :

"Experience in recent years has shown that the ordinary law is not adequate to afford States in India the protection they may reasonably expect against activities which may be carried on in British India."

I presume that by the ordinary law he refers to this measure which has been passed already, for I do not know if there is any other ordinary law.

The Honourable Sir Harry Haig : I meant the whole body of law existing in British India.

Mr. S. G. Jog : May I know if there is any other law which protects the Princes ?

The Honourable Sir Harry Haig : The Honourable Member will understand that this Bill seeks to amend the Indian Penal Code which in certain respects is inadequate for giving that protection which we consider to be reasonable.

Mr. S. G. Jog : I quite see the point. But the ordinary law today is the Indian States Protection Act, of which section 3 runs as follows :

"Whoever edits, prints or publishes or is the author of any newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards the Prince or the Chief of the State or the Government and Administration established in such a State shall be punished with imprisonment which may extend to five years, or with fine, or with both."

This is the existing provision which we have got, and what we have got to see is, whether the existing provision is sufficient or not to meet the requirements of the present times. If we find that the present law is quite enough to meet the case, then I, for one, do not see the necessity of the present measure that is before the House. Another constitutional question which has been raised in the House today is whether we are bound to have this legislation so long as the administration of the Native States does not come up to a particular standard. My friend, Mr. Neogy, has already read out some speeches of Lord Irwin and I will read out to the House the speech which Lord Minto made in the year 1909 :

"Our policy with rare exceptions is of non-interference in the internal affairs of the Native States. But in guaranteeing their internal affairs and in undertaking their protection against external aggression, it naturally follows that the Imperial Government has assumed a certain degree of responsibility on the general soundness of their administration and would not consent to incur the reproach of being an indirect instrument of misrule."

I would appeal to the Political Department and to the Home Member before an action is being taken for giving this protection, which may amount to a passport, whether it is not necessary for the Political Department and the Home Government to find out as to what steps have been taken by the Native States themselves to bring their administration

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in a line with the other approved forms. I have no quarrel with the form of administration, but, at any rate, it must be a good administration. A bad administration can, in no sense of the term, be called any administration. Whatever the form of administration may be, it must be a good government. When the Princes want protection, they have also to discharge certain obligations to their State and to their State people. In this connection I would like to read a passage :

"In the historic Proclamation of Queen Victoria, it was set out that we desire no extension of the present territorial possessions and will permit no aggression on our Dominions and the rights ..... We shall allow no encroachment of others. We shall respect the rights of the Princes as our own and we desire that they, as well as our own subjects, should enjoy that authority and that social advancement which can only be secured by internal peace and good government."

I again earnestly bring to the notice of the Government that the obligations of the Political Department, as well as of the British Government, are to see that good government exists in all these Native States.

The House will find that I have given notice of an amendment that the present Bill should be circulated among the Princes in India as well as their subjects. What I mean to say is this. I have no means of knowing how far the Princes themselves have moved in the matter and have asked the Political Department to move the Government of India machinery to have a legislation of this kind or whether it is the Political Department itself which has moved this motion on its own initiative. I must tell this House that the Princes of the year 1922 and the Princes of the year 1932 are quite different. I am not prepared to say that the administration of all the States is bad. I am glad to find that many States are progressive. In many States they have introduced legislation and reforms. In many States many of the British laws are administered and the government is being carried on on progressive lines. I still think that if the question is referred to the Princes and they are asked whether they would like to have this sort of protection from this House, it will be making a confession of weakness on the part of the Princes if they will approach this Government and this House for a measure of this kind. I still believe that, out of the 600 Princes, I do not think many will come forward and ask for this protective measure. I am glad to find that, since the Round Table Conference, the Princes and their representatives are coming more and more in close contact with the British Government. There is no doubt that the angle of vision has considerably changed, although it may not be up to the expectations of some of us. But I do find that they are progressing in the right direction. It may take some time to come up to our standard, but that cannot be helped. Last time, in 1910, when this measure was to be introduced and when the press was abolished, the members of the Committee saved the difficulty. At that time, when the Committee met, they said they had not sufficient materials from the Princes to say whether they wanted any protection and that they were extremely handicapped for want of this information. Another point I have to make is that in India there are so many States and there are so many different organisations. Many of these associations in the Indian States, for various reasons, find it easy and more convenient to have their

grievances ventilated in British India and they will be seriously affected by this measure. Therefore, I move this amendment :

"That the Bill be circulated amongst all the State Subjects' Associations throughout India for the purpose of eliciting opinion thereon."

I want this Bill to be circulated to all States Associations, called Prajamandals, and we should be in a position to know the views of these Associations. After having said so much, I do not want to detain the House any longer. We will have to find out the means whereby we can pave the way for the future Federation. If the Princes demand, as a condition precedent to their joining the Federation, the granting of more powers to them, I think it is our duty to examine the case very critically and very carefully and we must try to do a thing which may not stand in the way of Federation. I find from the reports of the Round Table Conference that almost all the British Indian delegates have come to the conclusion that Federation is the only form of Government that India should have and that it is only the hope of getting a Federation that still keeps all the delegates together. I find from the proceedings of the Federal Structure Committee the following :

"A further examination of the problem has confirmed them in the belief that by no other line of development can the ideal in view be fully realised. For this purpose it is essential that the 'India' of the future should include, along with British India, that 'Indian India' which, if Burma is excluded, embraces nearly half of the area and nearly one-fourth of the population of the country—an area and population, moreover, which are not self-contained and apart geographically or racially, but are part and parcel of the country's fabric ;"

In the British Indian fabric we have to make use of the Indian States. My Honourable friend, Mr. Joshi, has given out that that particular fabric may not for the time be equal to the fabric which we have in our administration. But, in course of time, this coarse fabric may be improved and may be made to fit in with the British Indian administration. We have to know as regards this measure whether the initiative has come from all the Princes or from a few of the Princes or whether the initiative has been taken by the Political Department to fortify themselves in the new Constitution or whether the Home Member has taken the initiative for strengthening the new Constitution. Whatever they may be, I should like to put in a word to the Princes, that all these artificial protections will avail nothing to them. The real protection for them is the progress that they will make in their own States. The contentment of their subjects and the conceding of more and more powers to their subjects would be the real protection for them and, after all, these artificial protections will prove fruitless. Sir, as I have said, I strongly recommend that the measure should be circulated amongst the Princes as well as amongst the Indian States subjects whose views will be available to us and, after getting the views from those bodies and from those Princes, we will be in a better position to see what sort of protection is necessary. After all, even taking the newspapers, some of them might be exploiting the Princes for their own ends. They might be utilising the Princes for some ulterior object. There may be cases like that and, in that case, it may be necessary to have some measure of protection to the Princes. If the House is satisfied that some measure of protection is necessary, the House will willingly do so. But, before we do that, we must have some material to go upon and to give us satisfaction. Sir, I move.

Mr. Chairman (Sir Abdulla-al-Mâmûn Suhrawardy) : Amendment moved :

" That the Bill be circulated amongst all the State Subjects' Associations throughout India for the purpose of eliciting opinion thereon."

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Mr. Chairman, I am extremely grateful to you for this opportunity afforded to me to speak on this important measure. I should, at the very outset, like to reserve to myself my considered opinion whether it is desirable at this stage of the advancement of India that we should have Federation with the Indian Princes. I should first start with the subject matter of this Bill. It seems, Mr. Chairman, that the previous speakers have overlooked altogether the purport of this small Bill of seven clauses which has been brought up. I do not say for one moment that measures of this kind adumbrated here in these clauses are normally necessary and I am certain and I am convinced in my belief that perhaps the Government of India had materials at their disposal to come forward before this Assembly with a measure for the protection of the princely order. It is certainly true that the Indian States, just like the seeds in a cake, are scattered in almost all the centres of this big continent. I think it is only fair that people, living beyond their jurisdiction, should not take upon themselves the liberty of saying how best these Princes should administer their States. After all, as I have said at the very beginning, I should not like to go into that complicated subject of Federation. But it seems to me, personally speaking, that perhaps there is a great force in what the previous speakers said, namely, that you keep a very untidy and careless sort of administration, in between, this big continent, and perhaps the contagion from that side may catch fire here in the British territory also. I think there is a great force in that contention of my Honourable friends. But, so far as I am concerned here today, I have heard from the Honourable the Home Member that the sole purport of this Bill is to amend certain sections of the Indian Penal Code and thereby to empower district officers to prevent *jathas* entering into the Indian States with a view to creating trouble there. My idea is this. If you continue to start *jathas* and if you are not going to stop these inroads into the Indian State territories, I am certain, every one will admit that the condition of India will be reduced to that of Russia or, for the matter of that, the condition of the territories beyond the Frontier is sure to be repeated here in this country. Mr. Chairman, the previous speakers have of course taken side issues and have not faced the Bill. They have put this question to the Government of India whether as a responsible organisation in this country it is right for them as a Government to offer this protection to a class of people who, in the words of Mr. Neogy, are in various stages of development. As I said at the beginning, I do not like to go into matters of that description. My idea is this. I think things are only taking shape just now and if these things are over-threshed here on the floor of the Assembly, perhaps our ideals in certain directions may not be realised. That is why I say that I should not like to go deeper into that aspect of the case. In this connection, Mr. Jog has pertinently put one question whether the Government of India, as a responsible organisation, are not free to tell this Assembly that they had

this representation from the " Narendra Mandal " which is the organisation of the Princes ; for, I am certain, that unless they had received it, they would not have come forward with this piece of legislation. There is certainly great force also in the view when the Government of India have got authority over these Princes, they, as a suzerain power, should have first tried to make them come up to a certain level of civilisation in matters of up-to-date governance, so to speak. If they could bring their administration even to the level of the District Boards and Municipalities of India and offered some semblance of self-government, perhaps Government would not have found so much criticism over this measure. But I think there is, really speaking, a great force in that contention of my friends. As the Government of India have started to take this parental interest in the affairs of the Indian States, I think, if I had any say in the matter, by way of advice, I would have told the Princely order to so adjust and arrange their houses that there may not be any criticism whatsoever in the way of allowing them to come into the Federation.

Sir, I do not think it is at all necessary for me to reply *seriatim* to what has fallen from my friends, Messrs. Das, Neogy, Ranga Iyer and Joshi. I am sure, they are entitled to their own opinions, but I think if they had placed themselves in the position of the Government of India and had experience of the last three years as to the events at Alwar, Kashmir and other States, they would not have been so very critical about the actions of Government. If I could give any advice to my friends on my right, I would tell them that they would have utilised their influence and experience much better if they had tried to stop these troubles getting into the Indian States. I am greatly convinced that perhaps the troubles of the last two or three years have been responsible for bringing in this Bill. This is a small protective measure and the maximum punishment prescribed here is six months, and of course the infliction of that punishment is in the hands of Indian magistrates who are all brothers and relations of my friends to my right.

Mr. Neogy, at the beginning of his speech, made one very important point that any statement about the working of the Indian States might bring one within the mischief of this law. But I may humbly tell him that there are safeguards here, and why should he not trust his kinsmen and his friends and relations who are the judiciary in this country ? They are not foreigners ; as a matter of fact, there is so much Indianisation from the Hindukush to Assam that I do not think anybody need be afraid on that score. It is not such a terribly bad measure that it should evoke so much opposition from my friends on my right.

4 P.M.

Mr. Chairman, mention has been made of previous Viceroys' after-dinner talks or talks of that kind at times. Viceroys, of course, make statements on their own responsibility, but here we are only concerned with the facts contained in this piece of legislation. If any Viceroy gave any assurance about the Indian States, he must have given it on his own responsibility ; and, it may be, that, because those desires or instructions of previous Viceroys have not been consummated, that has actuated the present Government of India to bring forward this measure. My esteemed friend, Mr. Joshi, said that this was one other item of protection which Government were introducing for their own advantage. I

[Mr. Muhammad Anwar-ul-Azim.]

do not know how far he is right or wrong, but here the Government of India, as a responsible body, have got a duty to discharge and, if they have brought in this piece of legislation, I am sure, they have not brought it too early. With these few words, I support the principle that it be referred to the Select Committee.

Sir Cowasji Jehangir : Sir, I do not propose, when I rise to address this Honourable House on this Bill, to survey the whole constitutional position as it faces us today, as I do not think it advisable to follow my Honourable friend, Mr. Neogy, in what I consider a really clever speech, but which may not have been quite relevant in some parts although, on the whole, most interesting. I propose to confine myself entirely to the Bill that is before us.

Mr. K. C. Neogy : Why did not the Honourable Member take the same exception to the Honourable the Home Member's speech, because it was he who first referred to the constitutional aspect and went into details with regard to the Federation ?

Sir Cowasji Jehangir : I regret that I have forgotten the Home Member's speech. I will first refer to clause 3 of this Bill which will amend section 121A of the Indian Penal Code. Personally, I really do not see any strong objection to that amendment, specially when one comes to consider section 125 of the Code. Section 125 of the Code gives the same protection to an Asiatic power in alliance or at peace with the Queen. Well, I do not see why an Indian State should not be placed on the same level with an Asiatic State in alliance and peace with the Queen ; and, so far as I can understand this amendment, it goes no further than placing an Indian State in the same position as an Oriental State.....

Mr. K. C. Neogy : Not at all : if I may interrupt the Honourable Member, he will realise that the proposed amendment is not to section 125, but to section 121A, which places the Rulers of States exactly in the same position as His Majesty the King-Emperor.

Sir Cowasji Jehangir : No : I do not agree with the Honourable Member. That is not the position. The position is this : that in 121A the words are :

"Whoever—(*meaning any British Indian subject*)—within or without British India conspires to commit any of the offences punishable under section 121 or to deprive the Queen of the sovereignty of British India or of any part thereof or conspires to overawe by means of criminal force or a show of criminal force the Government of India or any local government"

and here is the insertion—"or the administration of any State in India". Therefore, it places an Indian State in the same position as section 125 places an oriental State in alliance or peace with Her Majesty the Queen. That is my reading of the amendment. I may be wrong.....

Mr. K. C. Neogy : You are.

The Honourable Sir Harry Haig : In view of the assertion of my Honourable friend, Mr. Neogy, I would point out that he does not seem to have read the section which is being amended, when he says that in effect this puts the administration of an Indian State in exactly the same position as His Majesty the King. It is not so. Section 121A says :

"Whoever, within or without British India, conspires to commit any of the offences punishable by section 121—*very serious offences against the Crown*—or to deprive the Queen of the sovereignty of British India....."

None of that applies to Indian States. The only effect of this amendment of section 121A is to prohibit a conspiracy to overawe by means of criminal force or the show of criminal force the administration of a State in India.

Mr. K. C. Neogy : My point was that the whole of section 121A was a paraphrase of a provision of the Treason Felony Act, which was an ancillary provision to the provision regarding treason.

The Honourable Sir Harry Haig : My point is that this amendment affects only a portion of section 121A, and not the whole of it.

Mr. K. C. Neogy : But that portion, again, is part of the Treason Felony Act.

Sir Cowasji Jehangir : That is my humble opinion, whether I be right or whether I be wrong. But when we come to clause 4 of the Bill, I must state that I begin to get rather doubtful. We cannot compare British India with an Indian State. We are proud to be able to say that in British India we do not hear of some of the scandals that we do hear of in Indian States.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I believe the Foreign Secretary cannot contradict me nor can the Home Member. It is a fact and, on the floor of this House, we have got to face facts. It is no use hiding them and closing our eyes to the facts. Things do occur in Indian States which cannot possibly occur in British India ; and when you come to amend the Press Act and to put an Indian State exactly on the same level as British India, you may be going a little bit further than you intended to go. I will try and explain what I mean. You are inserting in the Indian Press Act the following words :

"to bring into hatred or contempt or to excite disaffection towards the Administration established in a State in India."

We know what the Courts have held about the words "which would excite disaffection". Now, there are cases in the Administration of Indian States, the facts of which, if related correctly on the strongest of evidence, would be held by Courts to excite disaffection. Is it intended that, by this Act, no one in the press in India can expose the ill-treatment of an Indian British citizen in an Indian State or even of the citizen of an Indian State ? If you relate facts, I contend you are bound to excite disaffection. You cannot help it. Your safeguards do not go far enough. The *Explanations* to that section do not go far enough. Take *Explanation* 2 :

"Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, shall not be demeed to be of the nature described in clause (*a*) of this sub-section."

In British India this is a protection. Would it be a protection in connection with an Indian State ? I contend with pride that few acts of the Government of India in India, if related correctly, could be held to excite disaffection ; but I am not so sure that acts of some of the Indian States, correctly related in an Indian paper in India, would not create disaffection against those States. Therefore, your Explanation 2 does not protect the press with regard to Indian States, while it might protect them with regard to British India. I think I have made my point fairly clear. I do not want to make it clearer. I could, but I may be guilty of an offence.

[Sir Cowasji Jehangir.]

Mr. President, I would again draw the attention of the Government Benches that it is paying no compliment to themselves when they place British India and Indian States on the same level, and they cannot amend an Act which applies to British India, so as to make it applicable to Indian States. The circumstances are so different. There are Indian States and Indian States.....

The Honourable Sir Harry Haig : The Honourable Member must remember that exactly the same provisions applied from 1910 to 1922 both to British India and in Indian States.

Sir Cowasji Jehangir : You may have made mistakes in the past, but as we have been told, much water has flowed under the bridge since then, and much water will flow under the bridge before we get Federation. By that time circumstances may change considerably,—they have already changed to such an extent that you cannot amend these Acts in this way to suit the circumstances prevailing in British India and in Indian States. Sir, I am a strong advocate of Federation, and I have openly, both on the floor of this House and in other places, candidly and willingly acknowledged the assistance given to the Indian delegation at the Round Table Conference by the Indian Princes and by their representatives, and I would be the last to go out of my way, whether it be on the floor of this House or elsewhere, to expose what must be admitted to be maladministration in some of these Indian States. No one knows better than the Honourable Members, sitting on the opposite Benches, of this maladministration, and it is no use,—I repeat,—closing their own eyes or asking us to close ours. That is not going to help Federation. Therefore, Sir, I am distinctly doubtful about the amendments proposed in clause 3. I believe that it may be doing,—I don't say it will be,—I am not sure,—I want further opinions, I want further light thrown on this question,—I say it may be doing an injustice to the press, and it may be doing a greater injustice to the Indian States to prevent exposure. After all, it is criticism, it is exposure, that opens the eyes of both Indian States and Government. If there was no criticism, if there was no exposure, there would be no remedies to this maladministration either on the part of the Indian Princes themselves or of the Indian Government, and, therefore, to protect the Indian Princes to the extent that it might be illegal to publish facts and figures which may not be creditable to the Indian States, would be going too far. Sir, under those circumstances, my Party have decided to support the amendment for circulation. We would like to have more light thrown on this Bill in the interests of all parties, and we earnestly desire that there should be no hush hush policy adopted with regard to Indian States. Sir, I am not going further into these clauses, because, if this Bill goes for circulation, we shall have a considerable amount of material before us to be able to judge how far these amendments go. I might, in passing, say that clause 5 of the Bill seems to be a protection given to Indian States which they may legitimately claim. I think there would be a justifiable grievance if, in British India, the Government allow organizations or associations to combine together to march into an Indian State with the deliberate intention of defying law and order in that State. I was surprised to know that that was impossible today, but evidently it is possible if Government find it necessary to bring in legislation to prevent it. I was rather surprised.....

The Honourable Sir Harry Haig : We had to have an Ordinance.

Sir Cowasji Jehangir : Under those circumstances, I would be quite prepared to accept an Ordinance. I think any Indian State would have a legitimate grievance against British India, and, therefore, in passing, I say that I do think that clause 5 is justifiable. But, on the whole, we have decided,—I would repeat,—to support the amendment for circulation, and to save time, I may appeal to Government to accept that amendment. We are all out to save time, and, if Government are half inclined now, well, it will be just as well to make up their mind immediately and close the debate, for if Government agree to accept the amendment for circulation, this side of the House will be prepared to allow the debate to be closed (*Several Honourable Members from the Nationalist Benches* : "Yes, yes."), and we can go on with the next business.

I have nothing further to say, Mr. President. I think Government will be well advised to accept this amendment to allow the Bill to go for circulation.

The Honourable Sir Harry Haig : I am afraid, Sir, I cannot on the spur of the moment give an answer to my Honourable friend opposite, because, though we have not the slightest objection,—in fact we are anxious that this Bill should be thoroughly discussed and considered,—we are equally anxious that there should be nothing to prevent our taking it up effectively at the beginning of January. Now, Sir, I am not sure which the amendment is that my friend is supporting. I think it is an amendment for the circulation of the Bill by the beginning of January, but even that would mean that, at the beginning of the January Session, we should have to resume this debate on the question of setting up a Select Committee. That might take several days. Then the Select Committee will have to sit,—a matter of some difficulty during that Session, and by that time we should be in the budget discussions. Therefore, I am afraid I must ask my Honourable friend to allow the Government to consider his suggestion and not give an answer till tomorrow.

Sir Cowasji Jehangir : There is no desperate hurry in getting this Bill through as long as the Honourable Member has the assurance that this House is prepared to consider the Bill carefully. What is the desperate hurry ? He has done without this Bill so long and he can go on without this Bill for a few months more.

The Honourable Sir Harry Haig : It is not a question of doing without the Bill for a few months. If we fail to pass it in the January Session, we should not be able to proceed with it until this time next year, and that Government are not prepared to do.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : As a resident of a neighbouring district of the important State of Kashmir which was recently the victim of a calamitous misfortune, and as an eye-witness to the dire and dreadful consequences of the recent disturbances within and outside the territories of the Kashmir State, I rise to make a few observations on the Bill under discussion.

Sir, there cannot be the slightest shred of doubt that the present Bill will provoke considerable irresponsible criticism from a certain dubious section of public opinion in India. Indeed, it has already generated in this House a great deal of unnecessary heat and temper. My Honourable friend, Mr. Neogy, in his brilliant speech, spent a lot of time in draw-

[Captain Sher Muhammad Khan Gakhar.]

ing a picture of the Government Benches. The thing in which I do not agree with him is his description that the Army Secretary will be sitting in the Simla A. D. C. My Honourable friend, Mr. Joshi, said that he was loyal and, at the same time, he said that the British Government were an unwanted guest.....

Mr. N. M. Joshi : I never said that. What I said was that the British Government should not remain here as unwanted guest with the support of the autocratic and reactionary forces. They can stay here with our support.

Captain Sher Muhammadan Khan Gakhar : I am sorry I have misunderstood the Honourable Member. As I said, it has already generated in this House a great deal of unnecessary heat and temper. With due deference to my Honourable friends, I would contend that all these criticisms are entirely unwarranted and unjustified.

Sir, there appears to be a large element of truth in the well known statement that human memory is very short, at least some of my Honourable friends would appear to substantiate the truth of the same. But, as His Excellency the Viceroy rightly pointed out in his recent address, the Indian States are entitled to claim that effective measures should be adopted by the British Indian Government against the serious and sinister agitation which is now being carried on in British India by interested persons. Sir, we cannot forget the important fact that the Indian States have as a body stood by British India in all times of stress and storm ; we cannot ignore the long chapter in the annals of our country which deals with the struggles of the Indian States on behalf of British India. We cannot legitimately brush aside the contributions which the Indian States have made to the cultural and political development of India as a whole. Indeed, those who participated in the deliberations of the first Round Table Conference will remember that the constitutional reforms envisaged in the White Paper proposals would not have been within the range of practical politics if the Princes as a body had not decided to throw in their lot with us. I would, therefore, make bold to say that responsibility at the Centre, for which British India is clamouring today, would have been a chimera, an unachieved and unachievable ideal, an empty and fruitless dream, but for the ready response and co-operation on the part of the Indian States. Is it not then our bounden duty to render every assistance to the States which are today being menaced and threatened by malicious agitation outside their territories where the arms of their law cannot reach the offenders ? Is it not then our duty to reciprocate the feeling which the Princes have always evinced with regard to the welfare and progress of British India ? If we seriously think what is the object of this Bill, as the Honourable the Home Member has stated in his speech, its object is to prevent unconstitutional agitation or mischievous propaganda against the States. I have no doubt whatever that all reasonable and fair-minded Members of this House will agree with me that we would be failing in our duty if we did not appreciate the difficulties which the Indian States were experiencing today, and did not come to their rescue by adopting such effective measures, as have been incorporated in the present Bill, against the serious agitation in British India which has become a menace to the well ordered progress and development of the States. In this connection, I trust my friends on the opposite Benches

will not fail to remember that we do not live in hermetically sealed compartments, and that disorder and disturbances within the territories of the Indian States must necessarily transcend the frontiers and affect the masses in British India.

Sir, I have no high pretensions ; I am only a mere soldier. I would, therefore, leave the first four sections of the present Bill to the brilliant legal luminaries on the opposite Benches and confine my observations to the last three sections. Sir, those amongst us who have had the sad experience of the last disturbances in Kashmir and other parts of India, those amongst us who have seen the misery and hardships which these disturbances had brought in their train, those amongst us who have seen men, women and children without any food and shelter, suffering from terrible hunger and privation, will undoubtedly lend their fullest support to these provisions of the Bill. I remember the day when about 2,000 persons crossed the Jhelum river and poured into the town of Jhelum from the Mirpur district of Kashmir, suffering from starvation and other hardships which the disturbances in Kashmir had inflicted on them.

Now, Sir, I am sure all these unfortunate disturbances, all this misery and suffering, all these hardships and privations could have been easily averted if a measure of the character of the present Bill had been placed on the Statute-book.

For these reasons I support the motion that the Bill be referred to a Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Honourable Members have been at some difficulty as to the exact scope of clause 3 of the Bill, and the Chair undertook to give a ruling, if possible, before the question was actually put to the vote. The Chair has now carefully considered the point and it has to give the following ruling.

The point of order that has been raised is, whether clause 3 of the Bill is *ultra vires* of this Legislature. This doubt arose by reason of the facts that it was supposed that the new offence committed by a subject of an Indian State within the territory of an Indian State was sought to be made punishable under the Indian Penal Code. If this is the effect of clause 3, it would certainly be *ultra vires* of this Legislature, for this Legislature has no power to punish offences committed by non-British Indian subjects outside the territory of British India. To decide whether clause 3 is *ultra vires* or *intra vires* from this point of view, reference will have to be made to various sections of the Indian Penal Code. Clause 3 of the Bill seeks to create a new offence, under the Indian Penal Code, the new offence being conspiracy against the administration of any State in India. Beyond creating this new offence, the clause does not widen either the personal or the territorial jurisdiction as defined in the Indian Penal Code. For determining the personal and territorial jurisdiction coming within the jurisdiction of British Indian Courts, reference must be made to sections 2 and 4 of the Indian Penal Code. Section 2 deals with the intra-territorial operation of the Code. It makes the Code universal in its application to all parts of British India. In other words, an offence committed within British India by any person of whatever nationality, rank, caste or creed, becomes punishable under the Code. This territorial

[Mr. President.]

jurisdiction is covered by section 65 of the Government of India Act. Section 4 of the Indian Penal Code provides for extra-territorial offences, that is to say, offences committed outside British India. By virtue of this section 4, an offence committed outside British India by any Indian subject of His Majesty is punishable under the Code. The section also makes punishable an offence committed by any other British subject within the territories of any Indian Prince or Chief in India and offences committed by any servant of the Queen, whether a British subject or not, within the territories of any Indian Prince or Chief in India. All these provisions are *intra vires* of this Legislature by virtue of the provisions of section 65 of the Government of India Act. Since clause 3 of the Bill confines its operation, both personal and territorial, to the above cases provided by the Indian Penal Code, and since those cases are within the competence and jurisdiction of this Legislature, the Chair holds that clause 3 is not *ultra vires* of this Legislature.

The Chair would, however, draw the attention of the House to one other aspect of the matter. In the course of a reply to the questions asked by the Honourable Member, Mr. Mody, and the Chair, the Honourable the Home Member said that it was the intention of the Bill to punish the committing of the new offence only if it was committed within British India. The whole scheme of the Indian Penal Code makes all offences under the Code punishable if they are committed by Indian subjects of His Majesty in any part of the world and not necessarily within the territory of British India alone. Whether the restriction of the new punishment for this new offence will create an anomaly or confusion or any legal difficulty, it is for the legal advisers of the Government of India to decide. It is for the Select Committee and for the Government to examine this position further and to see how this can be rectified. So far as the *intra vires* character of clause 3 is concerned, the Chair has held that this clause is in order.

Sirdar Harbans Singh Brar : This Bill has been brought before the House for the purpose of protecting the Indian States from disaffection and otherwise. This function of protecting the Indian States is primarily the concern of the paramount power and this Legislature as such has no connection with Indian States and their affairs. We, as a British Indian Legislature, can neither ask questions nor pass laws about them. So, the paramount power has in this matter asked us to share the responsibility of paramountcy by protecting the States from aggression from outside, but it has not asked us to share the responsibility in the other matter of protecting the subjects of Indian States also from oppression in those States. If the paramountcy wants British Indian elected representatives to share the burden of responsibility for the protection of Indian States from the Press and otherwise in British India, it must also ask us to share in the other matter. They cannot ask us to share only in the evil and not in the good. We must also be asked to share what little good we can do for the subjects residing in the Indian States. But, no. They say that the Indian States view is that all thine is mine and all mine is, of course, mine and that we will stick to that principle. They say : "You have

nothing to do with the internal affairs of the States. The reponsibility of protecting the subjects living in those States must rest with paramountcy for ever." I do not consider that that is a very charitable and generous treatment towards us. We will be blamed by all sides in British India as well as in Indian States that, as the representatives of the subjects and not of the Government, it is our duty to look towards the benefit of the subjects all round and not only to join with the Government when the question of protecting the Indian States is concerned. The Governments of International States have been criticised in other parts of the world and an asylum has been provided to political offenders and agitators in different parts of the world and, if they claim to enjoy international sovereignty and thus be on a par in the international world as international entities, why do they not allow British India that right of asylum which the United States provided for the Irish agitator, which England provided for the Italian agitator and all the European countries have provided for the White Russian against the Red Russian at the present day. Have not the Jews carried on an intensive agitation against the Hitler Government in different parts of the world and, smilarly, why not allow the subjects of Indian States to carry on in the press their legitimate grievances. As has been pointed out by Sir Cowasji Jehangir and others, even the mention of the ordinary facts of administration of these States will be covered as an offence by the provisions of this Bill. I do not think the question of the States coming into the Federation justifies this course of action. It cannot be denied that grievances exist in most of the States. There are a good many States which can be honourable exceptions and which have got very good Governments prevailing in their territories, but that cannot be said of all the States. The Home Member has taken up the line that the paramount power could be memorialised by the subjects of the States to redress their grievances through the good offices of the Political Department or otherwise. Am I not entitled to ask the Political Secretary or the Honourable the Home Member in how many cases these memorials were taken notice of and action of a redressing nature taken by the Political Department on memorials alone ? Even the mother does not give milk to the child without weeping, nor does the father part with his power during his life time even to his own blood, his sons. So, mere memorials sent by post cannot be said to have any effect on the administration, I mean, the Paramount Power, to take action for the redress of the grievances of the Indian States. I, therefore, think that the provisions of this Bill are rather too wide. They do not allow even the legitimate mention of the ordinary facts of administration in the Indian States as has been mentioned by the previous speakers. Before I proceed further, because I may take a good bit of time, I would like to make a suggestion to the Honourable the Home Member.....

Mr. President (The Honourable Sir Shanmukham Chetty) : How long will the Honourable Member take ?

Sirdar Harbans Singh Brar : I want to make a suggestion about the consideration of Sir Cowasji Jehangir's suggestion. I want you, Sir, to permit me to speak for a minute only and then I will sit down. Before I proceed regarding other matters, I would like to make an appeal regarding Sir Cowasji Jehangir's suggestion to the Home

[Sirdar Harbans Singh Brar.]

Member. If the Home Member finds it difficult to accept the motion for circulation, he may agree to circulate it either by executive order or otherwise. I think it will be far better from the point of view of the Legislature if the Select Committee examines witnesses as we have done in other Select Committees either on behalf of the Chamber of Princes or other bodies and the Select Committee can have the views of the public put before them.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : We cannot accept the principle of the Bill and, therefore, cannot agree to its reference to the Select Committee.

Sirdar Harbans Singh Brar : Mr. President, I am not personally against the consideration of the Bill. I certainly want it to be examined. There are good many necessities for proceeding with it, but, in that case, I will take time. I leave it to you, Sir, to allow me to proceed with my speech tomorrow or to continue it today.

Mr. President (The Honourable Sir Shanmukham Chetty) : Government want time to consider the suggestion of Sir Cowasji Jehangir and they said that they would give an answer to it tomorrow. If the Honourable Member, in the light of the answer given by Government, is not still satisfied, he can continue his speech tomorrow.

The request has been made to the Chair that, in view of the state of public business, the Chair should direct that the House should sit tomorrow also. The Chair has accordingly directed that the House will sit tomorrow, but that it shall adjourn tomorrow at quarter past one and will not meet in the afternoon.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 9th September, 1933.

LEGISLATIVE ASSEMBLY.

Saturday, 9th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MOTION FOR ADJOURNMENT.

EXPULSION ORDER PASSED BY THE COMMISSIONER ON SOME RESIDENTS OF THE PHULRA STATE.

Mr. President (The Honourable Sir Shanmukham Chetty) : Just about five minutes back, I received a notice of a motion for adjournment from the Honourable Member, Maulvi Muhammad Shafee Daoodi, on a matter of urgent public importance, namely, the Government not accepting short notice of a question on a matter of urgent public importance which relates to the expulsion order passed by the Commissioner on some residents of Phulra State within seven days from the date of the order. Is the Political Secretary in a position to state whether Phulra State is an Indian State ?

Mr. B. J. Glancy (Political Secretary) : As far as I understand, it is not an Indian State. It is situated partly in the district of Hazara on the North-West Frontier Province and, partly, I understand, in tribal territory. I am not fully conversant with the situation myself and I, therefore, asked for the usual period of notice in order to enable me to study the position.

Mr. President (The Honourable Sir Shanmukham Chetty) : Under these circumstances, I would permit the Honourable Member, if he still desires, to make this motion on Monday, and I will waive the objection on the question of urgency. It will then be decided whether it is in order or not when the Honourable Member makes a motion on Monday.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : All right, Sir.

THE INDIAN STATES (PROTECTION) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : Has the Honourable the Home Member got to make any statement with regard to the suggestion made yesterday by Sir Cowasji Jehangir ?

The Honourable Sir Harry Haig (Home Member) : At the end of our proceedings yesterday, my Honourable friend, the Leader of the Independent Party, speaking on behalf of that side of the House, said that he was prepared to accept the amendment for circulation of this Bill by 7th January, 1934, and he appealed to the Government, if they were also prepared to accept it, to announce their decision at once, so that we could

[Sir Harry Haig.]

save time and close the debate. Well, Sir, the object of Government, as I have already explained, is that the House should take a final decision on this Bill not later than the end of the next Budget Session. After going into the details, we have thought that that result can be achieved by the method proposed by my Honourable friend, the Leader of the Independent Party. We have no objection to criticism and to the fullest examination of the provisions of this Bill. (Hear, hear.) We propose that the motion for Select Committee should be taken up after receipt of the opinions at the very beginning of the January Session and I hope we might expect perhaps that Honourable Members who have already made speeches will not at any rate repeat the same remarks on that occasion. (Laughter.) I should be very glad to set an example myself. The Government are, therefore, prepared to accept the amendment for circulation. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair takes it that, in view of what the Honourable the Home Member has said on behalf of Government, it is the desire of the House generally to close the debate now.

Several Honourable Members : Yes.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I quite agree that the debate should be closed, but my remarks yesterday had been misunderstood in some quarters and I just want to speak for a minute or two to clear up that misunderstanding. Yesterday I was developing my argument regarding the paramountcy and that the function of protecting a State from external aggression as well as from internal commotion was resting with the Paramount Power and that the Paramount Power was asking us to share the responsibility regarding the protection of the Indian States, in one manner and not in the other. I had not yet completed my arguments, but my remarks have been misunderstood in some quarters as would appear from the reports appearing in this morning's newspapers in Delhi and other places. It has been understood that I was opposing the Princes and their cause. I was simply attacking the Government regarding their desire to ask us to share with them the responsibility of the functions of paramountcy in one direction and not in the other. I meant no reflection on any Indian State, nor on any Prince, nor on their Governments, and much less against my esteemed friend, His Highness the present Chancellor of the Chamber of Princes. I do not desire in any way to lengthen the debate, but I simply wanted to make these remarks to clear the misunderstanding and, I hope, the Press would clear it in the way that I have explained just now. Yesterday I had not developed my argument and, unless I had done so, the Press had no right to conclude that I meant any reflection on anybody and that I was against the Princes.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I want to say one word.....

Mr. President (The Honourable Sir Shanmukham Chetty) : What is meant by saying one word ? Does the Honourable Member want to make a personal explanation ?

Mr. Lalchand Navalrai : I want to say a word with regard to the statement made by the Home Member about circulation.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair understood that it was the general desire of the House to close the debate, Government having accepted the motion for circulation.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Cannot an Honourable Member oppose the motion for circulation ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it the desire of the House that the debate should be continued ?

Several Honourable Members : No, no.

Mr. Lalchand Navalrai : I am not advancing anything as regards the debate. I am only making a suggestion with regard to the motion for circulation ; if you permit, I will make that suggestion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

(Mr. President, by gathering the voices, declared that the "Ayes" had it, when a division was asked for by Mr. Gaya Prasad Singh.)

(When the division bell was ringing.)

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : On a point of order, may I make a submission ?

Mr. President (The Honourable Sir Shanmukham Chetty) : There cannot be a point of order when the division is on.

The Assembly divided :

AYES—57.

Acott, Mr. A. S. V.	Mitchell, Mr. A.
Ahmad Nawaz Khan, Major Nawab.	Mody, Mr. H. P.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Muazzam Sahib Bahadur, Mr. Muhammad.
Bajpai, Mr. G. S.	Mukherjee, Rai Bahadur S. C
Bhore, The Honourable Sir Joseph.	Noyce, The Honourable Sir Frank.
Chatarji, Mr. J. M.	Pandit, Rao Bahadur S. R.
Chimman Lal, Rai Bahadur Lala.	Phookun, Mr. T. R.
Clow, Mr. A. G.	Raghubir Singh, Rai Bahadur Kunwar.
Cox, Mr. A. R.	Raisman, Mr. A.
Dalal, Dr. R. D.	Rajah, Rao Bahadur M. C.
DeSouza, Dr. F. X.	Ramakrishna, Mr. V.
Ghose, The Honourable Sir Bepin Behary.	Rau, Mr. P. R.
Glancy, Mr. B. J.	Roy, Rai Bahadur Sukhraj.
Graham, Sir Lancelot.	Schuster, The Honourable Sir George.
Haig, The Honourable Sir Harry.	Scott, Mr. J. Ramsay.
Hezlett, Mr. J.	Shafee Daoodi, Maulvi Muhammad.
Hoon, Mr. A.	Sher Muhammad Khan Gakhar, Captain.
Hudson, Sir Leslie.	Singh, Kumar Gupteshwar Prasad.
Ismail Ali Khan, Kunwar Hajee.	Singh, Mr. Pradyumna Prashad.
Ismail Khan, Haji Chaudhury Muhammad.	Sitaramaraju, Mr. B.
Jadhav, Mr. B. V.	Sloan, Mr. T.
Jehangir, Sir Cowasji.	Smith, Mr. R.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.	Sohan Singh, Sirdar.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.	Studd, Mr. E.
Lee, Mr. D. J. N.	Tottenham, Mr. G. R. F.
Mackenzie, Mr. R. T. H.	Uppi Saheb Bahadur, Mr.
Millar, Mr. E. S.	Vazir Muhammad, Khan Bahadur Shaikh Yakub.
Misra, Mr. B. N.	Wajihuddin, Khan Bahadur Haji.
	Ziauddin Ahmad, Dr.

NOES—9.

Das, Mr. B.	Puri, Mr. B. R.
Hari Raj Swarup, Lala.	Reddi, Mr. T. N. Ramakrishna.
Jog, Mr. S. G.	Singh, Mr. Gaya Prasad.
Lalchand Navalrai, Mr.	Thampan, Mr. K. P.
Neogy, Mr. K. C.	

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be circulated for the purpose of eliciting opinion thereon by the 7th January, 1934."

The Assembly divided :

AYES—66.

Abdul Matin Chaudhury, Mr.	Mitchell, Mr. A.
Acott, Mr. A. S. V.	Mitra, Mr. S. C.
Ahmad Nawaz Khan, Major Nawab.	Mody, Mr. H. P.
Bajpai, Mr. G. S.	Morgan, Mr. G.
Bhore, The Honourable Sir Joseph.	Muazzam Sahib Bahadur, Mr. Muhammad.
Chatarji, Mr. J. M.	Mukherjee, Rai Bahadur S. C.
Chimman Lal, Rai Bahadur Lala.	Noyce, The Honourable Sir Frank.
Chinoy, Mr. Rahimtoola M.	Pandit, Rao Bahadur S. R.
Clow, Mr. A. G.	Phookun, Mr. T. R.
Cox, Mr. A. R.	Raghubir Singh, Rai Bahadur Kunwar.
Dalal, Dr. R. D.	Raisman, Mr. A.
Das, Mr. B.	Rajah, Rao Bahadur M. C.
DeSouza, Dr. F. X.	Ramakrishna, Mr. V.
Dudhoria, Mr. Nabakumar Sing.	Rastogi, Mr. Badri Lal.
Ghose, The Honourable Sir Bepin Behary.	Rau, Mr. P. R.
Glancy, Mr. B. J.	Roy, Rai Bahadur Sukhraj.
Graham, Sir Lancelot.	Schuster, The Honourable Sir George.
Grantham, Mr. S. G.	Scott, Mr. J. Ramsay.
Haig, The Honourable Sir Harry.	Shafee Daoodi, Maulvi Muhammad.
Hezlett, Mr. J.	Sher Muhammad Khan Gakhar, Captain.
Hoon, Mr. A.	Singh, Kumar Gupteshwar Prasad.
Hudson, Sir Leslie.	Singh, Mr. Pradyumna Prashad.
Ismail Ali Khan, Kunwar Hajee.	Sitaramaraju, Mr. B.
Ismail Khan, Haji Chaudhury Muhammad.	Sloan, Mr. T.
Jadhav, Mr. B. V.	Smith, Mr. R.
Jehangir, Sir Cowasji.	Sohan Singh, Sirdar.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.	Studd, Mr. E.
Lahiri Chaudhury, Mr. D. K.	Suhrawardy, Sir Abdulla-al-Mámún.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.	Tottenham, Mr. G. R. F.
Lee, Mr. D. J. N.	Uppi Saheb Bahadur, Mr.
Mackenzie, Mr. R. T. H.	Vazir Muhammad, Khan Bahadur Shaikh Yakub.
Millar, Mr. E. S.	Wajihuddin, Khan Bahadur Haji.
Misra, Mr. B. N.	Ziauddin Ahmad, Dr.

NOES—7.

Bhuput Sing, Mr.	Reddi, Mr. T. N. Ramakrishna.
Lalchand Navalrai, Mr.	Singh, Mr. Gaya Prasad.
Neogy, Mr. K. C.	Thampan, Mr. K. P.
Puri, Mr. B. R.	

The motion was adopted.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I do not propose to move this motion* today.

*" That this Assembly do signify its opinion in pursuance of sub-section (2) of section 670 of the Merchant Shipping Act, 1894 (57 & 58 Vict. Ch. 60) that the dues imposed by the Order in Council of His Majesty, dated the 17th December, 1931, in respect of the Lighthouses and buoys specified in the Schedule thereto ought to be levied in British India."

DEMANDS FOR EXCESS GRANTS.

CIVIL.

MINT.

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

" That an excess grant of Rs. 23,675 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Mint '."

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

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

" That an excess grant of Rs. 6,05,127 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Superannuation Allowances and Pensions '."

The motion was adopted.

STATIONERY AND PRINTING.

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

" That an excess grant of Rs. 85,605 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Stationery and Printing '."

The motion was adopted.

REFUNDS.

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

" That an excess grant of Rs. 11,89,271 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Refunds '."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

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

" That an excess grant of Rs. 3,20,354 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Commuted Value of Pensions '."

The motion was adopted.

LOANS AND ADVANCES BEARING INTEREST.

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

" That an excess grant of Rs. 2,30,88,871 be voted by the Assembly to regularise the expenditure actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Loans and Advances bearing Interest '."

The motion was adopted.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

" That an excess grant of Rs. 5,37,109 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Indian Posts and Telegraphs Department '."

The motion was adopted.

RAILWAYS.

RAILWAY BOARD.

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

" That an excess grant of Rs. 34,327 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Railway Board '."

Dr. Ziauddin Ahmad (United Provinces : Southern Divisions : Muhammadan Rural) : Sir, I just want to ask one question, and that is, whether the money we are going to vote now will be added to the deficits of the current year.

The Honourable Sir George Schuster : I think my Honourable friend must have noticed that we are dealing with the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1930-31, and the expenditure has already been incurred and included in the accounts for that year. This is merely regularising what has been spent in excess.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That an excess grant of Rs. 34,327 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Railway Board '."

The motion was adopted.

WORKING EXPENSES—ADMINISTRATION.

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

" That an excess grant of Rs. 18,70,248 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Working Expenses—Administration '."

The motion was adopted.

APPROPRIATION FROM DEPRECIATION FUND.

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

" That an excess grant of Rs. 2,39,58,961 be voted by the Assembly to regularise the railway expenditure actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Appropriation from Depreciation Fund '."

The motion was adopted.

MISCELLANEOUS.

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

" That an excess grant of Rs. 14,960 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Miscellaneous '."

The motion was adopted.

APPROPRIATION FROM THE RESERVE FUND.

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

" That an excess grant of Rs. 6,36,160 be voted by the Assembly to regularise the railway expenditure actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Appropriation from the Reserve Fund '."

The motion was adopted.

STRATEGIC LINES—WORKING EXPENSES AND MISCELLANEOUS.

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

" That an excess grant of Rs. 1,67,449 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1930-31 in respect of ' Strategic Lines—Working Expenses and Miscellaneous '."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT.

NEW CAPITAL WORKS AT DELHI.

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

" That a supplementary sum not exceeding Rs. 9,81,000 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, 1934, in respect of ' New Capital Works at Delhi '."

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, this expenditure of Rs. 9,81,000 appears to be part of a very large project the details of which have not been supplied to the House. We got some information the other day in reply to a question that an expenditure of something like a crore of rupees was to be incurred in building quarters for clerks, for the Members of the Legislature and for various other purposes, and that the New Capital project, which had been closed owing to stringency in the year 1930-31, was now going to be revived. Although this expenditure of Rs. 9,81,000 appears to be a fleabite in connection with the expenditure on New Delhi, the point underlying it is a very important one. The point underlying is, is this chapter of capital expenditure in New Delhi going to be re-opened, and for how long ? What is in contemplation ? I ask this more for the sake of seeking information at this stage than of saying anything of my own, because we should like to know more definitely as to the programme to which we are going to be committed by this expenditure of Rs. 9,81,000. It appears that the idea is to provide accommodation for a large body of clerks. If it is part of a scheme that a number of offices are going to be retained in New Delhi and their migration to Simla is going to be stopped, then perhaps many of us may welcome that step. If it is to be in connection with the Federal Legislature, that would be something which we shall have to do, and we might as well be told what is in contemplation, whether it is in view of the fact that the Federal Legislature will be holding its sittings in New Delhi during the summer period or whether it is only to provide accommodation for them in the winter and that they will be holding their Sessions in Simla, or what. In fact, this grant of Rs. 9,81,000 opens up a very large chapter, the details of which have not been furnished to us. I

[Mr. Jagan Nath Aggarwal.]

would submit that more information on this subject be vouchsafed to us so that we might know what we are going to be committed to by sanctioning this expenditure.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan) : With respect to this item of capital expenditure on new construction at New Delhi, I might say I was on the Standing Finance Committee when this question came up. It was decided by a majority, but it was not decided without a contest. The first point raised by me was this. That this project had been kept in abeyance, and what were the reasons now-a-days, when our budgets are precarious, for reviving it ? I may say for the information of the House that two reasons were put forward. One was that at the time the money market was such that they could borrow money on easy terms, and the second was that labour could be got at cheaper rates. We know that this is the question on the new Constitution. We do not know whether the Federal Legislature is going to sit all the time at Delhi, or what is going to happen when the Federal Assembly is brought into existence. It is premature to say that all this is being done with the intention of providing in advance of the Federal Assembly. Therefore, that point does not support the case of the Government. The next question is the easiness with which money can be got now. Why should it be said that the money conditions will not be better still later ? Therefore, unless there is some ulterior motive in it, which I cannot understand, nothing substantial in the shape of reasons has been put forward before the Standing Finance Committee or in this House and I do not think the House would be justified in sanctioning this project being taken at this time. The second reason given was easy labour conditions. We do not know whether labour expenses are going to increase or going to decrease. These are hypothetical contentions and will not hold good unless there are other reasons which necessitate this expenditure at this time. I may say plainly that they want to build 57 bungalows for officers. Those officers are living now in Delhi and they have their bungalows which they have got on rent. They can wait until the finances prosper.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : May I interrupt the Honourable Member ? I understood him to say 57 bungalows. The number is 37.

Mr. Lalchand Navalrai : I am sorry. It was only a mistake. 37 is correct. With regard to quarters for subordinates, several quarters are proposed to be constructed. But they can also wait, because some of them are accommodated in Government quarters and some in rented houses. These two questions were carried by a majority and I saw that there was no hope of my carrying my point. I thought that it would be much better not to oppose the third item without prejudice but on principle I would say that the whole scheme should wait and should not be taken up in a hurry and without any cogent reasons which have not been disclosed.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I can not be a party to such waste of public money. I would suggest to the Government to wait and not be in a hurry to spend so much amount in these days of depression. It is true that now-a-days they can get money at a cheaper rate, but more important items are before us. You will remember, Sir, that on several occasions when proposals for expenditure were laid before Government, they said that money was not

available. Take Agriculture or Education. If you want to improve these matters, you will find the Finance Member saying that money is not available. Money is not available for agricultural improvement, for education, for the development of industries and for improving communications. There are two alternatives. Either money is available or it is not. If money is not available, what is the use of spending it on these buildings, when there are more important items pending before them for want of funds. If money is available, then I would suggest that it should be spent on more deserving objects. Whatever money is spent by Government, you will find that it is spent on bricks and on quarters. If the question of education comes, you will find that so large a proportion is spent on buildings that very little is left for professors and actual training. If the question of agriculture comes, again the major portion is spent on quarters for officers. I want money to be spent on real improvements and not on bricks. On this principle I oppose the whole idea and would ask Government to wait and see.

We do not know when the Federal Assembly will come into existence, whether it will come after two or three or four or ten years or whether it will come at all. There are so many *ifs* in the White Paper that you can say nothing with certainty about it. If there is no certainty, what is the use of spending so much money ? Now, Sir, if you turn to page 51 of the proceedings of the Standing Finance Committee, you find that no mention of the recurring expenditure is made. When so many buildings are going to be constructed, they will certainly require a large amount of money for recurring expenditure, for maintaining those buildings. I find it is put down as *nil*. Turning to part (*b*), I thought I would get there some information as to what amount Government consider they will get back on account of rent, but I find only a two line remark to this effect " Recoveries of rent from the officers, clerks and legislators in respect of the residential accommodation which will be allotted to them ". This is a very plain thing. Every one knows that when you spend something on buildings, you will get something in the shape of rent. I want to know from the Finance Member what amount they expect to get from these bungalows. There is absolutely no mention of that in the proceedings of the Standing Finance Committee. Unless we know something about what the return will be on these buildings, we cannot sanction this amount.

Further, I find that the type of quarters provided for the legislators, the representatives of the people, is of an inferior one to that of officers. It is very evident from this fact that they have provided Rs. 10 lakhs and 50 thousands for 37 bungalows and only five lakhs for 33 legislators' quarters. The numbers 37 and 33 are almost the same, but the sum to be spent is less than half.

The Honourable Sir Frank Noyce : May I ask the Honourable Member two questions ? One is—what about the families of officers ? The other is—would legislators be willing to pay the same rent for their quarters that the officers pay for theirs ?

Mr. M. Maswood Ahmad : I think legislators will not object to pay ten per cent. which is realised from the officers. We are prepared to pay you Rs. 60.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : May I ask the Honourable Member whether he meant to insinuate that non-official legislators should have no families ?

Mr. M. Maswood Ahmad : I find officers getting Rs. 200 or Rs. 300 get much bigger and better quarters and only ten per cent. is taken from their pay. In this way, I think, Government are losing money.

You will also find that the opinion of the Committee was this :

" The Committee approved the proposal, but with regard to officers' and clerks' quarters, Mr. Jadhav, Diwan Lalchand Navalrai and Sirdar Harbans Singh Brar dissented on the ground that sufficient information had not been provided regarding the possibility of accommodating Government servants in private bungalows."

So I say that full information has not been provided to us. With these words, I suggest that Government should wait.

The Honourable Sir George Schuster : I rise to intervene at this stage in order to deal with the main point which has been raised—the justification of this expenditure. I am very glad to have an opportunity of defending this particular proposal and I must confess, to a very great astonishment, that Honourable Members opposite should have found any reason for objecting to it at all. I would defend it on two grounds, both general grounds and particular grounds. As regards the general ground, I think Honourable Members opposite have not been backward in urging on the Government that they should take some steps to relieve the present economic depression and one of the courses which has been at all times urged on the Government is that they should undertake public expenditure on public works which would give employment. Now, Sir, one of the great difficulties in carrying out proposals of that kind is to find opportunities for expenditure which are justifiable and remunerative. Honourable Members know that we have been studying the matter in connection with the Railways and that if we can find remunerative occupations for capital we think that the time has come when the restrictions on capital expenditure which have had to be imposed during the last three years should be relaxed. We have also been studying opportunities in other directions, such as undertaking a programme of building construction of this kind where the buildings are urgently needed and where some commercial return can be obtained from them. This is a very excellent example of the sort of public works that can be undertaken and which can have some small effect on relieving the present economic depression. I am told that the state of unemployment in Delhi is particularly bad. There is a large population which has accumulated from the days when big contracts were being given out. That population cannot be hastily dispersed over the rest of India and our information is that the distress among the population of that kind in Delhi has been particularly bad. Now, Sir, this is only a small move, but at least it is doing something to relieve that very great distress. On that general ground I think that a programme of this kind deserves support from all quarters of this House.

12 NOON.

I should like to tell the House something of the history of this project. When I came out to India as Finance Member I was met by a very urgent demand for further expenditure on housing accommodation in Delhi. It was found that the original programme was by no means sufficient and that there was a definite urgent need for expenditure on housing accommodation amounting to well over a crore, even after cutting down the departmental demands to the very minimum that we could do. Unfortunately, at that time I foresaw that Government's credit was going to be very severely taxed and that in the next few years it was absolutely necessary to put a check on capital expenditure of all kinds. We had to get the situation in hand. We

have now succeeded in getting the situation in hand and the House will remember the very moderate demands for capital expenditure which I brought forward in the Budget of this year. We have, in fact, got our credit on to a very high level and we have practically reduced the demands which we make on the public for new loans to loans which are required for redeeming existing loans. Now, Sir, having reached that position, on broad financial grounds we feel that we are in a position to undertake capital expenditure again and we have been looking about for projects, as I have already said, with the idea that we can by starting schemes of this kind produce some small effect to relieve unemployment. That being so, it obviously became a reasonable thing for us to reconsider re-opening this Delhi capital project and make good the arrears of housing accommodation which we had put aside for over three years. Then on top of that came an additional reason. We had to contemplate the need for considerable additional accommodation at Delhi when the new Constitution came into being. Now, I do not agree with my Honourable friend, Mr. Maswood Ahmad, in saying that that is such a distant prospect that we need not take it into account at all. We must take these things into account, and we must undertake the construction of buildings particularly at a time when we can take advantage of bottom prices—bottom prices as regards the cost of building and bottom prices as regards the cost of raising the capital which is necessary. I am sure that the inhabitants of New Delhi in the future, say, three or four years hence, would have very good cause to criticise us most severely if we had not taken this opportunity of making a change in our policy. Then, Sir, turning to other particular grounds—and I have already dealt with this point incidentally—there is definitely a most urgent need for housing many Government officials, particularly among the clerks. I am told that the overcrowding at present has reached a very undesirable stage and provided that money is available, we certainly ought to meet a need of that kind. My Honourable friend, Mr. Maswood Ahmad, has raised the question as to whether we shall get any return from this expenditure at all. It is very difficult to make exact calculations because it is impossible to estimate exactly how many of these houses will be occupied for the full year. A large proportion of the Delhi houses is, of course, occupied for the full year, but it is difficult to say as regards a particular house whether it will be occupied for six months or 12 months. But on the basis of the rents now charged and the building costs which we now estimate, if a house is occupied for a full year we can look for a return of up to 5 per cent. If the house is occupied only for half the year, probably we can only get 2½ per cent. return. The annual return, therefore, will be something between 2½ per cent. and 5 per cent., and as we now can raise money at something like 4 per cent. or under, I think the House will recognise that a loss involved in construction of these houses is not a great one. Moreover, it is bound to be a diminishing loss because, as things advance, one is bound to see greater use, say, for 12 months in the year, of houses in Delhi.

Honourable Members have raised the question of the Simla exodus. Well, Sir, we are not ready to make any definite statement about that, but I can tell my Honourable friends that Government are seriously reconsidering that position in the light of two factors. The first is that the shortage of water, which was one of the chief reasons for not enlarging the summer population in Delhi, will shortly be overcome. The other reason is that we must look forward to conditions which will prevail in the future. When there is a Federal Assembly, I think Honourable Members will re-

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cognise that anything in the nature of a Simla Session will probably be impossible.

Mr. M. Maswood Ahmad : What will be recurring expenditure every year on these cases ?

The Honourable Sir George Schuster : I do not think I need be interrupted in order to answer my Honourable friend's question, for I do not think it is particularly relevant to the main line of my argument. I was making the point, Sir, that if we look forward to the future, we must foresee an inevitable change in the nature of the all-year-round population in New Delhi. Therefore, my point is that this expenditure is likely to become increasingly remunerative. Sir, on these grounds I hope that the House will pass this small supplementary estimate which, as I said at the outset, I feel really represents a policy which deserves support from every quarter of the House.

Dr. Ziauddin Ahmad (United Provinces : Southern Divisions : Muhammadan Rural) : Sir, I welcome the announcement of the Finance Member that he has succeeded in establishing the credit of the country and that he is now in a position to embark on the scheme of new capital expenditure. Those of us who have studied the world conditions in economic matters will realise that it has not been a joke to maintain the credit of a country during the last three years and it will not be a joke to maintain the credit of the country during the next few years. Every country is really in a very difficult position and, comparing our country with other countries, I am glad to say—and I congratulate the Honourable the Finance Member —that we are much better off than many other countries in the world. But before he embarks on the scheme of capital expenditure, which I would welcome very much, I would like to ask whether his scheme of retrenchment which began about two years ago will now end. A large number of persons have been thrown out of employment. These persons were drawing very low salaries and they were in a miserable condition. Before we embark on any scheme of capital expenditure to relieve unemployment, we should have some kind of official statement from the Honourable the Finance Member that the future retrenchment in the various branches of the Government departments will now cease. It may be possible to have more economic administration in some branches, but economic administration is very different from the retrenchment of the hands in order to save money. Therefore, I would like the Finance Member to reconsider this particular question and give a statement on the floor of the House that all the retrenchment schemes, which we had been having during the last two years, will now come to an end.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, coming as I do from one of the most distressed areas, the province of Orissa, that is so much flood-stricken now, I was very much touched to hear the speech of the Honourable the Finance Member. For the first time the Finance Member feels for economic distress of the people or those on the unemployed list. He said that he had increased the credit of the Government of India though some of us, on this side of the House, do not believe it in view of the fact that the Government of India and the Punjab Government floated their recent loans at heavy discount. Yet he says that the tide has turned and the Government now turn their mind to revive the new capital project of Delhi in order to give better

houses for their clerks and officers and also to improve the conditions of the distressed people in Delhi who have gathered there for a large number of years to eke out their livelihood through the building projects of the Government. But, if I could believe the pledges which the Honourable the Finance Member gave to this House and if Government are in a position of solvency, then their first duty would have been to reduce taxation. But they have not done so. Instead of doing that, they incur fresh capital expenditure and, according to the estimate of the Honourable the Finance Member himself, the project will not bring more than four per cent. to the exchequer while the Honourable Member will borrow at a higher rate of interest. When the economic distress set in, the Government of India were very solicitous about their officials and revised the house rents that were paid by the front-benchers and by the back-benchers of the Government of India. What happened ? Just on the eve of the economic depression, every official on the front-benches has been paying 50 per cent. less than what he used to pay before. I know even the Members of the Legislature, at whom I do not know why the Honourable Sir Frank Noyce had a joke a few minutes ago, even they are paying less than what they used to pay three or four years ago. We do not know why the Government are so solicitous for those who can pay and yet they bring out deficit budgets every year and increase the burden of taxation on the people. I cannot subscribe to any new capital expenditure until the pledge which the Honourable the Finance Member gave to this House is redeemed. Before any capital expenditure is incurred, I want there should be reduction of taxation. The income-tax level which was reduced to Rs. 1,000 should be raised to the level of Rs. 2,000 and the surcharges on income-tax should be taken off. As long as that is not done, we, on this side of the House, cannot support any extravagant expenditure on the part of the Government of India.

Two years ago, when the Gandhi-Irwin Pact was under discussion and when Mahatma Gandhi visited Delhi, he went to the residence of my Honourable friend, Sir George Schuster, and also to the residence of Mr. (now His Excellency Sir Herbert) Emerson and, after visiting them, Mahatma Gandhi said that in the Swaraj Government he would not like to tolerate officials having residences extending to three acres of land with extensive gardens, while poor people were still living in congested areas like Delhi, Bombay and other places. But I believe that the officials, who are now adorning the front and back benches, know that what the Congress was demanding or what Mahatma Gandhi was demanding will not materialise. There will be no Government in the nationalist fashion or in the Congress fashion. Now the Government of India can enter again on their policy of extravagance in house building for their officers while it is well known even to the Honourable the Finance Member that in New Delhi many private buildings have been built. There are several fat contractors who got themselves enriched through the New Delhi project. I do not want to repeat, seven or eight years afterwards, the scandals of the New Delhi project and the mismanagement of the huge funds and how a capital project of four crores ultimately became sixteen crores. I do not want to allude to the stone-yard scandal and other scandals, I do not want to refer to Commissions, non-official and official that sat for days. Yet there are today in Delhi many contractors who can build private houses. I ask the Government, why do they not subsidise private contractors to build private houses ? There are still many

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private houses empty in the winter season in New Delhi. Apart from that, I understood that the Government of India practised retrenchment and reduced their staff of clerks and officers. Where is this sudden demand in the number of quarters for the officers and clerks, for whom, I am glad to see, that the Honourable the Finance Member is so solicitous ? Where did this sudden demand arise ? If there is a demand, that demand can be postponed until the Honourable the Finance Member introduces his Budget next Session, until he reduces taxation, until he shows that there is real solvency in the country and also of the Government.

I am alarmed to learn that my Honourable friend is already dreaming of having new capital expenditure in the railways. He knows it that the railways have not paid him his share of six crores of rupees for the last two years. Let the railways pay first six crores to the General Revenue with all the arrears and then the Honourable the Finance Member can accord sanction to the Financial Commissioner, Mr. Rau, to incur further capital expenditure on railways. Of course I have seen a pamphlet (Report of the Statutory Railway Authority Committee) circulated showing that the future Legislature, whether it is the present Legislature or the Federal Legislature, will not be asked to scrutinise the expenditure on railways. In future, the Legislature will only be asked to meet the deficit on railways. I hope my Honourable friend, the Finance Member, has read that document and, knowing the extreme deficit condition of the railways, he still foreshadows that there will be further capital expenditure on railways. I look with alarm and the country would look with alarm at the suggestions which the Honourable the Finance Member has put forward. I will be the first man to congratulate him if he will show in his budget speech on the 28th February next that Government have turned the tide and that Government have brought out a surplus Budget and that Government have reduced these emergency taxes for which the Honourable the Finance Member took power in September, 1931, on the fair promises which he gave then. He did not even acknowledge on a subsequent occasion that he gave any promises to the House and to the country at that time. Until then, I do hope, this House will not accede to any idea of capital expenditure or to any increase in the deficit of the Government either in the General Budget or in the Railway Budget.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, the present demand is only for Rs. 9,81,000. But as my Honourable friend, Mr. Aggarwal, has said, this opens a very great problem on which a larger amount of nearly 50 lakhs will be spent. Sir, the present demand is for housing some of the clerks and officers, and when the Standing Finance Committee asked for more information, the reply was that the information required was not available. I now find that the information has been denied even to this House. We have seen, Sir, that each bungalow for officers costs Rs. 31,000 and the return, that is got from them, even if they are occupied for all the 12 months, is hardly 4 per cent. The Honourable the Finance Member said that it was 4 per cent., but I find that, as only 10 per cent. is taken from the officers, the calculated interest will not amount to even 4 per cent. Information on this point was asked in the Standing Finance Committee, but it was not forthcoming ; and, inspite of our objections and protests that the consideration of this demand should be postponed till the

second meeting of the Finance Committee, the whole thing was hurried on. I do not think there is any justification for this. The housing in New Delhi may be insufficient, but at the same time I may point out that private owners have been investing their money and erecting houses suitable for the officers and the staff. Information was asked about the number of private houses that were available for accommodating officers. That information also was not available at the time the Finance Committee met, and it has not been made available even now. In such circumstances, it will not be proper for this House to give its consent to this heavy expenditure which does not stop at Rs. 9,81,000, but will be multiplied in the long run many times over. The town of New Delhi is increasing and the number of private houses that are being built is also on the increase. Government do not want to take any notice of this fact and do not take into consideration the number of private houses that will be available specially for the officers and the clerks, and they want to rush this House into sanctioning this scheme which will entail on the finances of Government a very large amount in future. Sir, I hope this House will reject this demand.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, there is a saying that he who builds a New Delhi digs his own grave, and this saying is based upon history. We have read of the seven cities of Delhi wherein lie the graves of the founders of those cities. Sir, when the capital was transferred from Calcutta, it was a great Viceroy, who had imagination, who said that Delhi was a city of forgotten kings and dynasties and that the Capital ought not to be removed from Calcutta to Delhi. With Calcutta the history of the rise of the British power is associated and I could not understand how many patriotic Englishmen could agree to such an outrageous proposal of severance from past associations and sacred memories of their great work in this land.

Sir, at the beginning we were given to understand that about 12 crores would be needed for building the new Capital at Delhi. Immediately land grabbers came in and around Delhi, but the Government outdid them. They built New Delhi on the ruins of Old Delhi. Those who had occasion to drive to the Kutb Minar in those days from the old city of Delhi might have noticed that the area consisted of one or two hamlets with a little arable land here and there and that it was full of jungles and graveyards. It may be said that that land has now been rendered into a paradise. I do not know whether it is a paradise or not, but we know that we bled the Indian tax-payer to build the New Capital while there was already a Capital with all necessary paraphernalia in Calcutta. Whatever might have been the motive behind the transfer of Capital, I submit that to spend such huge sums upon building a new city in a country where old and ancient cities with sacred memories behind them abound is a thing which no Government should have undertaken. Sir, from 12 crores gradually several more were being added year after year and we thought we had nearly come to the end, but we see that there is to be no end of capital expenditure upon this New Delhi. One piece of advice that I shall give to the Honourable Member in charge of this motion is that he should advise the Government of which he forms a part to go back to Calcutta. (Laughter.) Sir, I see the Government Members are laughing. Of course Delhi is a very safe haven for them for there is little public life and little criticism of their actions. But I

[Mr. Amar Nath Dutt.]

tell you, Sir, and tell them through you that a time will come when Delhi like Calcutta will have a forceful public opinion and probably they will have to shift themselves to some desert area near by or to Sind. But Calcutta enjoyed the benefit of being the Capital City of the country only for a century or so, and, to deprive her of that position, was not at all proper. I would not have grudged any money to the Government, but my point is that if, at this time, as is said, money is cheap owing to the low rate of interest, I would advise them to try and relieve the distress of the agriculturists with this money. Why not remit some revenue so that the landholders may remit the rent of their tenants? These are things which we have always pressed upon Government and I think it will be better if, instead of spending nine lakhs on the building of a few houses for clerks and for the legislatures, they were left to find out their own accommodation in New Delhi where many houses are available as also in Old Delhi where I think there is plenty of accommodation.

Sir, if you remember the days when the Capital was at Calcutta, neither the clerks nor high officers had quarters built for them there: but they could easily find accommodation for themselves in that City of Palaces. What was the necessity then of removing the Capital to Delhi? To say that these clerks and officers have to be provided with accommodation is rather amazing, as they form an infinitesimally small proportion of the people for whom nobody cares to provide accommodation. They have either to build their own houses or to hire houses for themselves. Then, why this solicitude for a class of people who live at the expense of the tax-payers and provide them with accommodation at the cost of the tax-payer? I am opposed to any such grant on principle, and, as I have pointed out in this House, the initial mistake was the transfer of the Capital from Calcutta to Delhi. Again, to say at first that only 12 crores would be required and, then, by leaps and bounds, to add several more crores, is wrong: I submit we must be told when this sort of expenditure will come to an end. But I think it will not come to an end so long as the poor Indian tax-payers can be robbed of their hard-earned money. If the Capital at Delhi could continue from the year 1912 till now, for nearly a quarter of a century, without this accommodation, I cannot understand why suddenly, in this year of grace, 1933, there should be a necessity for expenditure of this amount. We must be given to know how these clerks and officers accommodated themselves previously, and what was their difficulty. There are lots of bungalows in the Civil Lines and there are lots of houses in the old City of Delhi and, if a simple bus service is instituted.....

An Honourable Member: Those houses are unfit for habitation.

Mr. Amar Nath Dutt: But the predecessors of the present Executive Council Members and others lived in the houses in the Civil Lines and all of them were accommodated there. It was only a few years ago that these houses in New Delhi were built for them. I do not think they were inconvenienced in any way. At least there was one Honourable Member who can bear me out—I mean the Honourable the Commerce Member, who was at that time also in the Government of India, and he will bear me out that the Executive Councillors did not find themselves in any difficulty whatsoever by living in those bungalows.....

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): I was not an Executive Councillor in those days, and, therefore, I cannot speak from personal experience.

Mr. Amar Nath Dutt: At least you have knowledge of those days and you were living in a house there. However, whatever that may be, I have laid down the principle of my objection to this; and unless I am convinced that this New Delhi has been built for the interests of the people or of the Empire, I for one cannot subscribe to any further capital outlay, and I would like, if there are purchasers for all these buildings in New Delhi, to have all of them sold up and the Capital transferred once again to Calcutta.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras: Muhammadan): Sir, whether the Government of India were right or whether they were wrong in shifting the Capital from Calcutta to Delhi, the step has once for all been taken and now, having taken that step, they stand committed to provide facilities in that part of Delhi known as New Delhi, which was practically waste land when the Government shifted their headquarters from Calcutta to that City. Having come there, I ask, is it not the duty of the Government of India to provide these officials and to provide us, who come from distant places, with quarters, with housing accommodation? I wish my Honourable friend, Mr. Amar Nath Dutt, had been an officer of the Government of India: then I think he would have pressed the case for housing accommodation as a pressing necessity. I, therefore, say that the main question for consideration is whether this is really a pressing necessity; and whether it is justified in the circumstances which the Honourable the Finance Member characterised as being the most opportune conditions in which such a scheme like this could be taken up. If the statement of the Honourable the Finance Member cannot be controverted on the point that the present is the best season as it were at which money could be raised, and when it is borne in mind that owing to cheap labour and cheap material at the present day there will be a saving of as much as 25 per cent. if this scheme is taken up at once, and that, if it is taken up three or four years hence, we shall be losing that 25 per cent. which we are saving now, then I think we are perfectly justified in spending this amount and in charging it to capital expenditure. No doubt, three years ago, it was decided that whatever expenditure might be incurred in constructing buildings in New Delhi ought not to be charged to the head of capital but to revenue. That step was taken at that time probably as the Government were not quite sure of their own financial position; but as I find that the Honourable the Finance Member has assured us that the position, as it now exists, is far better and they can control the financial position at the present moment, I think the step which is now sought to be taken is a justifiable one. Something has been said as to the special necessity which has arisen on account of the Federation which is to come into being. Quite apart from that aspect of it, I think that, so far as the present extension of house accommodation for officers and clerks of the Government of India and for Members of the Legislature is concerned, the House will be doing the right thing in voting for the grant.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Mr. President, I had opposed this grant in the Standing Finance Committee on the ground that enough material was not placed before us regarding the availability of private accommodation for officers. I had not at that time considered the other points which touch this particular item. There is no doubt that

[Sirdar Harbans Singh Brar.]

the information supplied to the Standing Finance Committee was insufficient and misleading to some extent. In the item, say, for Officers' Bungalows which are 37 in number, Rs. 10 lakhs and 50,000 are provided for. No account has been taken of the valuation of the site which is to be used for building these bungalows, and, therefore, taking the average sale price of each of these sites at Rs. 10,000, it comes to Rs. 3 lakhs 70 thousand, thus making a total of about 14 lakhs 20 thousand for 37 bungalows. No figures have been given regarding the return which we will get on this capital expenditure nor on the capital expenditure for other buildings. There is some difficulty for the taxpayer to know what the return is exactly going to be, but the other considerations cannot be ignored altogether. If the Government have decided, as a matter of policy, to provide bungalows for the officers, they cannot provide for some officers and leave the 37 officers without any housing accommodation. In New Delhi, we have provided accommodation for almost all officers who are stationed there, and to leave 37 officers alone without any accommodation out of so many thousands of officers is rather unfair to the members of the services. You cannot discriminate between officers, and you must treat them alike.

There is another very important factor which must be taken into consideration, which was stressed by the Honourable the Finance Member, and that is, that unemployment is very much on the increase. There are so many engineers remaining unemployed with foreign training, there are so many youngmen remaining unemployed, so many M.Sc.'s and B.Sc.'s remaining unemployed, because recruitment to the P. W. D. and other departments has been stopped, and I think it is high time that we must provide these youngmen with some occupation to maintain themselves.....

Mr. Amar Nath Dutt : Bara Khamba Road is full of buildings.

Sirdar Harbans Singh Brar : My friend must have seen as much of it as I have seen. Those are the bungalows which cannot be suitable for ordinary officers of Government. Those are meant for Princes, and, in the earlier days, when accommodation was not available, these Princes rented these bungalows at fabulous sums ranging from Rs. 10,000 to Rs. 50,000 for a week's occupation, and people, under the impression that they will be able to get the same fabulous sums, built more of these palatial buildings, and an officer, with a small family, will not be able to maintain such a big house, nor will he be able to pay such a heavy rent for those bungalows. Even if that fact is not taken into consideration, during our Delhi sojourn we seldom find any of these houses lying vacant. Almost every one of them is occupied. There are no figures placed before us by Honourable Members to show how many houses are actually available at reasonable rates for the occupation of officers during their stay in Delhi.....

Mr. Amar Nath Dutt : If the Government want the figures, I can supply them.

Sirdar Harbans Singh Brar : As far as the clerks' quarters are concerned, the rules provide that they shall be given a certain allowance in lieu of accommodation.' These house allowances are prohibitive and Government have to pay, I think, a couple of lakhs or more to the clerks as house allowance, which is again a burden on the taxpayer.

Sir, this building programme of Government will provide occupation for labour, skilled as well as unskilled, and it will also provide accommodation for the officers of Government. If the Federation materialises, as we all hope it will in the not distant future, housing accommodation, office accommodation and officers' bungalows, legislators' quarters, etc., will be needed. It will then naturally take sometime to build all those things, with the result that it will put the legislators as well as the officers of Government into much inconvenience if this building programme is not undertaken immediately. I, therefore, think that this expenditure will do a lot of good to the country as a whole, because it will be a capital programme which will afford enough employment for labour. These are my grounds for supporting this motion, though I had in the Standing Finance Committee opposed it believing that there was sufficient housing accommodation.

Mr. Amar Nath Dutt : You changed so soon ?

Sirdar Harbans Singh Brar : I have a right to reconsider and review my opinions in the light of subsequent events and in the light of subsequent information which has come to my knowledge. There are no private works going on now in New Delhi to keep the unemployed busy, and it is the business of the Government,—Government have done so in all countries—during the period of depression that they should start public works for the employment of labour. In addition to this, I think we should also press on the Government that they should start capital railway works and other public works. Why should we allow our youngmen to remain idle in their homes and to engage themselves in revolutionary activities ? If they are not given some work to do, the result will be that they will join the revolutionary ranks and take to manufacture of bombs and other things.....

Mr. Amar Nath Dutt : Then you should spend more money in Bengal.

Sirdar Harbans Singh Brar : When Honourable Members come to Delhi and when they do not get sufficient orthodox quarters, they complain, and when the Government ask for more money for building quarters, they stand and oppose the demand. Only a short time ago, we were discussing the housing problem, and almost all the Members of the House Committee were stressing the need for more orthodox quarters, and here Government are now going to give us 33 more quarters. What we stress on the Government is that as much economy as possible should be practised in this building programme, and, as I understand, the rates for building materials are very low just at present, and the time is certainly very opportune, because the tenders are about 30 per cent. below the estimated price. We cannot find a better time to start this programme. In the Standing Finance Committee the Chief Engineer to the Government of India was pleased to tell us that he had, in anticipation, invited tenders which showed that work could be done 30 per cent. below the estimated cost. That is to the benefit of the taxpayer, and I think that Government have chosen a very opportune time to start this building programme now. With these few words, I support the supplementary grant.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : The Honourable the Finance Member has already made two speeches on this motion, but still I think he has not convinced the House by giving accurate information relating to these demands. The three of the most important members of the Standing Finance Committee, Messrs. Jadhav, Lalchand Navalrai and Harbans Singh, dissented on the

[Mr. S. C. Mitra.]

ground that sufficient information had not been given to the Committee, and that they had to record a dissentient note.....

The Honourable Sir George Schuster : I cannot accept my Honourable friend's description of those three members as the most important members on the Standing Finance Committee as correct. All members of the Standing Finance Committee are equally important.

Mr. S. C. Mitra : I never said that they were more important than other members, but I take it that all members are important, but, to justify my statement, I might say that they are all elected Members, and if you will look at the list of members, you will see that more than half the number of members are nominated, and Government can now secure half the number of members by election to any of these Standing Committees. My purpose was to emphasise the fact that the dissentient note was from the elected Members, and not from nominated Members.

However, the anxiety of the Honourable the Finance Member was for the unemployed of this country. I congratulate him for the great anxiety he has shown for the unemployed of this country, because he has been unlike his other colleagues who, however, when the question of unemployment is raised in this House, try to dissociate themselves by pointing out that this question of unemployment is a matter for the Provincial Councils.

The Honourable Sir Frank Noyce : I must protest against the assertion of my Honourable friend. As Member in charge of the Industries and Labour Department, I can naturally closely associate myself with the proposals now under consideration before the House.

Mr. S. C. Mitra : May I ask my Honourable friend whether he did or did not, in reply to a question in this House, say that unemployment was primarily a matter for the Local Governments ?

The Honourable Sir Frank Noyce : That is perfectly true. We can only take steps in regard to it in our centrally administered areas and this project is one of the steps which we ourselves are prepared to take.

Mr. S. C. Mitra : May I hope that in the next year's Budget the Finance Member will provide for large estimates on this scale for the other big cities also, Rs. 50 lakhs each, as he has done for Delhi, and I shall be very glad to welcome such a Budget.

What the Standing Finance Committee wanted to know was whether this project could stand on its own legs from economic standpoint. Where is the difficulty in giving these figures ? They know that, at least for the buildings that are meant for the clerks and officers, they can get rent at the rate of 10 per cent. They know the class of clerks or the officials that will occupy these houses, and they can easily calculate the rent that will be realisable from them. They certainly owe it to this House to tell us that Government will cut their coat according to their cloth. In the past the Government had been reckless in their construction programmes not to care for the public interest. It is not Government's case that these officers and clerks should be given some concession and provided with houses at lower rates of rent. That is not the Government's case. From past experience we know that the expenditure that has been incurred for providing houses for officers and clerks involved a great loss. When they are now coming with plans for new building construction, is it not their

duty to calculate what is the amount of rent realisable from the officials and clerks ? And it is not difficult to find out the exact results. From that we can see whether the project is economically a sound one. When this matter was raised in the Standing Finance Committee, the Finance Member was not in a position to tell them whether the expenditure of so many lakhs and lakhs of rupees was economically sound or proper. We are not opposed to the policy of building quarters for the officers or for the clerks or for the Members of the Legislature, particularly when the rate of interest is low. We accept the policy, but this House must get correct figures when a question had been asked in the Standing Finance Committee, and now the Finance Member, without supplying us with relevant figures, wants us to vote a blank cheque. It is difficult for us to vote on a question like this ; otherwise, on principle, we are agreeable to this motion.

Mr. R. S. Sarma (Nominated Non-Official) : I should not have been a party to any conspiracy to wasting the time of the House, but I am desired by my Party to inform.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : On a point of order, Sir. How can the Honourable Member say we are wasting the time of this House ?

Mr. R. S. Sarma : If any conspiracy really existed, it applies, otherwise.....

Mr. D. K. Lahiri Chaudhury : Not conspiracy, but you said wasting the time of the House.

Mr. R. S. Sarma : Yes. I have been asked by my Party to say that we are in favour of this demand for grant, if for no other reason than this, that it will provide employment in these hard days for a large number of labourers and it is most essential that those people who had even been asked to quit Delhi should now find re-employment under this new scheme of building construction. At the same time, our Party wants to impress upon the Finance Member two things, namely, one, that the grant should not exceed what is now provided and, secondly, that as far as possible all these contracts are given to Indians.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I find some difficulty in understanding the position of some members of the Standing Finance Committee and also of the Government in this matter. One particular member of the Standing Finance Committee, who has spoken in support of the grant today, dissented from the proposal in the Standing Finance Committee's meeting held on the 19th August. That is what the proceedings of the Standing Finance Committee of that date contain :

> "The Committee approved the proposal, but with regard to officers' and clerks' quarters, Mr. Jadhav, Dewan Lalchand Navalrai and Sardar Harbans Singh Brar dissented on the ground that sufficient information had not been provided regarding the possibility of accommodating Government servants in private bungalows. Dewan Lalchand Navalrai also considered that the matter was not sufficiently urgent to justify expenditure at the present time. With regard to the Legislators' quarters, Mr. Jadhav dissented. Sardar Harbans Singh Brar and Dewan Lalchand Navalrai did not wish to press their objection to this part of the proposal as the rest of the scheme had been accepted by a majority of the Committee."

My Honourable friend, Sirdar Harbans Singh Brar, seems to have changed his position, and has now supported this motion on the floor of the House. I said at the outset of my speech that I was also not convinced

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as to the proper position of the Government in this matter of New Delhi expenditure. They must once for all make up their mind whether it is their intention to abandon the Simla exodus, and to make Delhi the permanent Capital of India, or their intention is to continue the Simla exodus as merrily as before and to go on sinking crores and crores of rupees amidst the tumbling graveyards of Delhi. I find from the proposal which was put forward before the Standing Finance Committee :

"The Government of India had recently to reconsider the question of re-opening the project estimate in connection with the serious shortage, in New Delhi, of residential accommodation for officers and clerks of all Departments which will, it is anticipated, be greatly aggravated on the introduction of the new constitution."

This House, as representative of the people of this country and as the custodian of public revenues, has a right to know from the Government once for all what is their intention with regard to the question of transferring offices from Simla to Delhi and *vice versa*. If, as I have stated, the Government want to shirk this question and not to arrive at a proper decision, this House will be justified in refusing any further grant for the extension of residential quarters in New Delhi. With regard to that point, questions have been asked in this House. I myself was responsible for asking a question, perhaps some other Members also were responsible for asking questions on the subject. But, as usual, the Government tried to evade the real issue and gave answers which were not at all satisfactory from the public point of view. If they make up their mind to abandon the Simla exodus, the question will arise as to the fate of the immense house property which will be left in Simla. Now, Sir, opinion has been expressed in many quarters, and I think my Honourable friend, the Finance Member, has himself stated it this morning on the floor of the House that with the advent of the Federal Legislature, the holding of the Simla Session will have to be abandoned. I do not pronounce any definite opinion on this project just now, but I have a right to ask as to what will be the condition with regard to the transfer of offices and the pleasure trip of the high officials on the hill top. Does this mean that the highest officials in the land will continue to have their annual pleasure trips at the expense of the taxpayers, but only the Members of the Federal Legislature will be deprived of the opportunity of coming up to Simla. That, Sir, is a point which must be carefully looked into. I really object that the rate payers' money should be squandered in lakhs and lakhs every year for the pleasure of a few individuals who might choose to come up to Simla with their offices and clerks and their other establishments, while, we, the representatives of the people from whose pockets the revenue comes should alone be sweltering in the plains of Delhi. It is, therefore, necessary that Government should unfold their plans definitely, and should not keep anything up their sleeves. We should like to know really what is their intention. Are they going to come up to Simla, leaving us to our fate in Delhi ?

1 P.M.

There is just one other little point I should like to mention before I proceed further. Labour conditions in Delhi, being what they are, I should like to know what arrangements have been made for housing the labour population there. A question was asked in this House in the last Session. Perhaps I was myself responsible for asking that question and some other Members also. The Municipality of Delhi had given notice to many hundreds and thousands of coolies, who were responsible for making New

Delhi what it is today, to quit their quarters. I understand their water supply was stopped and they were asked to clear out bag and baggage. I should like to know in that connection what is the arrangement which Government contemplate to make in order to house the labour population of New Delhi. I mean the labour population which they will employ in building these additional quarters proposed in the scheme before the House just now. Then, again, I should like to bring to the notice of this House the scheme which is under contemplation. It is said that a scheme was worked out in 1930 and that it was estimated that the demand for residential accommodation then comprised additional quarters for at least 52 officers and 837 clerks, the provision of which cost about 79 lakhs. I should like to know what happened to that scheme, as to how many officials' and how many clerks' quarters were provided and how many yet remain to be provided. It is said that the scheme was approved in principle, but had to be postponed owing to the difficulty of providing funds. I should like to know how far the financial situation of the Government of India has improved to justify them in embarking upon this costly project. If there is a plethora of funds at the disposal of Government, I should like to submit that the rate payers of the country were entitled to the first relief. A portion of the taxation, with which they are burdened and under which they are groaning, ought to have been remitted, but, instead of that, I find that costly projects are undertaken. I am not referring principally to this item which is on the agenda just now. There have been so many other directions of expenditure in which the interests of the rate payers have been lost sight of. "Since 1930, rates for buildings have dropped considerably, while money can also be obtained at much cheaper rates." The Honourable the Finance Member has not enlightened the House as to his scheme for providing money at much cheaper rates for the building of these quarters. "The Government of India therefore consider" the statement continues "that the present moment is a suitable opportunity for re-opening the project estimate, particularly in view of the serious shortage of quarters.". I find that in Simla also quarters are being provided. Only recently some expenditure was incurred in providing kitchen arrangements for some of the Members of the Legislative Assembly occupying Longwood Hotel, New Block. I quite welcome that piece of expenditure, but I should like to know whether Government have a settled plan in tackling this question finally and definitely.

The Honourable Sir Frank Noyce : I should like to mention with reference to what the Honourable Member has just stated that the provision of kitchens at Longwood, which has been urged on me for some time past, is a very small work costing a few thousand rupees.

Mr. Gaya Prasad Singh : I have myself stated just now that I welcome that project, and, as a member of the House Committee, I was responsible for recommending the building of these cooking sheds. Therefore, I do not grumble at that little bit of expenditure which the Honourable Member's Department has incurred. I should have liked him to spend a little more in that direction, if necessary ; and I should like to know once for all what is up their sleeve in finally settling this question of exodus and the permanent residence of the Government of India in New Delhi. The statement says :

"As matters stand at present, the staff of all Departments are being subjected to great difficulties in finding suitable accommodation. During the winter season of 1932-33, there was a total demand for 2,651 married clerks' quarters and 290 officers

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bungalows, while only 1,602 quarters and 191 bungalows were available for allotment.''

This House would like to have a clear statement showing up to now how many quarters have been built, at what expenditure, both for officers and clerks, as well as for Members of the Legislative Assembly, and what is the cost of each quarter. Now, I understand that a project is on foot for building some additional quarters for Members of the Legislature in New Delhi. Now, the House Committee met the other day, and has submitted a recommendation that the plan of the new quarters should be submitted to the House Committee for their approval in consultation with the Engineer in charge of the Department concerned. I hope, Sir, the Honourable Member's Department will look into the matter and comply with the request made therein.

The Honourable Sir Frank Noyce : I have already promised that.

Mr. Gaya Prasad Singh : I am glad that my Honourable friend has promised to look into the matter and to build those quarters in consultation with the representatives of this House on the House Committee :

''A large part of the clerical staff find themselves compelled to choose between finding accommodation in the already overcrowded city of Old Delhi, or of sharing with those to whom it is allotted the insufficient available accommodation in New Delhi, to an extent far in excess of that which would be adopted were they allowed reasonable freedom of choice.''

I should like the Government to throw more light on this somewhat complicated sentence which occurs in their proposal. What exactly is the number of clerks who reside in Old Delhi and what are the quarters available to them, and how Government want to provide bungalows for them in New Delhi, and in what locality :

''The difficulties experienced, for want of adequate residential accommodation, by the superior staff are also well known.''

I should like to understand clearly what is meant by the superior staff ? Does it refer to Gazetted Officers or only to non-gazetted officers ? How many of them have found accommodation in Government buildings, and how many of them have to be provided for in the new plan which Government have before them :

''It may be noted that large numbers of officers are embarrassed every year by not knowing till the last moment whether they can count on finding any accommodation at all in New Delhi, while some of the highest civil and military officials are unable year after year to procure any Government residence and are compelled to reside in hotels.''

The mention of the military officials brings me, Sir, to the question of accommodation for the Members of the Legislature in the Western Hostel in New Delhi. I understand that last time a few Members of the Legislative Assembly, who applied for quarters in the Western Hostel were not provided with quarters, just for the reason that they were in occupation of some of the military officers and officers of the Air Force. Of course, I do not object that they should have been accommodated in the Western Hostel, but I should like to know definitely what is the plan of the Government in dealing with applications for quarters from officers of the Government and the Members of the Legislative Assembly in the Western Hostel. I understand that the Western Hostel was built expressly for the purpose of the Members of the Central Legislature, and I think that they should be given a preferential right to reside in the Western Hostel.

If there is an extra accommodation available, then it should be made over to the civil or military officers of the Government of India. In this connection, I should like to bring to the notice of the Government one other recommendation which was made by the House Committee the other day. It was to the effect that one block of the Western Hostel should be reserved for Members of the Assembly.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would like to know from the Honourable Member how long he will speak. In view of the advanced discussion on this motion, the Chair proposes to sit until this motion is finished.

Mr. Gaya Prasad Singh : I hope, Sir, you are not sitting in the afternoon.

Mr. President : The Chair proposes to adjourn the House after the question is put on this motion.

Mr. Gaya Prasad Singh : Then I will take two or three minutes more. I was submitting, Sir, that the House Committee had made a recommendation that one block of the Western Hostel should be reserved for Members who live in orthodox style and that a kitchen should be provided behind the block. In view of all these considerations, to which Members of this House have given expression, I hope the Honourable the Finance Member or the Member in charge of the Department will look into the whole question. It should not necessarily be supposed that we are opposing the item which is before us, but we should like to be enlightened on those points to which the attention of the Government has been drawn in the course of the debate this morning.

The Honourable Sir George Schuster : Sir, I do not wish to make a long speech now. I wish only to take advantage of the opportunity which you have given me to answer one or two points that have been made. In the first place, my Honourable friend, Mr. Mitra, referred to the distinction between elected and nominated members of the Standing Finance Committee. I would like to remind the House that the Standing Finance Committee consists of an official Chairman and 14 unofficial members elected by this House and that, at present, out of these 14 members, 11 are elected members and only 3 are nominated members. One of these three nominated members is actually the nominee of one of the unofficial parties in this House. I think there is no Committee which has a hand in transacting business in connection with the Legislature which is so predominantly unofficial in its character as the Standing Finance Committee. I am the only official on the Committee and I have taken every opportunity that I have had of testifying to the very great assistance which I have always had from every member of the Standing Finance Committee, whether they be elected or nominated.

Then, Sir, my Honourable friend raised the question of lack of information. If there has been lack of necessary information, I sincerely apologise to the House. I was not, as the Honourable Members know, at the Standing Finance Committee when this matter was taken up, and I confess I did not know if there was any unsatisfied demand for information. A good many questions have been asked in the course of this debate and, I am sure, I am entitled to say on behalf of my Honourable colleague, the Member for Industries and Labour, that his Department will go into all these ques-

[Sir George Schuster.]

tions and that, before the House is asked to take any further step in connection with this programme, we will endeavour to put before the House information on all the points that have been raised.

Now, Sir, there is only one other thing that I wish to say and that is as regards the general financial position. There has been, I think, certain amount of confusion in some of the remarks which have been made by my Honourable friends opposite between capital expenditure and expenditure which has to be charged to revenue. I never ventured to state that, so far as the budgetary position was concerned and so far as the balance between current revenue and the current expenditure was concerned, we had any justification for looking forward to any definite improvement. We hope that things are getting better, but there certainly is no evidence on which I can express an opinion of that kind. What I did say was that as regards the Government's capacity to undertake capital expenditure, the position had entirely changed. But I wish to say now that we should not, even in the present position, feel ourselves justified in undertaking capital expenditure which was going to put upon the revenue position of the Government in future any serious burden. In the case of the present proposition, the expenditure is, to a very large extent, remunerative. The slight difference that may occur between the actual return from the letting of the houses and the interest that is to be paid will, at any rate, on the amount of expenditure which is now in contemplation, not appreciably affect the Budget or the Government's power to remit taxation. We are not asking the House to undertake any project which will substantially or appreciably deteriorate the budgetary position. That, Sir, makes the position perfectly clear and I will not detain the House any longer with my remarks on this subject.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That a supplementary sum not exceeding Rs. 9,81,000 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, 1934, in respect of 'New Capital Works at Delhi'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 11th September, 1933.

LEGISLATIVE ASSEMBLY.

Monday, 11th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

PROCEEDINGS OF THE SUB-COMMITTEE OF THE WORLD ECONOMIC CONFERENCE DEALING WITH SHIPPING SUBSIDIES.

762. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state if they have received a copy of the official report of the proceedings of the Sub-Committee of the World Economic Conference dealing with shipping subsidies, and if so, will Government be pleased to place a copy of the same on the table ?

(*b*) Will Government be pleased to state if their delegates to the World Economic Conference took part in the proceedings of the Sub-Committee dealing with shipping subsidies, and if so, will Government be pleased to state what were the views expressed by them on that question ?

(*c*) Will Government be pleased to state if they have been asked by the Secretary of State to submit their views on the question of shipping subsidies, and if so, are Government prepared to lay on the table a copy of the despatch they have forwarded on this subject ?

The Honourable Sir Joseph Bhore : (*a*) Yes. A copy of the Reports of the Monetary and Economic Conference has been placed in the Library of the Indian Legislature.

(*b*) and (*c*). The reply to the first part of each of these questions is in the negative, and the second does not arise.

Mr. K. C. Neogy : Do I take it that the Government of India did not give any instructions to their delegates in this matter ?

The Honourable Sir Joseph Bhore : No, Sir. They did not.

Mr. K. C. Neogy : Why not, Sir ?

The Honourable Sir Joseph Bhore : Because they were not directly concerned with the matter.

Mr. Lalchand Navalrai : May I know, how they were not concerned with the matter ?

The Honourable Sir Joseph Bhore : I leave my Honourable friend to exercise his own intelligence in the matter.

Mr. Lalchand Navalrai : I want better intelligence from the Honourable Member.

The Honourable Sir Joseph Bhore : I have too great a respect for my Honourable friend's intelligence.

PURCHASE OF SHARES BY GOVERNMENT SERVANTS IN JOINT STOCK COMPANIES.

763. *Mr. B. R. Puri : (*a*) Will Government be pleased to state if it is a fact that a Government servant cannot take any active part or be a partner in a private firm, but he can purchase shares in a joint stock concern ?

(*b*) Is it a fact that a Government servant cannot be a proprietor, partner or editor of a newspaper ?

(*c*) Will Government please state if he can purchase shares in a joint stock company owning a printing press which may also be publishing or owning a newspaper in the same manner as he can purchase shares in other joint stock concerns ?

The Honourable Sir Harry Haig : (*a*) Under rule 15 of the Government Servants' Conduct Rules (a copy of which is in the Library) a Government servant may not, without the previous sanction of the Local Government, engage in any trade or undertake any employment, other than his public duties. Under rule 12 of the same Rules a Government servant may not make any investment (other than an investment in immoveable property permitted by rule 10 of the same Rules) which gives him such private interest in matters with which his public duties are connected as would be likely, in the opinion of the Local Government, to embarrass or influence him in the discharge of his duties.

(*b*) It is laid down in rule 18 of the Government Servants' Conduct Rules that a Government servant may not, without the previous sanction of the Local Government, become the proprietor in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publications.

(*c*) I would refer the Honourable Member to my answers to (*a*) and (*b*) of his question.

INCOME-TAX ASSESSED ON THE INCOME OF RAI BAHADUR BANARSI DAS OF AMBALA.

764. *Sardar Harbans Singh Brar : (*a*) Will Government be pleased to state the amount of income-tax assessed each year on the income of Rai Bahadur Banarsi Das, Rais, Banker and Mill-owner of Ambala, during the last fifteen years ?

(*b*) Are Government aware that one Kartar Singh, son of Khazan Singh, has submitted a memorial, dated the 5th June, 1933, to His Excellency the Governor of the Punjab, making serious allegations against the Rai Bahadur and the Income-tax Department regarding the Rai Bahadur's successfully evading the income-tax assessment during the past fifteen years, although he has been enjoying enormous profits from his various concerns during the said period (paragraph 9 of the said memorial deals with the subject in question) ?

(*c*) If not, are Government prepared to take early steps to secure a copy of the said memorial and take suitable action in the matter ?

(*d*) If the aforesaid memorial has already come to the notice of Government, will they be pleased to state what steps they have already taken, or they propose to take, regarding the said matter ?

(*e*) Are Government prepared to make an immediate enquiry into this matter ?

(*f*) If so, do Government propose to entrust this enquiry to a Bench consisting of two judicial officers—one European and one Indian—in view of the serious allegations of cheating against the Rai Bahadur and of corruption against the Income-tax Department ?

The Honourable Sir George Schuster : (*a*) I am debarred by the provisions of section 54 of the Indian Income-tax Act from disclosing any particulars relating to an assessment proceeding.

(*b*) Yes.

(*c*) Does not arise.

(*d*) and (*e*). The Commissioner of Income-tax is making enquiries.

(*f*) No.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

765. *Pandit Satyendra Nath Sen : (*a*) Are Government aware that in replies to question No. 296, parts (*b*), (*c*) and (*d*), dated 8th February, 1933, and to question No. 319, parts (*b*), (*c*) and (*d*), dated 9th February, 1933, affirming the correctness of the statements of Sir George Rainy on 25th February, 1928, that " the schools of the two of the biggest Company-managed Railways have come under *the direct control of the state*", and on 21st February, 1929, " that the schools are under *our control*"; and on 12th September, 1929 " that the schools are the property of the East Indian Railway, and the East Indian Railway belongs to Government and I do not think there *can be any doubt* that *they are Government schools* in that sense " and in the reply to question No. 31 in the United Provinces Legislative Council on 19th February, 1932, stating that the East Indian Railway High School, Tundla " belongs to the Central Government ", Government have recognised that the East Indian Railway Indian Schools including the East Indian Railway Oakgrove School for Anglo-Indians are " Government Schools " ?

(*b*) If so, will Government please state (*i*) whether these schools are actually *so treated* in the day to day administration as well ? If not, why not ?

(*c*) Will Government please state if these schools are classified as Government schools in all Government returns ? If not, why not ?

(*d*) Are the committees attached to these schools advisory like those attached to provincial Government schools, and having the same powers ? If not, why not ?

(*e*) Do the committees, attached to the East Indian Railway Indian Schools possess full " proprietory powers " like those attached to privately-owned but Government-aided schools ? If so, why have powers to disburse Government funds been vested in these bodies ?

(*f*) Are Government aware that paragraph 10 of the rules and regulations for the management of the East Indian Railway Schools lays down : " The teaching staff of the school shall be subordinate to the *committee* through the Honorary Secretary, and all proposals for changes in

the staff or their salaries shall be recorded in the Minutes of Proceedings, for confirmation or otherwise, by the Superintendent. All *actual engagements, discharges or dismissals shall be made by the committee through the Honorary Secretary* " ? If so, will Government please state if there is any school belonging to the Local or Central Government, or any other branch of any Railway or Government service, in which such powers over the destinies of Government servants have been vested in committees of this type ?

(*g*) Are Government prepared to take immediate steps to insure to the teachers of East Indian Railway Schools greater security of service ?

Mr. P R. Rau : (*a*) to (*f*). I would invite the Honourable Member's attention to the replies given to his previous question No. 274 and to Mr. A. Das's question No. 604 on the same subject during this Session.

(*g*) The Government are not aware that the teachers of the East Indian Railway are suffering under any grievance in respect of security of service.

Pandit Satyendra Nath Sen : May I know who is the Chairman of these school committees ?

Mr. P. R. Rau : There are various school committees and I do not think there is one Chairman for all of them.

Pandit Satyendra Nath Sen : Is it not a fact that these school committees are generally mismanaged ?

Mr. P. R. Rau : I have no information to that effect.

Pandit Satyendra Nath Sen : Is it not a fact that the railway school at Tundla has been informed by the Agent about the mismanagement of the committee and that the school has been threatened with abolition if it is not managed in a proper way ?

Mr. P. R. Rau : I have no knowledge about it, but if the Honourable Member will put a question, I will obtain information.

GOVERNING BODIES OF THE EAST INDIAN RAILWAY SCHOOLS FOR INDIANS.

766. ***Pandit Satyendra Nath Sen :** (*a*) Will Government please lay on the table of this House a statement showing the names and designations, with salaries, of the members of the governing bodies of all the East Indian Railway Schools for Indians ?

(*b*) Will Government please lay on the table of this House a statement showing the names of the executive officers, honorary secretaries and managers of the various East Indian Railway Indian schools, and their official designations together with their rates of pay, and also showing what powers they enjoy in their own departments with regard to the appointments, control and punishments, including dismissal, discharge, etc., of their own subordinates and their powers and duties in their respective schools over the teachers and the headmasters ?

(*c*) Is it a fact that the governing bodies of the East Indian Railway Indian schools contain a number of low-paid, lower subordinates, such as clerks, ticket-collectors, guards, etc., etc., who are far inferior in education, status, pay or position to the teachers and headmasters of the East Indian Railway Indian high schools whose destinies they control and govern ?

If so, why is such an arrangement permitted ? Are Government aware of such an arrangement existing in any Government school run by Local Governments ?

(*d*) Do Government propose to bring the administration of the East Indian Railway Indian schools and the powers and positions of the committees attached to them into line with the administration of the committees attached to the Provincial Government schools ?

Mr. P. R. Rau : (*a*) and (*b*). Government do not consider that any public purpose would be served by the collection of this detailed information.

(*c*) Under the rules and regulations for the management of the East Indian Railway schools the members consist of the principal resident servants of the Railway who may be willing to serve and such other residents in the neighbourhood as it may be desirable to have thereon and who may be willing to take an interest in the working of the school.

(*d*) Government do not consider that it is necessary to follow the Provincial Government strictly in the detailed rules for the administration of Railway schools.

Pandit Satyendra Nath Sen : Will Government consider the desirability of improving the position of these school committees and conferring greater power on the headmasters of the schools with a view to effecting better control and discipline in the schools ?

Mr. P. R. Rau : If my Honourable friend has any suggestions to make, I will consider them.

Mr. M. Maswood Ahmad : Is it not a fact that the Superintendents are Presidents of these managing committees ?

Mr. P. R. Rau : I do not know. But if my Honourable friend wants information, I shall get it for him.

Dr. Ziauddin Ahmad : May I ask whether it is the policy of the Government to abolish these schools altogether gradually ?

Mr. P. R. Rau : It is not practicable, I am afraid. We tried to make the Provincial Governments take these schools over, but there were difficulties in the way.

PROPOSED TRANSFER OF THE SEAT OF THE HIGH COURT FROM ALLAHABAD TO LUCKNOW.

767. ***Mr. A. Das :** Are Government aware that the intention of the United Provinces Government is to transfer the seat of the High Court from Allahabad to Lucknow ? Have Government received any communication on the subject ? If so, will they please lay a copy of it on the table of this House ?

The Honourable Sir Harry Haig : Government are not aware of any such intention and have received no communication on the subject.

THROUGH BOGIES BETWEEN CERTAIN STATIONS.

768. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state whether any first and second class bogie is attached to the trains at the capital of the Bihar Province for Delhi, Kalka, Lahore, or Dehra Dun ?

(*b*) Will Government be pleased to state from which stations through bogies go to (*i*) Delhi ; (*ii*) Kalka ; (*iii*) Lahore ; and (*iv*) Dehra Dun ?

Mr. P. R. Rau : (*a*) Not at present, but as I informed the House the other day it is proposed from the 1st October to attach such a carriage to run between Patna and Kalka *via* Allahabad in summer and to Lahore in winter.

(*b*) The information is contained in the time tables of the Railways concerned.

RUNNING OF MAIL TRAINS THROUGH PATNA.

769. **Mr. M. Maswood Ahmad :** Is it a fact that there is a proposal that no mail train should pass *via* the main line touching the capital of the Bihar province on the East Indian Railway ?

Mr. P. R. Rau : No.

Mr. M. Maswood Ahmad : May I know which mail train will pass through Patna ?

Mr. P. R. Rau : 5 Up.

Mr. M. Maswood Ahmad : I believe a bogie will be attached to that for Delhi ?

Mr. P. R. Rau : Yes, Sir.

RUNNING OF A THROUGH BOGIE BETWEEN TWO STATIONS.

770. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state what is the number of passengers which in their opinion justifies the running of a through bogie between two stations ?

Mr. P. R. Rau : Government are not prepared to express an opinion. It depends on varying factors, such as the seating capacity of the carriages in general use, the fluctuating nature or otherwise of the traffic and so on.

Mr. M. Maswood Ahmad : Will Government please state the factors which affect these ? I find, in reply to several of my questions, the Honourable Member says that the number of the travelling public does not warrant the running of trains or attaching bogies. I want to know all the factors.

Mr. P. R. Rau : I have already said that the decision of this question depends upon varying factors such as the seating capacity of the carriages, the fluctuating nature of the traffic or otherwise, and so on.

Mr. M. Maswood Ahmad : Are Government prepared to state all the factors which are concerned ?

Mr. P. R. Rau : I am afraid it is not possible for me to give an exhaustive reply to this question.

Mr. Lalchand Navalrai : May I know if there is any rule laid down that a train will be run if there are so many passengers and a bogie will be run if there are so many passengers ?

Mr. P. R. Rau : There is no such rule.

DEATH OF ONE H. BAGCHI, A DETENU IN THE DEOLI DETENTION CAMP.

771. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that Mr. H. Bagchi of Rajshahi District, a detenu in Deoli Detention Jail died on the 22nd August, 1933 ?

(*b*) Will Government be pleased to state the cause of the death of the detenu ?

(*c*) Will Government please state the conditions on which Mr. Krishna Gopal got the permission to cremate the body ?

Mr. T. Sloan : (*a*) and (*b*). The detenu died on the 21st August of pneumonia following an operation for appendicitis.

(*c*) Messrs. Krishna Gopal Gurg and S. L. Gupta of Ajmer were permitted to cremate the body on the understanding that it would not be taken in procession.

Mr. M. Maswood Ahmad : Will Government be pleased to say why these restrictions were imposed for taking the dead body ?

Mr. T. Sloan : I think the reasons for imposing these conditions are obvious.

Mr. M. Maswood Ahmad : What are those obvious reasons ?

Mr. T. Sloan : Because the Commissioner did not wish to have a demonstration made.

Mr. M. Maswood Ahmad : Are Government aware that even the Generals of enemies are respected after their death ?

Mr. T. Sloan : I do not think the Government consider this gentleman as an enemy.

Mr. M. Maswood Ahmad : Do Government consider these nationalists, who have been detained without any charge and without any trial, as worse than the Generals of enemies ?

Mr. T. Sloan : No, Sir.

FAILURE OF WATER SUPPLY AT THE KURUKSHETRA STATION AFTER THE SOLAR ECLIPSE.

772. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that the Railway water supply failed at Kurukshetra station immediately after the solar eclipse, which dislocated the train traffic for some hours ?

(*b*) Are Government aware that passengers suffered considerable inconvenience as no water could be obtained ?

(*c*) Is it a fact that several women and children collapsed due to scarcity of water ?

(*d*) What action do Government propose to take to avoid a recurrence of such trouble in future ?

Mr. P. R. Rau : Government are aware that certain allegations to this effect appeared in certain papers. Enquiries were immediately instituted, and it was found that these were based on inaccurate information. They were, I understand, contradicted later, the actual facts are that at about 19-15 hours it was found that the water level in the high service tank had fallen to nine inches owing to the waste of water which was then

taking place due to taps not being closed after use, and it was therefore then decided in order to refill the high service tank to shut off the water to the *Mela* passenger area until 20 hours, when the supply was re-opened. Not a single ordinary or Special train was detained due to lack of water and actually during the period in which it was alleged that no trains were able to leave, five ordinary passenger and 16 *Mela* Specials left Kurukshetra. Had any such serious shortage of water occurred, as was alleged, it would not have been possible to have run 49 *Mela* Specials in the first 24 hours which is a higher figure than that obtained in 1928 on the last occasion of the Solar Eclipse at Kurukshetra.

Mr. Lalchand Navalrai : May I know if there was some defect in the tank for which the water went down ?

Mr. P. R. Rau : I have been informed that the water level in the high service tank fell to 9 inches owing to the waste of water which was then taking place by taps being kept open.

Mr. Lalchand Navalrai : May I know what was the arrangement to see that taps were not interfered with like that ?

Mr. P. R. Rau : It is not possible to detail a railway servant to close taps after use by every passenger.

Mr. Lalchand Navalrai : Was there no superintendence over the water that was allowed to be used ?

Mr. P. R. Rau : In a large crowd such as we find at a *Mela*, it is obviously impossible to see that every passenger who uses the tap turns it off after use and it must be left to the good sense of the passengers concerned.

Mr. Lalchand Navalrai : May I know how many pipes were there to be tapped ?

Mr. P. R. Rau : Perhaps my Honourable friend will give me notice of that question.

Mr. M. Maswood Ahmad : Did any one collapse ?

Mr. P. R. Rau : To the best of my information, there was no such incident.

PAYMENT MADE TO THE INDIAN BRANCH OF THE ROSS INSTITUTE.

773. ***Mr. M. Maswood Ahmad :** Do Government pay any amount to the India Branch of the Ross Institute ?

Mr. G. S. Bajpai : No, Sir.

REPRESENTATION OF THE GOVERNMENT OF INDIA AT THE INTERNATIONAL WHEAT CONFERENCE.

774. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state whether or not they were represented at the International Wheat Conference ?

(*b*) Will Government be pleased to state whether they are aware of the extent to which the agreement on the subject, if any, will affect India ?

Mr. G. S. Bajpai : (*a*) India did not take part in the recent conference between the four principal wheat exporting countries or in their subsequent negotiations with European wheat importing countries.

(*b*) India is not a party to the agreement to restrict production which is reported to have been arrived at between the United States, Canada, Australia and the Argentine. It is not yet possible to predict the effect of this agreement on India.

Mr. M. Maswood Ahmad : Have Government examined the question whether this agreement will affect India or not ?

Mr. G. S. Bajpai : Yes, Sir ; and their own present conclusion is that it will not affect India at all.

DERAILMENT OF AN ENGINE AND SOME BOGIES NEAR CHINIOT, NORTH WESTERN RAILWAY.

775. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the full facts of the derailment of an engine and some bogies, on account of the Chiniot landslide which took place on Tuesday, the 22nd August, 1933 ?

Mr. P. R. Rau : The report received from the North Western Railway shows that as a result of a landslide the engine and two loading vehicles of No. 138 Down Passenger train got derailed on the 23rd August, 1933, in the cutting between Kot Amir Shah and Chiniot stations on the Sargodha-Lyallpur Section of the North Western Railway. There were no casualties. The train service was resumed on the 30th August.

VACANCIES IN THE GAZETTED RANK IN THE RAILWAY SERVICES.

776. ***Mr. M. Maswood Ahmad :** (*a*) Is it a fact that four vacancies in the gazetted rank in the Railway Services have occurred ?

(*b*) Is it a fact that Government want to recruit three Europeans and one Madrasi for the four vacancies mentioned in part (*a*) ?

(*c*) Is it a fact that Government have requested the Secretary of State to send three Europeans for the vacancies ?

(*d*) Will Government be pleased to state whether qualified men were not available in India ?

(*e*) Will Government be pleased to state the qualifications required for these appointments ?

Mr. P. R. Rau : My Honourable friend has since informed me that he is referring to State-managed Railways. I am not aware of any proposal to recruit three Europeans and one Madrasi to the Superior Railway Services as stated by the Honourable Member.

Mr. M. Maswood Ahmad : Was there any vacancy on the Burma Railways ? If so, did the Agent request the Railway Board to send one man for the post of an Engineer ?

Mr. P. R. Rau : I think there was a vacancy in the Electrical Department of the Burma Railways and steps are being taken to recruit for the vacancy in India.

Mr. M. Maswood Ahmad : Is that the gentleman who is mentioned in this question ?

Mr. P. R. Rau : I am not aware that anybody is mentioned in this question.

Mr. M. Maswood Ahmad : Has any letter been issued by the Railway Board to the High Commissioner in England for recruiting three Europeans either for State-managed or for Company-managed Railways ?

Mr. P. R. Rau : I cannot say about Company-managed Railways until my Honourable friend tells me what Company-managed Railway he is referring to and what department he refers to. As regards State-managed Railways, I have already said that there is no proposal to recruit three Europeans and one Madrasi, and no such letter has issued from the Railway Board to the High Commissioner.

Dr. Ziauddin Ahmad : May I know whether officers in a Company-managed Railway are recruited by the Directors of the Company or by the Railway Board ?

Mr. P. R. Rau : By the Directors, Sir.

FIXATION OF THE DATE AND TIME FOR DIFFERENT STANDING COMMITTEES.

777. ***Mr. M. Maswood Ahmad :** Do Government propose to fix the date and time for meetings of different Standing Committees in consultation with the Secretary of the Legislative Assembly ?

The Honourable Sir Joseph Bhore : There is already a standing instruction that Departments should consult the Secretary, Legislative Assembly, as far as possible, before fixing the times for meetings of Committees of which Members of the Legislature are members.

Mr. M. Maswood Ahmad : Is it a fact that there was a meeting of the Standing Finance Committee for Railways in the end of August and that there was another meeting of the Standing Committee on Hedjaz on the same day ?

The Honourable Sir Joseph Bhore : I think my Honourable friend is right in his suggestion.

Mr. M. Maswood Ahmad : Was any representation made to the Leader of the House in this connection that it is impossible for common members to attend both these Committees ?

The Honourable Sir Joseph Bhore : I think my Honourable friend did suggest to me that it was impossible for him to attend both at the same time.

Mr. M. Maswood Ahmad : Is it a fact that after this suggestion, the interval between the two meetings was only reduced ?

The Honourable Sir Joseph Bhore : I am sorry if my Honourable friend was put to any inconvenience in this matter, but he will realise that the fault did not rest with my Department. The actual change of time was made by another Department, but we shall do our best to see in future that the standing instructions are observed.

Mr. S. C. Mitra : Will Government also see that these committees are not called before 11 A.M. which suit only those who are accustomed to European style of living ; the time should suit also those who are used to Indian style of living and have their own hours of taking food at 10 or 10-30 A.M. ?

The Honourable Sir Joseph Bhore : My Honourable friend must realise that in a crowded session like this, it is essential to make use of every possible moment that we can get.

Mr. S. C. Mitra : Then why is no meeting held at 1-30 P.M. or on Sundays, simply because it is inconvenient to official Members ?

The Honourable Sir Joseph Bhore : My recollection is that on one occasion when a meeting of the Railway Standing Finance Committee was called on a Sunday, there was a general protest in this House.

Mr. M. Maswood Ahmad : May I know if it is a fact that in the Standing Committee meeting of that day, there was not a single item on the agenda which could not be postponed for a day ?

The Honourable Sir Joseph Bhore : I am afraid I do not know the agenda of the Haj Committee meeting of that day.

Mr. Vidya Sagar Pandya : Is it possible to discourage a Member of this House being on too many Standing Committees ?

The Honourable Sir Joseph Bhore : The remedy is in the hands of Honourable Members themselves.

Dr. Ziauddin Ahmad : May I suggest that the information about notices of Committee meetings may be sent to the Secretariat of the Assembly when they may be in a position to point out in time, if the times fixed for two or more meetings clashed ?

The Honourable Sir Joseph Bhore : I have already said that we hope that arrangements will be made to see that this standing instruction is more closely observed in future.

SCHOOL BUILDINGS ON THE RIDGE AT NEW DELHI.

778. ***Pandit Satyendra Nath Sen :** (*a*) Will Government please state what is the total expenditure incurred on the school buildings on the Ridge at New Delhi ?

(*b*) What are the schools that have been located in the above buildings ?

(*c*) What is the number of students and teachers in those schools ?

(*d*) Has any provision been made for the residential accommodation of the teachers ? If not, do Government propose to take up the question of the residential accommodation of these teachers in the building programme that has been sanctioned recently ?

Mr. G. S. Bajpai : (*a*) Rs. 4,53,532.

(*b*) and (*c*). A statement giving the information asked for by the Honourable Member is laid on the table.

(*d*) Provision is being made for the residential accommodation of teachers.

Statement giving the names of and the number of teachers and students in the Schools located on the Ridge, New Delhi.

No.	Name of the school.	No. of teachers.*	Students.	
			During Summer.	During Winter.
1	Municipal Boys High School	21	407	500
2	Bengali Boys High School	12	262	262
3	Municipal Boys Primary School	9	313	560
4	Madrassi Primary School	2	22	80

*NOTE.—Some temporary staff is engaged to cope with the increase of boys in winter.

NOMINATION OF MEMBERS OF THE NEW DELHI MUNICIPAL COMMITTEE.

779. ***Pandit Satyendra Nath Sen**: (*a*) Will Government please state the number and the names of the members of the New Delhi Municipal Committee? What is the principle on which the nominations have been made?

(*b*) Will Government please state the number of Bengali residents in New Delhi and state why no nominations were made from that community?

(*c*) Is it a fact that a very large number of the official non-migratory population of the non-gazetted rank exists at New Delhi? If so, why has no nomination been made from among this class of officials?

(*d*) Is it a fact that representation has been allotted to the Imperial Secretariat Association (migratory), but that representation of the local Civil Accounts Association was refused? If so, why?

(*e*) Are Government considering the desirability of remodelling the Municipality so as to allow representation of the various provincial communities living in New Delhi?

Mr. G. S. Bajpai: (*a*) I lay on the table a statement which gives the information asked for in the first part of the Honourable Member's question. Nominations are made with regard to two principles, *viz.*, the safeguarding of the interests of Government which has the largest share of any rate-payer in New Delhi and, consistently with this, to provide a non-official element which can speak for non-official interests.

(*b*) The total number of Bengalis in February, 1931, (last census) was 2,469. Nominations are not made on any sectional basis.

(*c*) The reply to the first part of the question is in the affirmative. As regards the second part, I would invite the Honourable Member's attention to the answer I have given to parts (*a*) and (*b*) of this question.

(*d*) The reply to the first part of the question is in the affirmative. The Civil Accounts Association asked for representation on the New Delhi Municipal Committee, but it was not found possible to grant this request.

(*e*) No.

Statement showing the number and names of the members of the New Delhi Municipal Committee.

President.

Mr. F. T. Jones, C.I.E., M.V.O., V.D., Officiating Chief Engineer, Central Public Works Department, New Delhi.

Members.

1. Superintending Engineer, I Circle, Central Public Works Department, New Delhi.
2. The Chief Auditor, Railway Clearing Accounts, Delhi.
3. The Civil Surgeon, New Delhi (or, during the Civil Surgeon's absence in summer months, the Assistant Surgeon in charge Civil Hospital, New Delhi).
4. The Assistant Director of Public Health, Delhi.
5. The Superintendent of Education, Delhi.
6. The Land and Development Officer, New Delhi.
7. Superintending Engineer, II Circle, Central Public Works Department, New Delhi.

Appointed by name.

1. Mr. R. T. Russell, Chief Architect, Central Public Works Department, New Delhi.
2. Mr. C. G. Blomfield, New Delhi.
3. Mr. H. N. Khanna, Commerce Department, Government of India (representing the Imperial Secretariat Association).
4. S. B. Sardar Sobha Singh, New Delhi.
5. L. Jagdish Pershad, New Delhi.
6. K. S. Chaudhri Akbar Ali, New Delhi.

Mr. Lalchand Navalrai: May I know why the elective system is not being introduced in the New Delhi Municipality which is supposed to be a progressive municipality?

Mr. G. S. Bajpai: As I explained on an earlier occasion, we have come to the conclusion that for the time being it is best to carry on with a nominated Committee.

Mr. Lalchand Navalrai: May I know what that length of time is going to be?

Mr. G. S. Bajpai: My Honourable friend would not expect me to fix a limit to that. I should say, at least for the next three or four years.

RESERVATION OF THE IMPERIAL COASTING TRADE TO BRITISH SHIPS.

780. ***Mr. K. C. Neogy**: (*a*) Will Government be pleased to state if the question of reserving the Imperial coasting trade to British ships

was discussed by a Sub-Committee at the last Ottawa Conference, and if so, will Government be pleased to state the views expressed by the delegates from India at that Conference on that subject ?

(*b*) Will Government be pleased to state whether they have received any communication from the India Office on the subject of reserving the Imperial coasting trade to British ships, and if so, will Government be pleased to state whether they have submitted any representation to the India Office on the subject ?

(*c*) If the answer to (*b*) be in the affirmative, are Government prepared to lay a copy of their representation on the table ?

The Honourable Sir Joseph Bhore : (*a*) The attention of the Honourable Member is invited to the reply given by me to a somewhat similar question, on the same subject, asked in the Legislative Assembly by Mr. B. Das on the 28th November, 1932.

(*b*) The answer is in the negative.

(*c*) Does not arise.

PROTECTION TO THE INDIAN SHIPPING COMPANIES.

781. ***Mr. K. C. Neogy :** (*a*) Has the attention of Government been drawn to the following observations made by Sir Alfred Watson in reply to question No. 4538 during the course of his recent evidence before the Joint Select Committee of Parliament :

"I am bound to say, speaking as an European, that the Indians have a case for a large share in their coastal shipping ; and although I opposed the Bill very strongly because it savoured of expropriation, I recognise that Indian company after Indian company which endeavoured to develop a coastal service has been financially shattered by the heavy combination of the British interests. I think those British interests have to realise in the future that they must be prepared for a real partnership and must admit Indians to a share—at least a share in their coastal trade."

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state what steps they have taken or propose to take to protect Indian shipping companies from being "financially shattered by the heavy combination of the British interests" and to secure for them an adequate share of the trade in their home waters and on the overseas ?

The Honourable Sir Joseph Bhore : (*a*) Government have seen the observations referred to.

(*b*) The attention of the Honourable Member is invited to the replies given to somewhat similar questions asked in the Legislative Assembly by Mr. S. C. Shahani and Mr. B. Das on the 29th January, 1931, and the 29th March, 1932, respectively, and in the Council of State by the Honourable Lala Jagdish Prasad on the 8th March, 1933. The whole question of the development of an Indian Mercantile Marine has been engaging the attention of the Government of India for some time past, and they have repeatedly expressed the opinion that a solution of this difficult problem should, as far as possible, be found in an agreed settlement between the interests concerned. I am glad to be able to inform the Honourable Member that considerable progress has been made in that direction.

Dr. Ziauddin Ahmad : May I ask whether the Honourable Member agrees with the observations made by Sir Alfred Watson ?

The Honourable Sir Joseph Bhore : I think that my personal opinion does not matter very much.

Dr. Ziauddin Ahmad : I did not ask the personal opinion of the Honourable Member. On the floor of the House I ask the opinion of the Government.

The Honourable Sir Joseph Bhore : My Honourable friend did not make that clear.

Dr. Ziauddin Ahmad : I now make it clear that I ask the opinion of the Honourable Member for Commerce.

The Honourable Sir Joseph Bhore : My Honourable friend is still asking for an opinion ; but the views of the Government of India have been very definitely laid down as will be seen from Mr. Neogy's next question.

Mr. B. Das : Did it not surprise the Honourable Member to find such an expression of opinion from Sir Alfred Watson on his retirement from India ?

The Honourable Sir Joseph Bhore : That is hardly a matter which calls for a reply.

Mr. B. Das : I would like to know the Honourable Member's opinion on the point.

The Honourable Sir Joseph Bhore : I regret I am not prepared to give any opinion on the point.

Mr. Gaya Prasad Singh : Knowing the antecedents of Sir Alfred Watson, I think nobody should be surprised at the expression of this opinion.

PARTICIPATION OF INDIAN SHIPPING IN THE COASTAL AND OVERSEAS TRADE OF INDIA.

782. ***Mr. K. C. Neogy :** (*a*) Will Government be pleased to state if it is their policy to take steps for providing an adequate participation of Indian shipping,

(*i*) in the coastal trade of India,

(*ii*) in the overseas trade of India ?

(*b*) Will Government be pleased to state if they announced, at the end of the Shipping Conference convened by them in 1930, that the responsibility for taking further steps for the development of Indian shipping in the coastal and overseas trade of India will rest on them ?

(*c*) Will Government be pleased to state if in September, 1932, they further confirmed their policy regarding the development of Indian shipping by stating in the Legislative Assembly "that Government are particularly anxious to facilitate the growth and the expansion of the coastal trade of India in so far as that coastal trade is operated by Indian agencies and through the instrumentality of Indian capital" ?

(*d*) If the answer to (*a*), (*b*) and/or (*c*) be in the affirmative, will Government be pleased to state the steps they have taken, or propose to take, for an adequate participation and development of Indian shipping both in the coastal and the overseas trade of India ?

The Honourable Sir Joseph Bhore : (*a*), (*b*) and (*c*). The reply is in the affirmative.

(*d*) The attention of the Honourable Member is invited to the reply just given by me to his question No. 781.

Dr. Ziauddin Ahmad : May I ask what steps have Government taken to realise the object underlying these questions ?

The Honourable Sir Joseph Bhore : As I have explained, Government hold the view that this very difficult problem can only be settled by general and mutual agreement between the parties concerned. So far as Government are concerned, they have taken every opportunity to try and bring about such agreement. I am glad to be able to say that their efforts have in recent times been successful, and I can assure this House that, so far as the Government are concerned, it will be their constant endeavour to see that the development of the Indian-owned mercantile marine is steadily kept in view and steadily pushed forward.

Sardar Sant Singh : May I know if the Government propose to introduce any legislation to protect this trade in case the British companies do not agree adequately to protect the interests of the Indians ?

The Honourable Sir Joseph Bhore : I do not propose to reply to a hypothetical question.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any conference for considering these agreements is being called ?

The Honourable Sir Joseph Bhore : No : no conference is being called ; but I think the reply to the next question of my Honourable friend, Mr. Neogy, will show that a new arrangement has been arrived at recently.

PARTICIPATION OF INDIAN SHIPPING IN THE COASTAL AND OVERSEAS TRADE OF INDIA.

783. ***Mr. K. C. Neogy :** (*a*) Will Government be pleased to state if their good offices were ever utilised in bringing about an agreement between the British shipping companies and the Indian shipping companies engaged in the coastal trade of India ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state whether any new arrangement that might have been reached with their help effectively provides for an adequate participation of Indian shipping both in the coastal and overseas trade of India ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) I am not in a position to give details, but the arrangement referred to by the Honourable Member provides substantial further opportunities for the development of Indian shipping.

Mr. B. Das : Is it not a fact that since the rapprochement between Sir Leslie Hudson representing the B. I. S. N. Co. and my friend, Mr. Mody, representing the Scindia Steam Navigation Company, these two gentlemen have formed an offensive and defensive alliance and that Sir Leslie Hudson defended the Cotton Yarn Textile Protection Bill which was passed the other day ?

The Honourable Sir Joseph Bhore : I am not aware of any such alliance between my Honourable friends referred to.

Mr. B. Das : Is it not a fact that last Session, before this agreement was reached, my friends, Mr. Mody and Sir Leslie Hudson, were seen always closetted together in the lobby and also in the House ?

GRIEVANCES OF THE INDIAN SHIPPING COMPANIES.

784. ***Mr. K. C. Neogy :** (*a*) Is it a fact that a deputation of Indian ship-owners waited upon His Excellency at New Delhi in October last and submitted to His Excellency the grievances of Indian shipping and pointed out to him that if timely help was not given, Indian Shipping Companies, and especially the small Indian Steamship Companies on the west coast of India, would be wiped out of existence owing to the unfair rate war and other means adopted by the British vested interests ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state what steps they have taken to prevent the small Indian Steamship Companies from being wiped out of existence, and whether they are aware that the freight war carried on against them by the British vested interests has ceased ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) The Honourable Member is referred to the reply given to part (*b*) of his question No. 781. The case of the small Indian Steamship Companies has also been borne in mind in that connection. I have, however, very recently received a further representation on this subject, and am making inquiries into the present state of affairs in the trade in question.

NON-ADMISSION OF INDIANS TO THE PRINCE OF WALES SEAMEN'S INSTITUTE, BOMBAY.

785. ***Mr. K. C. Neogy :** With reference to starred questions Nos. 1058 and 1059 relating to the non-admission of Indians to the Prince of Wales Seamen's Institute, Bombay, put by Mr. B. Das in the Legislative Assembly on the 29th March, 1932, will Government be pleased to lay on the table of this House copies of the answers that may have been sent to Mr. B. Das as promised by the Honourable Sir George Rainy in reply to those questions ?

The Honourable Sir Joseph Bhore : Replies to the questions referred to were laid on the table on the 7th November, 1932.

TRAINING OF MARINE ENGINEERS IN INDIA.

786. ***Mr. K. C. Neogy :** (*a*) Are Government aware that Lord Irwin as the Viceroy of India, speaking at Calcutta in 1928, observed " that India should have its mercantile marine and that the ships of that mercantile marine should be officered as well as manned by Indians " and that he further added that " in modern times experience of countries that have tried to create a mercantile marine has shown that everything depends upon the personnel " and that " on the long view it is the training of the personnel that I believe to be the fundamental of the whole matter in this vital matter " ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state when they propose to provide facilities for the training of marine engineers in India ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) A scheme for the provision of facilities for the training of Marine Engineers in India is at present being worked out, but I am not yet in a position to say when it can be brought into effect. That must depend, among other things, on the possibility of providing the necessary funds.

Dr. Ziauddin Ahmad : Have the Government of India formulated any scheme mentioning the amount of money they require and, if so, whether they have sent any recommendations to the Finance Department about it ?

The Honourable Sir Joseph Bhore : No ; not yet ; the scheme itself is being worked out.

ALLEGED ATTACK ON MAHATMA GANDHI BY THE *Daily Gazette* OF KARACHI.

787. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state if their attention has been drawn to the leading editorial article under the heading " Mr. Gandhi's latest " published in the *Daily Gazette*, the Anglo-Indian paper of Karachi, in its issue of the 18th August, 1933, which has been referred to in the *National Call* of the 24th August, 1933, and the *Sind Observer* of the 20th August, 1933, stating that the *Gazette* " has crossed all bounds of journalistic decency and decorum by indulging in a vituperative outburst against Mahatma Gandhi on account of his recurring fasts, and pleading for meting out to him corporal punishment of the most barbarous and outrageous kind and suggesting flogging him on that part of anatomy which nature has specifically provided for the purpose " ?

(*b*) Is it a fact that the *Daily Gazette*, in its issue of the 18th August, 1933, wrote as follows :

" Most people feel that Gandhiji should be well smacked on part of anatomy nature has specifically provided for the purpose. Unfortunately, he is too old for this type of treatment to prove of any use—certainly his latest antic smacks of a silly old man entering his second childhood. The writer feels disappointed at the impossibility to inflict flogging on Mahatmaji owing to his old age and not because of his cruel nature."

(*c*) Are Government aware that the same *Daily Gazette* has on previous occasions too advocated indiscriminate award of flogging punishment to civil disobedience offenders below the age of 18 and remarked early in 1932 that " buttocks are created or intended by nature for flogging " ?

(*d*) Are Government aware that such provocative writings create bad blood between Europeans and Indians ?

(*e*) Are Government aware that it has been suggested in the papers to take suitable action against the authors of such writings in the *Daily Gazette* ?

(*f*) Are Government aware that Mahatma Gandhi is held in great reverence by the millions in India ?

(*g*) Have Government consulted their law officers with a view to taking any action against the *Gazette* ? If so, with what result ?

(*h*) Do Government propose to take action against the *Daily Gazette* under the Press Act, or the Penal Code, or otherwise ? If not, why not ?

Mr. T. Sloan : (*a*) The Honourable Member's question has directed my attention to the article and the comments on it referred to. I ought to add that the *Daily Gazette* has published a further article repudiating the interpretations placed on its words in the comment quoted.

(*b*) The first two sentences quoted by the Honourable Member occur substantially in the article. The third does not, and appears to be the interpolation of a critic.

(*c*) Government have no information.

(*d*) to (*h*). The question of the effect produced by an article of this kind is one which can best be judged by the Local Government, who have power to take action against any writings that offend against the law.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the Local Government, which, in this case, is the Commissioner in Sind, has called for any explanation from the *Daily Gazette* ?

Mr. T. Sloan : I have no information.

Mr. Lalchand Navalrai : Does the Honourable Member know that the reply of the *Daily Gazette* on August 30th, 1933, to which perhaps the Honourable Member made reference, admits the two portions of the statement made in part (*b*) of the question ?

Mr. T. Sloan : Yes.

Mr. Lalchand Navalrai : Does the Honourable Member also see the silly explanation given, which is this, that the spanking referred to signified the action of an exasperated mother with a fractious child and the phrase was figurative connected with the childishness imputed to Mr. Gandhi's fasting antics which are similar to those of a child who refuses its food because its parents do not give in to its will ? May I know, with this explanation, whether the Honourable Member would think it necessary to call the attention of the Bombay Government that the answer is only childish and the allegation is admitted, and that action should, therefore, be taken against the *Daily Gazette* ?

Mr. T. Sloan : No, Sir. The Government of India do not propose to call the attention of the Government of Bombay to a reply which explains the obvious meaning of the article.

Mr. Lalchand Navalrai : May I know, therefore, whether Government are accepting this explanation which will not be acceptable even to a child ?

Mr. T. Sloan : The explanation given is an obvious one to any one who has a good knowledge of the English language.

Mr. Lalchand Navalrai : May I know if the Honourable Member is aware that there have been so many criticisms over this article which has been called childish and if he thinks that those who have criticised do not also know the English language well ?

Mr. T. Sloan : I have not seen any criticism, Sir, except the Honourable Member's.

Mr. M. Maswood Ahmad : Are Government aware that these articles have injured the feelings of many people who are living in the areas administered by the Central Government also ?

Mr. T. Sloan : Government have nothing to say in defence of the article.

Mr. M. Maswood Ahmad : I want to know whether Government are aware that these articles have injured the feelings of people who live in the areas administered by the Central Government ? This is a very simple question.

Mr. T. Sloan : The Government are not aware of the feelings of all the people who read or have read this article.

Mr. M. Maswood Ahmad : Do Government read nationalist papers as well ?

Mr. T. Sloan : Yes, Sir.

Pandit Satyendra Nath Sen : May I know if the reference made by the *Daily Gazette* is to Indian buttocks only or European buttocks as well including those of the editor himself ?

Mr. T. Sloan : I believe the buttocks referred to were Indian.

Mr. Gaya Prasad Singh : Is not the most appropriate form of punishment to the Anglo-Indian writers of such scurrilous articles that they should be flogged on that part of the body which is mentioned in (*c*) of the question ?

Sir Cowasji Jehangir : May I ask the Honourable Member whether Government have come to the conclusion that this article does not fall within the four corners of the law and that a criminal prosecution is not possible ?

Mr. T. Sloan : As I have said, that is a matter for the Local Government to consider.

Sir Cowasji Jehangir : Does the Honourable Member know that the Local Government is under the control, supervision and direction of the Government of India ?

Mr. T. Sloan : Yes, Sir.

Sir Cowasji Jehangir : Then does the Honourable Member know that it is for the Government of India also to make up their minds whether to launch a prosecution or not, because they, and not the Local Government, are responsible to this House ? I will ask a very simple question. Have the Government of India come to the conclusion that this article does or does not fall within the four corners of the law ?

Mr. T. Sloan : No, Sir ; the Government of India have not come to any conclusion on the subject, because they consider that the matter is one for the Local Government. It is perfectly right that the Local Government is under the direction, superintendence and control of the Government of India, but that does not mean that the Government of India should interfere with the Local Government in its day to day administration.

Sir Cowasji Jehangir : Does the Honourable Member mean to say that it is not the duty of the Government of India even to give the slightest consideration to the matter ?

The Honourable Sir Joseph Bhore : May I intervene for a moment, Sir, with your permission ? If my Honourable friend said that these articles were in questionable taste, I think there would be no difficulty in agreeing, but, Sir, it is a very different matter when you come to a question of criminal prosecution. A publication may offend against the canons of good taste, and yet it may not possibly be a fit subject for prosecution. I cannot speak for the Home Department, but I shall bring it to the notice of my Honourable colleague, the Home Member, and I have no doubt that he will send a copy of the questions and the replies given in this House to the Local Government for their consideration.

Sir Cowasji Jehangir : My question was, whether the Government had come to the conclusion that this article did not fall within the four corners of the law, and the answer given was that the Government of India had given no consideration to this matter. The answer evidently should have been whether it fell within the four corners of the law or not, but; instead of that, I am told that the Government of India had given no consideration to this matter. Mr. President, I think it is the duty of the Government of India to tell us whether they have given any consideration to this matter at all or not, whether the article falls within the four corners of the law or not ?

The Honourable Sir Joseph Bhore : I tried to make it perfectly clear that this is primarily a matter for the Local Government and for the exercise of the discretion of the Local Government. The Government of India do not propose to direct the Local Government to take certain action in this matter, but what they will do is, they will bring to the notice of the Local Government the opinions given expression to in this House, so that the Local Government may then come to a conclusion as to what they should do.

Mr. B. R. Puri : May I know, Sir, if the Government of India realise whether or not they have some responsibility in this matter ?

The Honourable Sir Joseph Bhore : I do not question that suggestion at all.

Mr. B. R. Puri : Very well ; then may I know when the publication of an article of this nature is widely circulated and it is also published and circulated in territories which are directly under the direction and control of the Government of India, for instance the Delhi Province, are not the Government of India responsible for an article of that nature which finds publication and broadcasting in a province like Delhi ?

The Honourable Sir Joseph Bhore : Sir, I am not aware of the extent of the publication of this article to which my friend has referred.

Mr. B. R. Puri : May I know if the Government's case is that the publication of an article of this nature never found its way in a province like Delhi ?

The Honourable Sir Joseph Bhore : Will my friend kindly repeat his question ?

thus enable themselves to know that it is a most flagrant case coming under section 153-A of the Indian Penal Code and also under the Press Act ?

The Honourable Sir Joseph Bhore : So far as I am concerned and so far as I am in a position to speak for Government, Government do not propose to take the action suggested by my Honourable friend.

Mr. B. R. Puri : Why ?

Mr. K. C. Neogy : Why ?

Mr. Gaya Prasad Singh : It is because it is an Anglo-Indian paper that is concerned.

The Honourable Sir Joseph Bhore : Because I have explained more than half a dozen times to Honourable Members that the matter is within the direct competence of the Local Government and the Local Government must be left to take such steps as appear to them necessary.

Mr. B. R. Puri : Do the Government realise that it might put a premium on counter attacks of a similar kind ? (Hear, hear.)

Mr. N. M. Joshi : You will be sent to jail.

An Honourable Member : Blood is thicker than water.

The Honourable Sir Joseph Bhore : I am afraid that counter attacks already exist and I do not think they can be intensified by any action such as has been referred to.

Dr. Ziauddin Ahmad : In view of these questions that have been asked this morning, is it not desirable that Government should at least know whether this article did or did not come within the four corners of the law ? They can find it out from the Law Department.

The Honourable Sir Joseph Bhore : I really cannot go beyond what I have already said.

Sardar Sant Singh : May I know if it is the consistent policy of the Government of India not to interfere with local affairs, and, if so, may I know why terrorist outrages are condemned in this House ?

The Honourable Sir Joseph Bhore : I suggest that it hardly arises out of this question.

Sardar Sant Singh : It does arise in this way. When we are trying to put down terrorist outrages in the country, such inflammable material is supplied by the Anglo-Indian Press. Therefore, I say, if terrorist outrages are to be condemned in this House, and they are properly condemned, then such outrages on the part of Anglo-Indian papers must be taken notice of by the Government. May I know why, the Government will not take notice of this ?

The Honourable Sir Joseph Bhore : I have already explained that it is perfectly open to this House to condemn an article such as that which is being discussed this morning. I have further explained that at the present moment Government will not do more than bring this

condemnation, as expressed by Honourable Members in this House, to the notice of the Local Government for their consideration. I regret that I am unable to say anything beyond what I have already stated.

Mr. H. P. Mody : If the Government of Bombay do not choose to take action in this matter, then, in view of the strong feeling exhibited in this House and outside, on account of this silly effusion, do the Government of India propose to call upon the Bombay Government for an explanation ?

The Honourable Sir Joseph Bhore : It is a purely hypothetical question.

Mr. H. P. Mody : It is not a hypothetical question. I want to know whether the Government of India propose to call upon the Bombay Government for an explanation in the event of the Bombay Government not taking any action ?

The Honourable Sir Joseph Bhore : It is obvious on the face of it.

Mr. H. P. Mody : What is obvious ?

The Honourable Sir Joseph Bhore : That it is hypothetical. If my Honourable friend will only take the trouble to consider his own question, he will realise it.

Sir Cowasji Jehangir : May I ask the Government one simple question ? Is it their policy to make any distinction between papers which may tend to cause a breach of the peace by attacks against the Government or against anybody else, the result being a breach of the peace in both cases ?

The Honourable Sir Joseph Bhore : As far as I know, it is not the policy of Government to make any distinction whatever.

Mr. B. Das : Are Government aware that their superintendence, direction and control over the Bombay Government has failed, and are they aware that the Bombay Government at the slightest pretext ask for heavy deposits from Indian edited papers, while they allow Anglo-Indian edited papers to go on creating racial hatred between Indians, Europeans and the British Government ?

The Honourable Sir Joseph Bhore : Government are not aware that their superintendence, direction and control had failed in any case.

Mr. B. Das : The reply of the Government does not indicate that.

Mr. A. Hoon : In view of the fact that the questions put by Mr. Mody are considered hypothetical by the Government, will Government be pleased to ask the Bombay Government at once why no action has so far been taken by them and why they have been sleeping over this matter ?

The Honourale Sir Joseph Bhore : I am not prepared to go beyond what I have indicated that the Government of India would do in this matter.

Mr. Vidya Sagar Pandya : Are you anxious and prepared for an adjournment motion on this matter ?

Some Honourable Members : There must be an adjournment motion on this tomorrow.

Mr. B. R. Puri : May I know if the Government of India are in a position to assert that this newspaper article was not really published in Delhi ?

Mr. T. Sloan : Whether the *Daily Gazette* of Karachi reaches Delhi or not, I cannot say, but the article was substantially repeated in the *National Call* which, I understand, is published in Delhi.

Mr. K. C. Neogy : Was any action contemplated against the *National Call* by the Government of India ?

Mr. T. Sloan : No, Sir.

Mr. K. C. Neogy : Why not, Sir ?

Mr. T. Sloan : I want notice of that question.

Mr. Lalchand Navalrai : May I know, Sir, whether the Honourable the Leader of the House agrees with the reply given by the Home Secretary, because it appears to me that he is prejudicing the case by giving his opinion for the consideration of the Local Government ?

The Honourable Sir Joseph Bhore : My friend must not ask me for my opinion on the reply given by another Department of the Government of India.

Mr. Lalchand Navalrai : May I, therefore, know from the Joint Secretary of the Home Department himself whether any such expression has been ever used in the United Kingdom with regard to a child and whether the buttocks of any British people will be spanked ?

Mr. T. Sloan : If the Honourable gentleman had knowledge of United Kingdom, he would know that in many households there it is customary for the buttocks to be spanked.

Mr. Lalchand Navalrai : I will merely ask the Honourable Member to say whether the simile can be applied to a man of the position of Mahatma Gandhi ?

Mr. R. S. Sarma : In view of the fact that the Publicity Officer of the Government of India is in direct touch with newspapers all over the country, will Government be pleased to direct him to draw the attention of the editor of the *Daily Gazette* to this article and to ask him, if necessary, in a friendly manner, to refrain from writing any more articles of a provocative character ?

Mr. Lalchand Navalrai : And also to offer an apology ?

Mr. T. Sloan : The Honourable the Leader of the House has already undertaken to see that copies of the questions and answers on this subject be sent to the Bombay Government, and they will no doubt consider whether it is desirable or not to take the action suggested by the Honourable Member.

Mr. F. E. James : Will the Honourable Member inform the House as to whether it is not within the power of Mahatma Gandhi himself to take action under the law against the editor of this paper if he considers that this article transgresses the law of libel ?

Mr. T. Sloan : That, Sir, is a legal question, but I think if Mr. Gandhi was advised that he can take action, then there will be nothing to prevent him from taking action.

Mr. N. M. Joshi : May I ask, Sir, whether Government are absolved from their duty simply because a private person can take action under the law ?

The Honourable Sir Joseph Bhore : I think, Sir, I have already made the point abundantly clear. The point is, the Government of India do not propose to interfere directly in this matter, but they will bring all that has been said in this House to the attention of those who are directly responsible in this matter.

Mr. Gaya Prasad Singh : Will Government be pleased to see that the Honourable the Home Member is present, if necessary, so that the answers to questions relating to his Department may be more fully given than has been given by the Joint Secretary ?

Mr. Gaya Prasad Singh : Will Government kindly also see that the Home Member is present in this House so that answers to questions relating to his Department may be more fully given than has been done by the Honourable Member ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable the Joint Secretary in the Home Department has already expressed on behalf of the Home Member his regret at his inability to be present here. The Home Member, as far as the Chair is aware, has never been absent when questions are asked. (Cheers.)

Mr. Gaya Prasad Singh : Does the Chair realise that the reply of the Honourable Member, the Joint Secretary in the Home Department, has been rather flippant to some of the questions asked by my Honourable friend, Mr. Lalchand Navalrai ? I never meant any reflection on the Home Member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order, The Chair is not concerned with the nature of the answer given by any Member of the Government. But the Chair is certainly concerned to see that every Member of Government shows courtesy to this House by being present in his place, when subjects relating to his Department are discussed. and the Chair has no reason to think that the Home Member has failed in his duty.

Mr. B. R. Puri : May I know if the Government of India are now disposed, in view of the most flagrantly indecent character of this attack upon a very revered gentleman, to transmit to the Government of Sind their strong condemnation of the article in question, and not merely to be content with despatching the question and answers which are being gone into in this matter this morning ?

The Honourable Sir Joseph Bhore : I cannot engage that the Government of India will commit themselves to any expression of opinion, and I regret that I am not in a position to go any further than I have gone this morning in the matter.

Mr. B. R. Puri : May I know if the Government of India are at all disposed to take legal opinion with reference to this article and

PROTECTION OF THE PRIVATE DAIRY INDUSTRY FROM THE UNFAIR COMPETITION OF MILITARY DAIRIES.

788. ***Mr. Jagan Nath Aggarwal** : (*a*) Will Government be pleased to state whether in May last they received any representation from the private dairy owners of Simla and other places, complaining against the Government military dairies interfering with private dairy enterprise, by sending out their produce for sale outside the regimental lines ?

(*b*) Are Government aware that their representation received the full support of several leading newspapers and trades associations in India ?

(*c*) If the reply to part (*a*) above is in the affirmative, will Government kindly state whether they have taken, or propose to take, any action to redress the grievances embodied in the above representation, to protect the private dairy industry from the unfair competition of the military dairies ? If not, why not ?

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) Government have only received one other representation on the subject from the Indian Merchants' Chamber, Bombay.

(*c*) The matter is at present under the consideration of Government.

Mr. Gaya Prasad Singh : Have Government received a representation sent by numerous owners of dairy farms protesting against the military dairy farm at Jutogh competing with private enterprise ?

Mr. G. R. F. Tottenham : Yes. I have said so in answer to part (*a*) of the question.

Mr. Gaya Prasad Singh : Is it a fact that large tracts of valuable land were granted to the military dairy farms free or on nominal value to help them for the sake of military necessity only ?

Mr. G. R. F. Tottenham : The dairy farms have been supplied with land, but not free. If the Honourable Member would read the answer that I gave to a question asked by my Honourable friend, Mr. Lalchand Navalrai, some days ago, he would find that the farms have to pay rent to Government on the market value of all land that was placed at their disposal.

Mr. Gaya Prasad Singh : Is it a fact that the Military Dairy Farm at Jutogh make purchases from some of the local *gowalas*, keep country buffaloes and take their milk and then supply it to the civil population outside the regimental areas ?

Mr. G. R. F. Tottenham : There is a further question on that point which is coming later.

Dr. Ziauddin Ahmad : If these are commercial concerns, will Government lay the balance sheets of these concerns before the House ?

Mr. G. R. F. Tottenham : I am perfectly prepared to do so. In fact, I think they were already laid before the Military Accounts Committee and the Public Accounts Committee.

Mr. Gaya Prasad Singh : Is it a fact that the Military Dairy Farm at Jutogh is working at a loss ?

Mr. G. R. F. Tottenham : Yes, it is working at a slight loss at present.

Mr. Gaya Prasad Singh : Is it a fact that Messrs. Edward Keventer, Ltd. once offered in 1921, to undertake to supply the full requirements of dairy produce in Jutogh from their farm at Taradevi on same price, but that offer was refused ?

Mr. G. R. F. Tottenham : I have no information on that point, but probably that is so.

Mr. Gaya Prasad Singh : May I know why their offer was not accepted and the Military Dairy Farm has been allowed to compete with private enterprise, even though working at a loss ?

Mr. G. R. F. Tottenham : I do not admit that the Jutogh Dairy Farm does compete with private enterprise, but probably the reason why the offer of Messrs. Keventer and Co., was turned down was that the prices of their products were considerably higher than those of the Dairy Farm.

Mr. Gaya Prasad Singh : Is it a fact that the produce of the Jutogh Dairy Farm is only supplied to the officials of Simla, and not to the non-officials of the City ? If so, why this discrimination ?

Mr. G. R. F. Tottenham : That, Sir, is a fact. It is due to the policy of the Government of India which lays down that the surplus output of Government factories must be used in supplying other departments of Government and that the supply to private consumers should come last. Objections were raised to our supplying private consumers in Simla with these dairy products and, in accordance with that policy, we prohibited the supply of the dairy products from Jutogh to other than officials in Simla.

Mr. Gaya Prasad Singh : Will Government kindly state why milk is purchased by the Military Farm at Jutogh from local *gowalas* and then sold to the civil population ?

Mr. G. R. F. Tottenham : As I have explained just now, there is another question on that subject coming along.

LEASING OUT OF MILITARY DAIRIES TO CONTRACTORS.

789. ***Mr. Jagan Nath Aggarwal** : (*a*) Is it a fact that Government Military Dairies were originally started to meet the requirements of the regimental ranks and families, but are now freely encroaching on the field of private trade ?

(*b*) Did Government issue any subsequent orders governing the sale of dairy produce from Government Military Dairies to residents outside the regimental areas, and if so, what are those orders ?

(*c*) Is it a fact that the bread loaves manufactured at the Government Military Bakeries are not so freely offered for sale to the general public as the produce of the Government Military Dairies ?

(*d*) Is it also a fact that the local military authorities do not generally allow any private dairyman to do any dairy business inside the regimental areas, where a Government Military Dairy exists ?

(*e*) Will Government kindly state how they justify the existence of these Government Military Dairies ? Is it a fact that all other food

requirements for the army are supplied by approved regimental contractors ?

(*f*) Are Government prepared to consider the advisability of leasing out the present Military Dairies to qualified contractors ?

Mr. G. R. F. Tottenham : (*a*) and (*b*). Military Dairies are intended to supply pure dairy products to troops, Army Departments and establishments in peace and war. They have no desire to encroach on the field of private trade, but as the military demand which they have to meet fluctuates considerably and as it is desirable that they should work as economically as possible, they have been permitted for many years to sell surplus produce, when available, at remunerative rates to non-military government officials and their families and also except in Simla to the public.

(*c*) Yes.

(*d*) In those Cantonments in which Government Military Dairies have been established, British soldiers are not permitted to purchase dairy produce from other sources. The prohibition does not extend, however, to soldiers' families or to Indian soldiers.

(*e*) and (*f*). In the opinion of Government, Military Dairies must continue for many years to come in order to meet war requirements, and any reduction of their number in peace will be impossible until private firms demonstrate that they are able to supply dairy products of the required standard. The contractor system has not proved satisfactory in those cantonments in which it has been tried.

Mr. Jagan Nath Aggarwal : Do I understand that even in Simla, the military requirements cannot be met from private agencies ?

Mr. G. R. F. Tottenham : That is a question which I shall look into. I suppose it might be possible to get supplies, but not at the prices charged by the Military Dairy Farm.

Mr. Gaya Prasad Singh : Has the attention of the Government been drawn to their own order, dated Simla, the 22nd April, 1932, which runs as follows :

" Though Government dairies are only intended for the supply of produce to troops Army Departments and establishments, and are not to embark in private trade, as this prohibition falls heavily on non-military Government officials and their families desirous of obtaining supplies when the same are available, it has been decided that where any surplus exists at a dairy it may be issued to civilians provided it can be sold at remunerative rates.

Mr. G. R. F. Tottenham : Yes, Sir.

Mr. Gaya Prasad Singh : May I know as stated in this order, it is only the surplus that should be sold to the civil population ? Why should the Military Dairy Farm at Jutogh purchase milk from local *gowalas* and then sell it to the civil population ?

Mr. G. R. F. Tottenham : I have already said that there is another question on that subject.

Mr. Jagan Nath Aggarwal : I should like to know definitely—is it quality or is it economy that is at the basis of this military dairy ?

Mr. G. R. F. Tottenham : Both.

Mr. Lalchand Navalrai : Why should not this produce be made self-sufficient for the military ? Why should there be a surplus ?

Mr. G. R. F. Tottenham : As I have already explained, the military demand fluctuates considerably from time to time and it is impossible to say that the military demand is any fixed figure.

Mr. Gaya Prasad Singh : With regard to the answer of the Honourable the Army Secretary as to the quality of the milk produced, has his attention been drawn to this portion of the representation of the dairy farms at Simla, in which it is stated that the military dairies have been " compelled to keep a good many country buffaloes of some contractor in their farm for purchases of milk, and, to break the gravity of the buffaloes milk, they take out a certain percentage of cream from this milk and then offer this milk for supply and also purchase cream from outsiders to make butter for their supply."

Mr. G. R. F. Tottenham : That is not true.

Mr. Gaya Prasad Singh : Is this the quality of the milk to which you referred—cheating the public ?

PROTECTION OF THE PRIVATE DAIRY INDUSTRY FROM THE UNFAIR COMPETITION OF MILITARY DAIRIES.

790. ***Mr. Jagan Nath Aggarwal:** (*a*) Are Government aware that during the last few years many educated young men have qualified in the dairy industry at the various Government institutions, but they have no scope to develop the dairy business in view of the Government Military Dairies coming in the field to cut out private enterprise by their competition ?

(*b*) Is it not a fact that the private dairy enterprises alone meet the requirements of the military residents where a Government Military Dairy does not exist ?

(*c*) Are Government aware that several private dairies possess credentials and warrants of appointments for good services, from the highest civil and military officers ?

(*d*) Are Government also aware that even the Government Military Dairies regularly purchase a considerable amount of cream from the contractors for making butter, and also employ local *ghosis* and hire their cattle for purchase of milk at their farms to cope with their increasing demand ?

(*e*) Are Government prepared to issue necessary instructions for the Government Military Dairies to restrict their activities within the regimental areas, in the interests of safeguarding the private dairy industry ?

Mr. G. R. F. Tottenham : (*a*) Government are aware that a certain number of young men obtain the Indian Diploma of Dairying issued by the Imperial Institute of Animal Husbandry and Dairying at Bangalore. The scope for private enterprise outside the radius served by Government Military Dairies is enormous.

(*b*) There are several cantonments in which the troops depend either on cantonment dairies, or regimental dairies or on private enterprise.

(*c*) I am prepared to accept the Honourable Member's assurance on this point.

(*d*) Large amounts of cream are purchased and pasteurized for the manufacture of butter, but very little milk or cream is purchased for direct supply as milk or cream. In exceptional cases cattle are hired to meet urgent unforeseen demands, but these cattle are kept, fed and milked on Military Dairy Farm premises, and as far as possible, the milk obtained from them is used to feed the calves of the Military Dairy herd and not for direct supply to consumers. Milk is not purchased simply to meet demands from the non-military public.

(*e*) The matter is at present under consideration.

Mr. Jagan Nath Aggarwal : Do the Government realise that it is part of their duty to encourage private dairy farms as well ?

Mr. G. R. F. Tottenham : Certainly.

Mr. Jagan Nath Aggarwal : May I know what has been done in that connection during recent years outside military areas ?

Mr. G. R. F. Tottenham : I should like to have notice of that question.

Mr. Gaya Prasad Singh : Considering the complaints from the representatives of private dairy farms on this point and the complaints expressed on the floor of the House, will the Honourable the Army Secretary be pleased to consider the question of either limiting the supply of the Jutogh Military Dairy Farm only to regimental areas or to close up the Jutogh Dairy Farm altogether, if it is working at a slight loss ?

Mr. G. R. F. Tottenham : I have already said in reply to this question that Government are considering that matter already, and, in considering it, they will take into account the views that have been expressed by Honourable Members this morning.

Mr. M. Maswood Ahmad : Is it a fact that all such dairies are running at a loss ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. M. Maswood Ahmad : Will Government state whether there is any dairy which does not run at a loss ?

Mr. G. R. F. Tottenham : Will the Honourable Member wait till I answer the next question ?

PROFIT AND LOSS OF THE GOVERNMENT MILITARY DAIRIES.

791. ***Mr. Jagan Nath Aggarwal :** (*a*) Will Government be pleased to lay on the table a statement showing the figures of the total net yearly profit and loss incurred by the Government military dairies during the last five years ?

(*b*) Will Government be pleased to state what amount, if any, has been written off from their accounts since the Government military dairies started ?

(*c*) Will Government kindly state the total quantity of butter, cream and milk sold by military dairies, during the year ending 31st March, 1933, showing what percentage of the same was obtained from Government owned cattle and how much from purchased stuff ?

(*d*) What is the average specific gravity, fat percentage and other specifications allowed in the saleable dairy products of Government military dairies ?

Mr. G. R. F. Tottenham : (*a*) In 1928-29 the net profit amounted to Rs. 48,620 ; in 1929-30 to Rs. 1,00,835 ; in 1930-31 to Rs. 71,893 ; in 1931-32 to Rs. 1,17,181 ; and in 1932-33 to Rs. 83,563.

(*b*) Owing to abnormal prices and purchases during the Great War, the Military Dairy Farms became overburdened with Capital. With a view to working the farms on a sound commercial basis their capital assets were revalued by a committee in 1925 ; and the revaluation resulted in a reduction of Rs. 12,74,608 which was written off in the accounts of the year 1924-25. Working losses sustained up to 1924-25 were also written off to the extent of Rs. 42,71,922. Since 1924-25 no amount has been written off.

(*c*) The total quantity of milk, butter and cream sold by Military Dairies in India during the year ending the 31st March, 1933, amounted to :—

	lbs.
Milk	1,15,96,380
Butter	9,28,267
Cream	1,31,106

Information regarding the percentage referred to at the end of the question is not readily available, but probably over half the butter was made from purchased cream, while well under 1 per cent. of the milk and none of the cream was purchased in the open market.

(*d*) The milk specification is as follows :

	Per cent.
Butter Fat	3.7
Solids other than fat not less than	8.5

Butter has to contain :—

Not more than 16 per cent. of water and 3 per cent. of salt.

UNSTARRED QUESTIONS AND ANSWERS.

DEFECTS IN CERTAIN QUARTERS OF LAKE AND CLIVE SQUARES IN NEW DELHI.

33. **Mr. M. Maswood Ahmad :** Will Government be pleased to state :

(*a*) whether the Eastern wings of the quarters of Lake and Clive Squares in New Delhi are of old type and have many defects, for instance, (*i*) there are only two bed-rooms ; (*ii*) smoke-chimney is very defective ; (*iii*) the existing inner court-yard exposes the inmates to the blasting sun during the summer ; (*iv*) there are no windows in the bath room and the kitchen godown ; (*v*) the downpour of rain from the gutters comes into the honeycombs of the kitchen godown and the bath room, etc. ;

(*b*) whether budget provision was made to alter these quarters and those in the Hastings Square but the work was stopped after the quarters in the Hastings Square were so altered ?

(*c*) whether the majority of the inhabitants of the quarters in the Lake and Clive Squares live throughout the year while those of the Hastings Square are migratory and Government do not charge any rent from the latter ;

(*d*) whether the inhabitants of the Lake Square quarters represented the difficulties more than once but no measures have been adopted to carry out the alterations ;

(*e*) if the reply to the above parts be in the affirmative, the reasons which led to the differential treatment being meted out to the occupants of these squares and whether the difficulties of the occupants are proposed to be removed without delay by carrying out the necessary alterations ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) Yes ; the quarters referred to are of an old type. The replies to the different parts of the question are :

(*i*) Yes.

(*ii*) No.

(*iii*) No. The courtyard is designed to provide light, ventilation and air.

(*iv*) There are no windows but brick honeycomb openings, *i.e.*, *jalies*, are provided.

(*v*) Ordinarily, this does not happen.

(*b*) No budget provision was made for any alterations to the quarters in Lake and Clive Squares, while the cost of alterations to the quarters in Hastings Square was met by reappropriation.

(*c*) Yes. The quarters in Hastings Square are occupied by the members of His Excellency the Viceroy's staff who are both migratory and non-migratory and are entitled to occupy them free of rent.

(*d*) and (*e*). Representations have been received from the occupants of similar type of quarters in other squares, but the additions and alterations could not be carried out on account of financial stringency.

STOPPAGE OF EXPRESS TRAINS AT KHATAULI, NORTH WESTERN RAILWAY.

34. Mr. Jagan Nath Aggarwal : (1) Will Government be pleased to state whether the Up Bombay Express No. 57 and Down Express No. 58 do not stop at Khatauli on the North-Western Railway, which is nearly midway between Muzaffarnagar and Meerut Cantonment ?

(2) Is it a fact that Khatauli has a much larger population—8 or 9 times the population of Mansurpur and Daurala where these trains stop—and is also commercially more important and also the nearest Railway Station to the Tahsil headquarters at Janseth ?

(3) Are there any special reasons why the Bombay Express trains should stop at those stations and not at Khatauli and will Government please state the reasons ?

(4) Is it a fact that a big sugar mill is also being erected at Khatauli and will Government please give the figures for the goods and passenger traffic on this station from 1st April to 15th August, 1933, as also the figures for Mansurpur and Daurala Stations for the same period and also for the corresponding period in 1932 ?

(5) Are Government prepared to consider the advisability of asking the North Western Railway Administration to arrange the stoppage of the Express at Khatauli ?

Mr. P. R. Rau : (1) Yes.

(2) to (4). Government have no information.

(5) I am sending a copy of the question to the Agent, North Western Railway, for considering the suggestion made by the Honourable Member.

INDIAN POSTS AND TELEGRAPHS EMPLOYEES' MUTUAL RELIEF FUND, LAHORE.

35. Mr. S. C. Mitra : (*a*) Will Government be pleased to state whether they are aware of the fact that in Lahore there is a fund named Indian Posts and Telegraphs Employees' Mutual Relief Fund ?

(*b*) Are Government aware that Mr. Jamita Ram, Assistant Postmaster, Lahore General Post Office, is the General Secretary of the Fund ?

(*c*) If the reply to parts (*a*) and (*b*) be in the negative, will Government be pleased to call for a copy of the Rules and Regulations of the Fund from Mr. Jamita Ram ?

(*d*) Is it a fact that the Fund is not registered ?

(*e*) If not, do Government propose to take necessary steps to see that this Fund which has got many members from amongst the postal employees, is registered without delay ?

(*f*) Are Government prepared to refer the rules and regulations of this Fund to the Government Actuaries in order to examine whether the Fund is being managed on a sound basis ?

(*g*) Will Government please further state whether they raised any objection to such a fund being managed without being registered ? Are Government aware that it is very necessary in the interest of the members ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). The reply is in the affirmative.

(*c*), (*d*), (*e*) and (*f*). The Fund is a private one in the management of which Government are not concerned. It is not registered in the office of the Registrar, Co-operative Societies. Government see no reason to take any action as suggested by the Honourable Member.

(*g*) As already explained, Government have nothing to do with the Fund which is a private concern.

GRIEVANCES OF MUSLIMS AGAINST THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

36. Seth Haji Abdoola Haroon : (*a*) Have the various articles and editorial notes published in the :

(*i*) *Eastern Times* of Lahore, dated the 30th June, 12th July, 18th July and 22nd August, 1933,

(*ii*) *Weekly Mail* of Lahore, dated the 3rd July, 10th July, 17th July, 7th August and 21st August, 1933, and

(*iii*) *Pilot* of Amritsar, dated the 9th July,

regarding the Medical Department of the North Western Railway, come to the notice of Government, and have any steps been taken to verify the allegations contained therein ? If so, with what result ?

(*b*) Do Government intend to appoint an impartial enquiry committee to enquire into the serious allegations contained therein ?

(*c*) What other action do Government propose to take to redress the grievances and right the wrongs done to Mussalmans as alleged in the articles referred to above ?

Mr. P. R. Rau : (*a*) Government have seen some of the articles referred to.

(*b*) and (*c*). I have sent a copy of these questions together with the copies of the papers in the possession of Government to the Agent, North Western Railway, for such action as he may consider necessary.

COMMUNAL COMPOSITION OF DISTRICT MEDICAL OFFICERS ON STATE RAILWAYS.

37. **Seth Haji Abdoola Haroon :** (*a*) Will Government be pleased to state the communal composition of the District Medical Officers on State Railways, and particularly on the North Western Railway ?

(*b*) Is it a fact that it is proposed to appoint some District Medical Officers in the near future ? If so, will Government please state if, in order to bring up the representation of Mussalmans to an adequate level, only Mussalmans will be recruited for some time ?

Mr. P. R. Rau : (*a*) On all State-managed Railways taken together, the total number of officers in the superior service of the Medical Department is 39. Of these, 18 are Europeans, one Anglo-Indian, sixteen Hindus, three Muslims, two Sikhs, and three belong to other communities.

On the North Western Railway, the total number is 4, of whom one is a European, one a Hindu, one a Muslim and one a Sikh.

(*b*) The question of recruiting some District Medical Officers for the North Western Railway is at present under consideration. In such recruitment, Government will follow the policy laid down to prevent undue preponderance of any one class or community.

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICE OF THE CHIEF MEDICAL AND HEALTH OFFICER, NORTH WESTERN RAILWAY.

38. **Seth Haji Abdoola Haroon :** (*a*) Will Government be pleased to lay on the table a statement giving the communal composition, by grades, of staff in the office of the Chief Medical and Health Officer, North Western Railway, Lahore, as well as giving by communities the number and grades of District Medical Officers, Assistant Surgeons, Sub-Assistant Surgeons and Dispensers on the North Western Railway, showing separately the Brahmin and non-Brahmin Hindus ?

(*b*) Do Government realise that the representation of Muslims in almost every category and grade is very meagre ? If so, will Government please state the special reasons to which this could be attributed ?

(*c*) Is it a fact that there is a large number of Brahmin, as against non-Brahmin, Hindus ? If so, to what special reason, if any, do Government attribute this difference ?

(*d*) Will Government be pleased to state the number of vacancies that occurred in the above grades and categories in 1933 and the communal composition of staff recruited ?

(*e*) Were the standing orders of Government in regard to maintaining, or bringing up to an adequate level, the communal balance in the services duly observed ? If not, what action do Government propose to take against the persons concerned ?

Mr. P. R. Rau : (*a*) Government regret that they are not prepared to supplement with figures for particular classes of posts the information in regard to communal representation in Railway Services given in the annual Administration Report on Indian Railways.

(*b*), (*c*), (*d*) and (*e*). I am making enquiries on the points raised by the Honourable Member.

GRANT OF ENHANCED SALARIES TO HINDU ASSISTANT SURGEONS WITH ENGLISH QUALIFICATIONS.

39. **Seth Haji Abdoola Haroon :** (*a*) Is it a fact that Hindu Assistant Surgeons with English qualifications have been given enhanced salaries whereas similarly qualified Muslims were only offered the minimum pay of the grade, which resulted in the non-acceptance of the offers by the latter ?

(*b*) If so, will Government please state the reasons for the differential treatment being meted out to them as against Mussalmans ?

Mr. P. R. Rau : I have called for the necessary information and will place a reply on the table in due course.

REPRESENTATION OF MUSLIMS IN THE ESTABLISHMENT BRANCH OF THE OFFICE OF THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

40. **Seth Haji Abdoola Haroon :** (*a*) Is it a fact that all the Muslim clerks formerly working in the Establishment Branch of the Chief Medical Officer's office, North Western Railway, Lahore, have either been dismissed, transferred to other departments altogether, or put to work on unimportant duties in other branches, and far junior Hindu clerks have been put to work in their places, to the entire exclusion of Muslim element from the Establishment Branch ?

(*b*) Is this policy of weeding out Mussalmans from the Establishment Branches in accordance with the recommendations contained in the Hassan Report ? If not, what action do Government propose to take to ensure adequate representation of Mussalmans in this branch ?

Mr. P. R. Rau : Government have no information, but are enquiring into the matter.

COMMUNAL COMPOSITION OF CLERKS IN THE MEDICAL DEPARTMENT, NORTH WESTERN RAILWAY.

41. **Seth Haji Abdoola Haroon :** (*a*) Will Government be pleased to state the total number of clerks by communities employed in the Medical Department, North Western Railway, in 1928 and in 1933, showing separately the number by communities at the Head Office, Lahore, and sub-offices at out-stations, and specifying those permanent or temporary ?

(*b*) Is it a fact that the number of Muslims in the Chief Medical Officer's office is progressively decreasing, and is it the intention of the authorities concerned to weed out the Muslim element from this office ?

Mr. P. R. Rau : (*a*) The available information is contained in Mr. Hassan's report, copies of which are in the Library.

(*b*) Government have no information as to the exact position in this particular office, but I can assure the Honourable Member that it is not the intention of Government to weed out any community from any office. A copy of this question and the answer given has been sent to the Agent, North Western Railway, for any action necessary.

VICTIMISATION OF MUSLIMS IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

42. **Seth Haji Abdoola Haroon :** (*a*) Is it a fact that all the Hindu permanent clerks in the Chief Medical Officer's office have been given one, two and even three out of the way and accelerated grade promotions as for example :

(*i*) Pt. Ram Rakha, from Grade II to Grade V, *in about three years* ;

(*ii*) Pt. Suraj Prakash, from Grade I to Grade II, *in barely seven days* ;

(*iii*) L. Roshan Lal, from Grade III to Grade V, and for some time officiating in Grade VI, *in about two years* ;

(*iv*) S. Dharam Singh, from Grade I to Grade III, *within a year*, etc., etc. ?

(*b*) Is it also a fact that in contra-distinction to part (*a*) above, here is not a single Muslim clerk in the Chief Medical Officer's office, who has not at one time or other in his service been either reverted to a lower grade, demoted or superseded by a junior non-Muslim or had his promotion stopped for alleged irregularities ?

(*c*) Are Government aware that the Office Superintendent gets the Hindu Head Clerks to write out, or some times even dictates to them himself, reports against their Muslim subordinates in order to make these the basis of their victimisation at a future date ?

(*d*) Is it a fact that L. Ram Narain, formerly Head Clerk of the Medical Section of the Chief Medical Officer's office, particularly mentioned that he had been, against the dictates of his conscience, forced to write an

adverse report against a Muslim clerk working under him, which was subsequently made the basis of the latter's chastisement ?

(*e*) If replies to parts (*b*), (*c*) and (*d*) above be in the affirmative, do Government agree that the communalistic tendencies of the Office Superintendent and his Hindu upper subordinates are responsible for the victimisation of Muslims ? If so, what action do Government propose to take in the matter ?

Mr. P. R. Rau : Government have no information, but are enquiring into the matter.

DISMISSAL OF ONE B. GHULAM MUHAMMAD, A CLERK IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

43. **Seth Haji Abdoola Haroon :** (*a*) Is it a fact that B. Ghulam Muhammad, a clerk in the Chief Medical Officer's office, was dismissed for delaying disposal of certain letters and travelling allowance bills ?

(*b*) Is it a fact that disposal of certain letters and travelling allowance bills was similarly delayed by a temporary Hindu clerk, but he was lightly let off ?

(*c*) Is it a fact that a relative of the Office Superintendent also delayed disposal of certain important letters while working under the Medical Officer, Multan, who strongly reported the matter against him, but no other action beyond that of transferring the clerk concerned under the protection of the Office Superintendent himself was taken against him ?

(*d*) If the replies to parts (*a*), (*b*) and (*c*) above, be in the affirmative, will Government please state the reasons for this differential treatment ?

Mr. P. R. Rau : Government have no information but I have sent a copy of the question to the Agent, North Western Railway, for any action necessary.

DEPUTATION OF A MEDICAL MAN FOR A CLERICAL JOB IN THE OFFICE OF THE MEDICAL OFFICER, LAHORE.

44. **Seth Haji Abdoola Haroon :** (*a*) Is it a fact that a Sub-Assistant Surgeon is working merely as a clerk in the office of the Medical Officer, Lahore ? If so,

(*i*) what is the reason for deputing a medical man for a clerical job and consequently having to pay him a higher salary than that paid to a clerk ; and

(*ii*) are Government prepared in the interest of economy to replace him by an ordinary clerk ? If not, will Government please state the nature of any medical work actually done by him during the last year ?

(*b*) Is it a fact that this Sub-Assistant Surgeon is being paid Rs. 25 as consolidated conveyance allowance for his supposed visits to the Mayo Gardens to attend to servants of officers ? If so, will Government please state the number of any such visits actually paid by him ?

(*c*) Are Government prepared to consider the advisability of discontinuing or drastically cutting down this allowance if it is found that

no such visits are or have ever been paid, or that the number of the visits is meagre ?

Mr. P. R. Rau : I have called for the necessary information and will place a reply on the table in due course.

MISUSE OF PRIVILEGE PASSES BY CERTAIN EMPLOYEES OF THE NORTH WESTERN RAILWAY.

45. Seth Haji Abdoola Haroon : (*a*) Is it a fact that the Office Superintendent, Chief Medical Officer's office, North Western Railway, admittedly misused a Privilege Pass issued in his favour, but was lightly let off, although according to clear Pass rules he should have been summarily dismissed or at least severely punished ?

(*b*) Is it a fact that for similar offences Mr. B. K. Sood, Assistant Controller of Stores, and Mr. Ashwood, Office Superintendent, Divisional Superintendent's Office, Delhi, were summarily dismissed ?

(*c*) If the replies to parts (*a*) and (*b*) be in the affirmative, will Government please state the reasons for the differential treatment ?

Mr. P. R. Rau : I am making enquiries and I shall lay a reply on the table in due course.

COMMUNAL COMPOSITION OF THE STAFF RECRUITED BY THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

46. Mr. M. Maswood Ahmad : Will Government be pleased to state the number of vacancies that were filled by the Chief Medical Officer, North-Western Railway, in 1933, and what was the communal composition of the staff recruited and the source from which they were recruited ?

Mr. P. R. Rau : I am making enquiries and I shall lay a reply on the table in due course.

SUPERSESSIONS ON THE NORTH WESTERN RAILWAY.

47. Mr. M. Maswood Ahmad : (*a*) Is it a fact that the Agent, North Western Railway, *vide* his letter No. E.C./188-W. (Con.), dated the 29th March, 1933, admitted certain supersessions and ordered redressal of the same at an early date ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state what action has been taken to give effect to these orders of the Agent, by the respective Heads of Department ?

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

MUSLIM SUB-ASSISTANT SURGEONS AND ASSISTANT SURGEONS ON THE EAST INDIAN RAILWAY.

48. Mr. M. Maswood Ahmad : Will Government be pleased to state the number of Muslim Sub-Assistant Surgeons and Assistant Surgeons on the East Indian Railway ?

Mr. P. R. Rau : There are seven Muslim Sub-Assistant Surgeons and one Assistant Surgeon on the East Indian Railway.

RECRUITMENT OF MUSLIM EMPLOYEES IN THE GOVERNMENT FORMS PRESS, ALIGARH.

49. Kunwar Hajee Ismail Ali Khan : (*a*) Is it a fact that the Government have fixed a ratio for the recruitment of the Muslim employees in the Government Forms Press, Aligarh ?

(*b*) When was that order enforced ? What is the present representation of Muslim employees in the Government Forms Press, Aligarh, in the clerical branch ?

(*c*) How many Muslims against Hindus have been employed in the clerical branch in the above Press since that order was enforced ?

(*d*) Are Government aware that Muslim claims have been ignored with regard to the representations in the Press ?

(*e*) Do Government propose to issue instructions to the Manager, Government Forms Press, to redress their grievances ?

The Honourable Sir Frank Noyce : (*a*) and (*d*). No.

(*b*) No such order was given ? Seven posts in the clerical branch were held by Muslims in 1932 which is the latest year for which I have information.

(*c*) and (*e*). Do not arise.

INCOME OF THE ACCOUNTANT, GOVERNMENT FORMS PRESS, ALIGARH.

50. Kunwar Hajee Ismail Ali Khan : (*a*) What is the present pay of B. Bhawani Charan, Accountant, in the Government Forms Press, Aligarh ?

(*b*) Are Government aware that he runs a press and makes Government press employees work in his press free of all charges ?

The Honourable Sir Frank Noyce : (*a*) The present pay of the Accountant in the Aligarh Press is Rs. 110.

(*b*) Government have no information, but the Controller is being asked to make enquiries.

CONTRACTS FOR BUILDING AND SUPPLYING GOODS, ETC., IN THE GOVERNMENT FORMS PRESS, ALIGARH.

51. Kunwar Hajee Ismail Ali Khan : (*a*) Is it a fact that contracts for building and supplying goods and waste paper are always held by Hindus in the Aligarh Government Forms Press ?

(*b*) Is it a fact that the tenders are not invited by the Manager, and applications submitted by Muhammadan contractors for considering their rates are turned down ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). The answer is in the negative.

ALLEGATIONS AGAINST THE HEAD CLERK, GOVERNMENT FORMS PRESS, ALIGARH.

52. Kunwar Hajee Ismail Ali Khan : (*a*) Is it a fact that the Head Clerk, Government Forms Press, Aligarh, owns a press at Simla which is called the Victoria Press ?

(*b*) Do Government permit their servants to carry on private business ?

(*c*) How many months leave has the Head Clerk taken since he was posted at Aligarh ?

(*d*) Are Government aware that the leave availed of by him was utilised in looking after his private press ?

(*e*) Are Government aware that the Head Clerk is not in a good financial condition ?

(*f*) Is it a fact that he has borrowed a large sum of money from one of his subordinate's relations, named Misri Lal contracter in Aligarh workshop ?

(*g*) Do Government encourage such dealings ? If not, do Government propose to order an inquiry and take necessary action against him ?

The Honourable Sir Frank Noyce : (*a*), (*c*) and (*d*). I am not in possession of the facts but shall make inquiries.

(*b*) and (*e*). No.

(*f*) Government have no information.

(*g*) The answer to the first part is in the negative and to the second part in the affirmative.

DIM-LIT STREETS OF NEW DELHI.

53. **Mr. S. C. Mitra** : (*a*) Has the attention of Government been drawn to the letter which appeared in the *Hindustan Times* of the 2nd July, 1933, under the caption " Dim-lit Streets of New Delhi " ?

(*b*) If so, do Government propose to inquire into the matter and to remove the grievance complained of ?

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

(*b*) No reduction in the usual summer scale of lighting has been made this year. The lighting of roads in New Delhi is reduced every summer on grounds of economy and because it is considered that at that season, when the traffic and population of the area are reduced to a minimum, there is no need for the illumination on the scale required in the winter months. The summer scale of road lighting is under consideration and such improvements as may be found possible will be effected.

INSANITARY CONDITIONS NEAR SAMRU PLACE AND LUMSDEN SQUARE, NEW DELHI.

54. **Mr. S. C. Mitra** : (*a*) Will Government please refer to the reply given on 8th March, 1933, to my unstarred question No. 60 regarding insanitary conditions near Samru Place and Lumsden Square, New Delhi and say whether " suitable action " has been taken in the matter ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state the nature of the action taken ?

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

(*b*) The *gwalas* who were responsible for the insanitary conditions were prosecuted and this has had satisfactory results.

EXPULSION ORDER PASSED BY THE COMMISSIONER ON SOME RESIDENTS OF PHULRA STATE.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order : I have received a notice from Maulvi Muhammad Shafee Daoodi that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing definite matter of urgent public importance as follows :

" The expulsion order passed by the Commissioner on or about the 5th instant on some residents of Phulra State within seven days from the order."

Before I ask if any Honourable Member has any objection to this motion, I must point out that my attention has been drawn to the Notification of the Government of India, No. 498-F., dated the 5th September, 1933. This Notification relates to the territory in the North-West Frontier Province known as Upper Tanawal. I have to ask from the Political Secretary whether the Phulra State referred to in this motion is within the territory of Upper Tanawal ?

Mr. B. J. Glancy (Political Secretary) : Yes, Sir, it is.

Mr. President (The Honourable Sir Shanmukham Chetty) : On the 5th September, 1933, the Government of India in the Foreign Department have issued a Notification to this effect :

" In exercise of the powers conferred by sub-section (2) of section 52A of the Government of India Act, the Governor General in Council is pleased to declare the territory in the North-West Frontier Province known as Upper Tanawal to be a backward tract, and is further pleased, with the sanction of His Majesty which has been signified by the Secretary of State for India in Council, to direct that the said Act in its application to the said territory shall be subject to the exceptions and modifications specified in the Schedule hereto annexed."

The relevant portion of the Schedule with which we are concerned is paragraph 3 of the Schedule which runs as follows :

" In lieu of the provisions of the said Act (*i.e.*, the Government of India Act), which enable rules to be made for prohibiting or regulating in either chamber of the Indian Legislature the asking of questions on, and the discussion of, any subject specified in the rules, there shall be substituted a provision prohibiting the asking of questions on, and the discussion of, any subject relating to this territory."

Now, in the light of this Notification, I would like to know from the Honourable the Mover how is his motion in order ?

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I received the telegram on the 5th September, and, I believe, on the 6th, I gave notice of a short notice question to the Secretary of this House. I wanted to know what the real facts about this case were. I was told that the Member in charge was not prepared to accept the short notice and that my question would be answered in the normal course of the business of the House. I thought that the seven days will expire before the turn of the question came and, therefore, I could not do anything else except to put in an adjournment motion, so that the Government may be compelled to express their views on the point and give us the information available. Now, I find that they have placed before you, Sir, a Notification of the Government of India, dated the 5th September which was certainly in their possession on that day. So, they treated us very badly by not telling us directly on that very day that there

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was a Notification of that description and that, under that Notification, orders have been passed by the Commissioner. If they have got the discretion in refusing to take notice of a short notice question, they should not exercise it in accordance with their whims. They must proceed in a reasonable manner. If they had told us the facts they have now brought to your notice, I would have considered the matter and taken some other course of action. But, as it is, I repeat that I have been treated very badly by the Honourable Member in charge of the Department. I wanted to move the adjournment of the House, because the Member in charge had used the discretion in a manner which is not worthy of the House. I was told by the Secretary that I could not do it and, therefore, I had to frame my motion for adjournment in that form.

Mr. President (The Honourable Sir Shanmukham Chetty) : I want to know from the Honourable Member what he has to say in the light of the Notification that I have read out as to the admissibility of his motion. With regard to the observations which the Honourable the Mover has made as to the refusal of the Political Secretary to answer the short notice question, I propose to ask him to make any observations he may choose to make.

Mr. B. J. Glancy : May I say, Sir, that at the time when notice was given, this Notification had not been brought to my attention. All that I asked for was time to study the case so that, if the question was allowed, it might be properly answered.

Maulvi Muhammad Shafee Daoodi : It is not that the time was asked by the Honourable Member, but he said that he would not accept notice of a short notice question. If it had been a question of time, that would have been a different matter altogether.

Mr. President (The Honourable Sir Shanmukham Chetty) : Whatever it is, in the light of this Notification, even the short notice question of the Honourable Member would be out of order, because this Notification, read with the existing rules, debars this Assembly's jurisdiction from asking any question or moving any Resolutions relating to that territory.

Maulvi Muhammad Shafee Daoodi : Now that the Notification has been read out to the House, I shall have to consider over the matter and take steps that I may think necessary in the matter.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member, therefore, does not adduce any argument to show that his motion is in order in the light of this Notification. Therefore, in the light of the Notification that has just been read to the House by me read with Rule 23 and Rule 12 (5), I rule that the adjournment motion is not in order.

STATEMENTS LAID ON THE TABLE.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I lay on the table the information promised in reply to starred questions Nos. 628 to 632 asked by Bhai Parma Nand on the 3rd March, 1933.

PAY OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

*628. (*a*) Yes.

(*b*) (*i*) and (*ii*). Yes.

(*iii*) The maximum pay of Rs. 375 can be earned only by those who are appointed or promoted to the Upper Division before they are 31 years of age.

PAY OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

*629. (*a*) (*i*). Yes, but the increase of Rs. 60 was sanctioned only as a temporary measure on account of the increase in the cost of living.

(*ii*) Only two cases can be recalled in which a clerk reached a position entitling him to pay and allowances at the rate of Rs. 360 a month.

(*iii*) No option was given, but clerks whose pay on the 1st September, 1923 (inclusive of the temporary increase in pay and local allowance) exceeded the emoluments admissible under the new scale, were granted the difference as a personal allowance which was absorbed in subsequent increments.

(*iv*) Yes. On the introduction of the revised rates of pay in 1923, all local allowances, except those in Burma, Aden and Gilgit, and all officiating allowances, were discontinued.

(*b*) The maximum pay admissible under the old rates was Rs. 300 a month, whereas the maximum now is Rs. 375. The new scale of pay as a whole is more attractive inasmuch as Upper Division clerks are now eligible for annual increments of Rs. 10 until they reach the Rs. 325 stage and thereafter biennial increments of Rs. 25, whereas under the old rates the increments were much smaller and only head assistants were allowed increments of Rs. 10. The minimum of the present time-scale of pay is also higher than that of the old scale.

PAY OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

*630. (*a*) and (*b*). Government are aware that there is some discontent in certain quarters and the suitability of the existing scales is being examined. No proposal, however, which involves an increase of expenditure is likely to receive consideration at the present time ; and the existing rates will probably be reduced for future entrants.

(*c*) The alteration of grading asked for by the personnel concerned would involve extra expenditure.

GRANT OF PENSION TO CHECKERS OF THE INDIAN ARMY SERVICE CORPS.

*631. The answer is in the negative.

PAY OF STORE-KEEPERS OF THE INDIAN ARMY SERVICE CORPS.

*632. (*a*) About 14 per cent. of the serving Upper Division storekeepers and those Lower Division storekeepers who may be promoted to the Upper Division before the age of 29, will normally attain the maximum pay of Rs. 140 before retirement.

(*b*) Yes. The difference is due to the nature of their duties. The retention and advancement of men in the Mechanical Transport Branch are subject to their passing searching technical tests which are not applicable to the Supply Branch.

(*c*) Yes.

(*d*) No.

ELECTION OF MEMBERS TO THE SALT INDUSTRY COMMITTEE.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three Members to sit on the Salt Industry Committee of the

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Legislative Assembly in place of Mr. S. C. Shahani, deceased, and the Honourable Sir Shanmukham Chetty and Mr. L. V. Heathcote who have ceased to be members of the Committee.''

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : I may inform Honourable Members that nominations for the purpose of election of three Members for the Salt Industry Committee will be received in the Assembly Office upto 12 noon on Wednesday, the 13th September, and that the election, if necessary, will be held on Friday, the 15th September, 1933. It is proposed to adopt the same procedure for holding the election for this Committee as has been observed in connection with the Standing Committees for the Departments of Commerce and Industries and Labour. Honourable Members have already been informed of this procedure in the Legislative Assembly Circular No. XLIV, dated the 28th August, 1933. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes. Sir, the objects and reasons for this Bill are so fully set out in the statement that I need say nothing more in explanation on this occasion. I would only like to remind the House that this Bill is very closely connected with, and indeed is consequential on, the Bill to set up a Reserve Bank for India, and that, following the procedure which was adopted on the last occasion, we consider it desirable that the two Bills should be considered together and we hope that the House will agree that the Imperial Bank of India (Amendment) Bill should be referred to the same Committee which will consider the Reserve Bank Bill. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

''That leave be granted to introduce a Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes.''

The motion was adopted.

The Honourable Sir George Schuster (Finance Member) : Sir, I introduce the Bill.

THE INDIAN LAC CESS (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill to amend the Indian Lac Cess Act, 1930, for certain purposes.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

''That leave be granted to introduce a Bill to amend the Indian Lac Cess Act, 1930, for certain purposes.''

The motion was adopted.

Mr. G. S. Bajpai : Sir, I introduce the Bill.

THE RESERVE BANK OF INDIA BILL.

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

''That this Assembly do recommend to the Council of State that the Bill to constitute a Reserve Bank of India be referred to a Joint Committee of this Assembly and of the Council of State with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 24 members.''

Sir, I desire to avoid making a long speech on this occasion. I imagine that there is practically complete agreement in this House on the main purpose of the Reserve Bank Bill, the main and primary purpose being, as I should describe it, to set up a Reserve Bank free from political influence. That, Sir, is the main principle of this Bill and, at this stage, it is not appropriate or indeed permissible to enter into any long discussion of details. We are now moving for reference to a Joint Committee, and as I am making that motion, I want to explain to the House as shortly as I can what are our reasons for having proposed this procedure and what is the nature of the business which that Committee would have to undertake. As regards our reasons for proposing this procedure, we have been mainly influenced by the fact that it was followed on the last occasion. We thought that as it had been adopted after very careful consideration on that occasion, and that as a precedent has been set up, that precedent, in the absence of very strong reasons to the contrary, should be followed.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What was the result of that precedent last time ?

The Honourable Sir George Schuster : The result of that precedent was at any rate a full discussion of that measure, but I trust that, on the present occasion, such discussion will lead to some more fruit-bearing results than on the last occasion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : The Bill will be thrown out on clause 8.

The Honourable Sir George Schuster : The procedure,—whatever my Honourable friends may think of the nature of the measure,—the procedure at any rate was acceptable on the last occasion to this Assembly and, as I say, unless there were very strong reasons to the contrary which we do not see, we felt it desirable to follow that procedure, because it seems to us not only to be an established precedent, but also to have a great deal to commend itself to us.

Then, I turn to another point as regards the procedure. Before the Committee sits, there will be ample time for all those sections of the public, that are interested in this measure, to study it and to put forward their opinions, and we should be very glad to receive opinions which can be laid before the Joint Committee—if this House approves the proposal to set up such a Committee. The matters for discussion being also of a highly technical nature, it would be our idea, if it is approved by the Committee, to arrange for certain individuals in this country who have expert experience on matters under discussion to attend the meetings of the Committee and give the Committee the benefit of their evidence and advice. (Hear, hear.) That, Sir, I think, is all I need say as regards the procedure.

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I want next to say something as regards the nature of the business which the Committee will have to conduct, as I think it is important that the House, before it considers this motion, should clearly visualise what that Committee has got to do. The nature of the task is highly technical. There are three classes of questions which will have to be considered. First of all, there are the provisions of the original Bill which are being repeated without alteration in the present Bill. Then, there are those provisions in the present Bill where we have endeavoured to incorporate, as exactly as we can interpret them, the recommendations of the London Committee, —provisions where the present Bill differs from the original Bill. Lastly, there are those matters where the London Committee recommended that they should be the subject of further consideration in India.

Now, Sir, I need say nothing about the first class of questions that I have mentioned, the provisions of the present Bill which remain unaltered. As to the second class, the provisions, where important alterations have been made, I would just like to run over some of the main points so that the House may be reminded of them. There is the question of the denomination of shares, there is the question of voting rights—and here, I would remind the House that one important change in the present Bill is that there is no limit for maximum holding of shares by any individual, but there is a limitation on the voting rights that can be exercised by a single individual. Then, there is the question of the distribution of shares among the various areas in India as to which, I would remind the House that the areas have been somewhat differently defined in the present Bill. I would also like to call attention to one feature which, I hope, all Honourable Members will regard as satisfactory and that is, that, whereas in the former Bill all the Indian States would have been concentrated in the Delhi area and on the Delhi register, now the recommendation is—it is a recommendation which was supported by all the States representatives on the Committee—the recommendation is that the States shall be grouped where they geographically lie and that no distinction should be made between British India and the Indian States. That, Sir, I think, is a significant move towards the conception of a United India where there is no distinction, at any rate, for the purpose of ordinary life between British India and the Indian States. Then there is the provision as regards allotment of shares; there is a special direction in the present Bill that the Board, in allotting the shares, shall do so on the basis that they consider equitable in order to secure the widest possible distribution of shares. In the former Bill the provision was that after allotting one share to each applicant, the balance should be distributed by lot. We think that the present provision is a more satisfactory provision. Then there is the question of the Board of Directors. The present Bill contemplates a much smaller board, 16 instead of 24. Then there are the very important new provisions as regards the method of electing Directors. They are to be elected by local elective boards instead of by electoral colleges and these local boards will have a definite function and we hope that they will become a definite reality and not bodies just merely set up for the purpose of carrying out elections.

I next come to certain more technical matters. There is the question of the assets and liabilities of the Bank. On the liability side, there is one very important change. According to the present proposals, the Bank has to carry no liability for the redemption of silver rupees on return from

circulation. Therefore, we propose no rupee redemption funds as was formerly considered to be necessary. The Government, according to our present proposals, will only ask the Bank to take over the stock of rupees which is considered sufficient for its own normal purposes, that is to say, 50 crores; and the liability for redeeming rupees in excess of that which may be returned from circulation and also the whole responsibility for disposing of the Government's present surplus stock of silver in excess of 50 crores of rupees will remain with the Government of India. Then, on the asset side, there is, of course, the important change that the whole question of gold is now on a different basis. But the Committee has recommended that although gold at present is worth 50 per cent. more than its nominal value according to the old parity, nevertheless gold in the reserves shall be valued at the old parity. I would remind Honourable Members that that means, if that provision is adopted, that the Bank would in present circumstances start with a hidden reserve of about 22 crores. Then there is the question of the proportion of gold to be held, the proportion of gold to the other reserves, which was the subject of very considerable discussion in London and which, I am sure, the Committee of this Legislature will want to consider in detail.

Another point is that the opening of a London Branch is in the present Bill made optional and various considerations as regards that are mentioned in the report. Then the last point that I would mention among the definite changes in the Bill is the question of the dividend on the shares. That was dealt with in the old Bill in clause 46 and in Schedule III and is dealt with in clause 44 and Schedule IV of the new Bill. Formerly the provision was that dividends should be 5 per cent. rising to a maximum of 7 per cent., and the proposal in the present Bill is that the fixed minimum dividend should be at a rate to be fixed by the Governor General in Council, so that it may be fixed at a rate appropriate to the conditions when the shares have been issued and that the maximum rate shall be 6 per cent. Whereas formerly it was 5 to 7 per cent., now it is up to 6 per cent. And, in mentioning that point, I would like to emphasise to the House that when there is a good deal of talk of handing over a very profitable enterprise to private shareholders, I would remind Honourable Members that according to these proposals the private shareholders cannot get more than a maximum of 6 per cent. dividend on their shares and that all surplus profits will still go to the Government.

Mr. B. Das: Why not a State Bank? Why a shareholders' bank?

The Honourable Sir George Schuster: Then, Sir, I return to the third class of points which I mentioned, points which have to be further considered in India. As regards those points, Honourable Members may have noticed that the Committee, in its report on certain occasions, recommended that a point should be further considered in India and on other occasions recommended that it should be further considered by the Government of India. I would also remind them that some of the points will be points for legislation and others will be points to be dealt with either in subsidiary agreements or merely in the form of laying down Government policy. But although there is that distinction between these different classes of points, I want to make it clear that we regard them all as intimately connected with the policy which is being put before the House in this Bill, and that we desire to have an opportunity of getting the opinions of representatives in this Legislature by discussion in Select

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Committee. Now, Sir, these points are in the main all technical points. There is the question of the nature of Government securities that the Bank should be allowed to purchase, clause 17, sub-clauses (7) and (8). The Committee held that the restrictions might be unduly restrictive and that point has got to be considered in Committee. Then there is clause 18, a clause dealing with the Bank's power to take part in open market operations in discounting bills. There, again, the Committee held that the old provision may be interpreted in too restrictive a way. That is another point for consideration. Then there is the question of the size of the initial reserves, how much ought to be held in the form of gold and sterling securities before it is safe to set the Bank up. The Committee adopted the old provision that the Bank should be started off with 50 per cent. of the reserves of that type, but has recommended that as the reserve provision has in a sense been reduced by the elimination of the rupee redemption fund, it should be considered whether that 50 per cent. ought not perhaps to be a bit higher. That is a very important point.

Then there is another question, the question of how the proceeds of sales of surplus silver by the Government are to be disposed of, because, with the altered arrangements which we now propose, the proceeds of those silver sales will not automatically go to the currency reserves. That is a question affecting the policy of Government and certainly demands most careful consideration. Then another point is the proportion of Government of India securities to be held in the currency reserves,—clause 31 of the old Bill and clause 33 of the new Bill. The Committee say that the limit proposed in the old Bill of 50 crores or one-quarter of the reserves, whichever is less, might unduly restrict the open market operations of the Bank. That, again, is a point which will require careful consideration. Then there is the point arising from what I have just said, of the valuation of gold reserves. If the gold reserves are to be valued at their existing parity, there is a chance of great profit being made either on the sale of a portion of those gold reserves or on a revaluation of the gold if at any time a different monetary system were to be adopted. The question of how such a profit, if it arose, should be disposed of is one which requires most careful consideration and has been referred by the London Committee for further consideration in India. Then there are the provisions as regards the Scheduled Banks; that matter again is being referred for further consideration here, and that is a very important question, for it raises the whole question of the relations between the odinary banks and the Reserve Bank. Then, lastly, there is that very important head, the question of the relations between the Reserve Bank and the Imperial Bank. The Committee recommended that a new agreement should be made with the Imperial Bank on the lines suggested in the case of the old Bill. So far as we are concerned, up to the present, we have merely inserted again in the Bill the old provisions, but we recognise that they require reconsideration. There is the question of the period for which the agreement should be made, and the terms on which the Imperial Bank should act as Agents for the Reserve Bank and the sort of remuneration which they should get for maintaining a number of branch offices. Lastly, there is the possibility of the question of some sort of compensation to the Imperial Bank on the occasion of this change. All those are matters which must be dealt with

in the first place by negotiation between the Executive Government and the Directors of the Imperial Bank, but they are all matters on which we must consult the representatives of this Legislature in the Committee which has got to be set up.

Now, I have only selected some of the more important points which the Committee will have to consider; but I think after hearing my list, Honourable Members will realise that what I said in the beginning is true, that this is going to be a very technical business, on which we want to have the assistance, as far as possible, of all those in the House who are qualified to speak on technical matters of this kind. I have dealt with the main features of the Bill and what it does; and I just want to say that there is one thing which the Bill does not do. It does not purport to be a Bill for setting up a new monetary or currency system for India. It is merely a Bill to set up certain machinery for working the existing monetary system whatever that may be. The question of whether the existing monetary system should be changed is a matter which would have to be dealt with differently and separately.

Before I conclude, I think it might be of interest to the House if I said something as regards the practical possibilities of setting up the Bank in the near future. When this matter has been discussed before, there has always been an apprehension that the provision of currency reserves in the form of external securities, gold and sterling securities, might be a matter of great practical difficulty, and that delay in accumulating those reserves might lead to delay in setting up the Bank. If we look at the present position, I think at least there is reason for some satisfaction on that particular score. I do not say that we have already reached the necessary level, but we are very near it; and, if things go well, we should certainly attain to that position in the very near future. In fact it would be actually within our power to attain that position at the present moment. The position is as follows. I am giving the figures as on 31st August, 1933. The liabilities on the note issue were Rs. 179¾ crores; and, if we say, that there should be 50 per cent. of that available in gold and sterling securities, that means there ought to be Rs. 89.88 crores. On the 31st August, there was in the form of gold in the Paper Currency Reserve and the Gold Standard Reserve a sum of Rs. 44.49 crores and in sterling securities Rs. 38.16 crores or a total of Rs. 82.65 crores, against the fifty per cent. requirement of Rs. 89.88 crores. Therefore, there is only an actual shortage of Rs. 7.23 crores. On the same date the Treasury Balances in London were £13 millions sterling and there was still £3,870,000 to come in the form of final payment on the last loan. That means we had resources available in London of very nearly £17 millions. As against that, we have to consider that there is a liability of £10 millions to meet on the repayment of the £10 million 6 per cent. loan on the 15th December. Allowing for that liability we have £7 millions in hand. And a further transfer of £6 millions, providing for Rs. 8 crores, would be more than enough to fill the actual gap in the currency reserve. Lastly, one must consider, together with that, the fact to which I have already called attention that our gold is valued at the old parity and that at present prices there is a hidden reserve of unrealised profit of Rs. 22 crores on that gold holding.

I think if all those facts are considered together, one may say that the present situation is not an unsatisfactory one. What it will be when

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the time comes when we are administratively ready to set up the Reserve Bank is another matter, that depends on how things go in the interval. I would say nothing more than this, that when we bring forward this measure on the present occasion, we can say that we have at least reasonable ground for hoping that difficulty in providing currency reserves will not be a factor which will hold up the bringing into fruition of this scheme. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That this Assembly do recommend to the Council of State that the Bill to constitute a Reserve Bank of India be referred to a Joint Committee of this Assembly and of the Council of State with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 24 members."

There are two amendments down on the paper, one in the name of Mr. Vidya Sagar Pandya and the other in the name of Mr. S. C. Mitra. I propose to call on these Honourable Members to move their amendments and to throw open the discussion on the original motion together with the two amendments.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, I beg to rise to speak on the motion and also to move my amendment of which I have given notice :

"That the Bill to constitute a Reserve Bank for India be circulated for the purpose of eliciting opinion thereon by the 31st December, 1933."

But, before I proceed, let me first of all congratulate the Honourable the Finance Member on the good fortune he has in bringing a Bill of such importance during the tenure of his office. Now, you know the Honourable the Finance Member went to England to consult the authorities there and also took with him a party of gentlemen from this House, and it was something like a bridal party that went there, and we expected that we would get a very fine fairy of a Reserve Bank of India of which we will all be proud. But when he came back our disappointment was of the kind expressed in an Indian proverb :

"Bahu āyi Bahu āyi mèré man chāó
Dolé mén sé nikalā Ghogad Belāó"

which translated into English, means this :

"Lo ! The bride has come, the bride has come and we were overjoyed ; but when the palanquin, bearing the bride, was opened, we found a Tom Cat !"

Well, Sir, I do not wish to tire the House by giving a detailed history of the last Gold Standard and the Reserve Bank of India Bills of 1927 and 1928. I may, however, refer to one part of the procedure then adopted to show how the time of the House was wasted and how the Select Committee was appointed of 24 stout Knights and how they made a Report and how the whole thing was thrown into the waste paper basket on receipt of a confidential letter from the Secretary of State to the then Finance Member. I do not wish to re-open all that old story. I do not think that the public outside or this House, except the Members who had gone with the bridal party, to have had sufficient time to consider all aspects of the case, and that is why it is

very necessary that the Bill should be referred for public opinion. The Honourable the Finance Member, in his speech, has told us of only one part of the procedure that was adopted. He said that the Select Committee was previously appointed, and how it held its meetings. May I remind him, Sir, that the real procedure adopted on the previous occasion was this—first the Bill was formally introduced, then it was circulated for public opinion and then referred to a Joint Select Committee. But, on this occasion, that part of the procedure to circulate for public opinion has been omitted and the matter is being rushed through by the Honourable the Finance Member, and he wants us to believe that he is giving us ample time for the consideration of the various points involved, but, in my opinion, Sir, it is not possible to obtain public opinion within such a short time on such a very important subject as this. It is hardly necessary for me to impress on this House the importance of this Bill. I, therefore, have to press my amendment in the matter and, in doing so, I may quote the very words of the Honourable the Finance Member in support of my amendment. When introducing the Bill the Finance Member has himself said :

"In framing and passing this Bill, we shall be doing something to shape the destinies of new India of the future under the new constitution."

Then, again, he said :

"On this Bill will depend the security and stability of Indian finances in the future",

and that :

"the setting up of the Bank is an important step towards the new Constitution".

In his words :

"this is a matter which is attracting wide attention outside India and the eyes of many countries are on it".

In fact, the credit of India in the other countries will depend upon how the Reserve Bank of India is not only constituted, but also actually worked. We need not in future, if our Bank is a success, depend entirely on England for our loans, and to the extent we are able to inspire confidence by the constitution and working of the Bank and the stability and soundness of our currency policy and finance, we can hope to raise money from other countries at more reasonable and cheaper rates than we get from England and also relieve England from the responsibility and burden of providing money to us when they themselves have to meet heavy war dues. In fact, our solvency will depend upon the solvency of the Bank and the way in which it is constituted and is worked. Again, in the words of the Honourable the Finance Member :

"The country ought to have ample time to ruminate and deliberate, and there should be no disposition to rush through the Bill or attempt unwisely in a few weeks to push through a measure on which the future destiny of India so much depends."

The Honourable Sir George Schuster : The Honourable Member is quoting, as my own words, words which I put in the mouth of my critics. What the Honourable Member has just quoted is what I said that my critics have been saying in the press.

Mr. Vidya Sagar Pandya : I hope the Honourable the Finance Member will agree to all the other portions of what I have quoted from

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his speech though I may have misquoted one sentence. He has given sufficient reasons himself as to why the Bill should not be rushed through and sufficient time should be given to the public. I quite appreciate the anxiety of the Honourable the Finance Member to bestow this boon of the Reserve Bank of India as early as possible, but we must gauge public opinion and see whether the public are prepared to accept the boon in the present form and the manner in which it is proposed to be given to them. The Honourable the Finance Member has tried to convince us that the method he is adopting of referring the Bill to a Joint Select Committee of the Assembly and the Council of State and placing it before the House for passing it in November next is a correct procedure, and he thinks that the intervening period is quite enough for the public to examine the provisions of the Bill minutely. I quite appreciate the desire of the Honourable the Finance Member to give India a Reserve Bank. But, Sir, we have to consider whether the new Bank will be a change from " King Log " to " King Stork ".

My Honourable friend, the Finance Member, has spoken of the time table and also of the occasion which he has chosen. The time table is very brief. The Report of the London Committee was published in part in the press on the 16th August, and supplied to the Members of the House late on the 18th August, last. A copy of the Bill was made available only on the 8th instant. Unless the Bill was available, it was not possible to know which of the recommendations of the London Committee, on which Indians in general and the Indian Legislature in particular were so represented as declared by the Finance Member, were accepted. It is a travesty of facts to say that the London Committee was representative of either this House or of the larger public outside. It was rather constituted contrary to the original programme of the Secretary of State for India. In the report of the Financial Safeguards Committee of the Third Round Table Conference, it is placed on record that :

" the Secretary of State undertook that representative Indian opinion would be consulted in the preparation of proposals for the establishment of a Reserve Bank including those relating to the reserves ".

The Committee which sat in London and which has reported is not at all representative of Indian public opinion. It was, as usual, a *packed committee* of Government nominees and the members appointed thereon were not even elected by the Indian Central Legislature. The Government did not ask even the Central Legislature to elect them, nor the various Chambers or representative public bodies. I do not know what was the qualification and practical experience of some of the members who were picked up from the Assembly and the Council of State to deal with the question of a Reserve Bank. Several of them had open minds, that is, blank minds, ignorant of the subject. They were no doubt good and eminent men in their own way, but whether they were competent to deal with the subjects which have been described by the Honourable Member as so technical—whether they were competent to give their opinion on those matters is a different question. The Committee, therefore, merely said " ditto " to the old Bill of 1928. If the Secretary of State really desires representative Indian public opinion, the Bill must be circulated and then brought

up before this House. The Indian press, the Indian Chambers and the public have all denounced the Report of the so-called representative London Committee.

Now, coming back to the time table of the Finance Member, the Honourable Member introduced the Bill at 11 A.M. on the 8th instant. The House sat the whole of that day, half of the next day, and there was besides a sitting of some Select Committee. Thus, practically one day only was allowed to the Members to " ruminate and deliberate ", to use the words of the Finance Member. Honourable Members opposite have a large battalion of well trained Secretaries and clerks and library of literature, and it may not even then be possible for them to go through the Bill in such a short time. But Members on this side who have not got the same facilities found it difficult to go through the Bill and consider it carefully within a period of 24 hours. The time given is too short even to discuss the principles. The task before Members on this side is to go carefully first, through the original Bill of 1927, then the modified Bill of the last Joint Select Committee, then the notorious Bill of 1928, fourthly, the recommendations of the Hilton-Young Commission, fifthly, the Central Banking Inquiry Committee's report and the discussions with the Foreign experts ; they have also to compare the Bill with the statutes of other countries who have recently gone off the gold standard and see whether the Bill, as it has been submitted to us, is really acceptable to this House or to the general public outside. I confess it is practically impossible for a Member to make a study of all these things in a day. There is no time even to consult one's own constituency like mine which is spread over 26 districts. The Indian commercial constituency of the Madras Presidency which I have the honour to represent in this House has the largest stake in the country and I have no time to consult them. I have forwarded copies of the Bill to several Chambers in the Madras Presidency, but they will get them only after the discussion in the House accepting the principle of this Bill is over.

The Joint Select Committee will meet in October, and, according to the motion of the Finance Member, the Committee is to report on or before the 20th November, by which time, according to the speech of His Excellency the Viceroy, the Bill will be placed before the House for passing it. Where is the time for the country to express its opinion on the Bill or as passed by the Joint Select Committee ? Even on the admission of the Finance Member, he " should have welcomed more time ", and, according to his own words, " only a short time has elapsed since the publication of the London Committee's report " and, though the Committee made certain definite proposals, they recommended that " several important points on which it was unable to make final recommendations should receive further consideration in India ". The Finance Member again said :

" As regards the definite proposals, we have endeavoured to incorporate those as exactly as we can interpret them in the Bill. As regards the points which were to receive further consideration in India, (and these include some of the points which are not subject to legislation by a Bill, but which will have to be dealt with in subsidiary agreements), I have not had time since my return to give the full consideration they deserve. We desire to consider them in consultation with the Legislature before we commit ourselves finally to definite proposals."

The Finance Member would not, in his anxiety to place the Reserve Bank on the Statute, give enough time to the public to express their views on the present Bill, nor are these subsidiary agreements placed before the

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House. Unless we consider them also, it is not possible to fully understand the full significance of the Bill and the implications of the agreements.

He has said that the public is already familiar with the 1928 Bill. But the three Bills,—the Bill of 1927, that of the Joint Select Committee of 1927, and that of 1928,—have confused the public. The original Bill of 1927 was circulated by the Government for opinion. Then it went to the Joint Select Committee and there was thus enough time given to the public. Why not follow that procedure ? The Bill of 1928 fell through. Six or seven years have passed and the heavens have not fallen for want of a Reserve Bank, as it was then thought when the Bill was rejected. So, when we have waited for the last six or seven years, a little more time, say six or eight months more would not matter very much.

Now, coming to the occasion which he has chosen, in his own way it is no doubt an excellent one. Government can get any Bill passed in any shape and in any manner. They have got a majority and if they bring a proposition, that the sun rises in the west, it will be passed by this House. The Government have got a clear majority. The confusion among the parties, the absence of a large number of Members, the scramble for a seat on the Joint Select Committee (Hear, hear), the anticipation of occupying a seat by some of us in the House on the new Bank are very good opportunity for the Government. Why should they not take advantage of it ?

An Honourable Member : Make hay while the sun shines !

Mr. Vidya Sagar Pandya : The Honourable the Finance Member says :

"We did not think it fair to risk that delay and uncertainty in getting the legislation and it is important that steps should be taken in advance of the inauguration of the new constitution."

As such, they do not want to take the risk of the Bill being rejected by the new body which may come hereafter, and they wish to take full advantage of the present situation. I would ask whether it is a fair thing for the Government to do. The proper time for the Bill would have been after the new Assembly is constituted and the monetary chaos is over. The Bill itself says :

"Whereas in the present disorganisation of the monetary systems of the world it is not possible to determine what will be suitable as a permanent basis of the Indian monetary system";

and it further says :

"But whereas it is expedient to make temporary provision on the basis of the existing monetary system, and to leave the question of the monetary standard best suited to India to be considered when the international monetary position has become sufficiently clear and stable to make it possible to frame permanent measures."

Why not take some breathing time and consult the country and pass the Bill with their support.

I now come to the Bill itself. As in the case of the Bill of 1928, the Reserve Bank is to be a Shareholders' bank. The Bill proposes that it shall relieve the Secretary of State for India and the Government of India of some of the administrative functions relating to Indian Finance and Currency. After a century of administration by the notorious East India

Company, the British Parliament decided to transfer the administration to the British Crown and it would be regrettable if, after another 75 years only, they were to take the retrograde step of retransferring one of the most important branches of the administration to a private company—another East India Company. In theory, the advocates of the establishment of a shareholders' bank may have some good reasons and some examples in other countries on their side but, in practice, I believe it would not subserve the best interests of India. The Reserve Bank's business should be to encourage Gold Currency and to provide India with Gold Reserves, but it will be run by men who are not prepared to encourage the getting of gold for fear of disturbing the European money markets. They feel that their first duty is to the London money market and the need of India is only a secondary consideration. The Reserve Bank, unless it be a national body, representing all Indian interests, has no right to be constituted or designated as the Reserve Bank of India to manage Indian finance and currency. By experience Indians find that the full benefit of similar institutions, ostensibly started for India, do not reach further than the White Community in India. It is not possible for a sectarian bank with an alien control to approach finances from an Indian standpoint. When once a particular community gets hold of a certain advantage, it naturally tries to retain it.

From the facts and figures given in a recent letter of one of the leading Indian Chambers, the Southern India Chamber of Commerce, Madras, addressed to the Honourable the Finance Member only last month, it will be clear that in the three old Presidency Banks and the present Imperial Bank of India the European element largely predominates and in the new Reserve Bank of India also, looking into the complicated constitution contained in the Bill, the European element will predominate and the Indian interests will be subordinated. I am afraid that owing to the conflicting interests of multifarious communities covering such a large continent as India, it is difficult to constitute a shareholders' institution to look after the interests of India. Local influence is likely to be in the ascendent and other parts of the country are likely to be neglected as has happened in the case of the Imperial Bank of India, and we find some indication of it in the Bill. The representation, for instance, of the Madras Presidency has been curtailed. In the original Bill, the meetings were to be held in Madras also, but now there will be no meetings at Madras and there is fear of the interests of other parts of India being neglected. Bombay and Calcutta will have a lion's share and, as such, the question of the establishment of the head office of the Bank will also have to be considered, just as the Government of India felt that it was not safe for them to remain in Calcutta and they transferred the capital and came to Delhi.

I will now read some portions of the letter of the Southern India Chamber of Commerce which will clearly show how the European interests predominate. In the past, the Bank of Madras did not contain a single Madrasi from 1843 to 1917. In the Bank of Bengal, there was not a single Bengali and it is only in the case of Bombay they had two Indians on the Board. They took them because it was absolutely necessary in the interests of the Bank and the Bank could not get on without them. Otherwise, they would not have had them. The Imperial Bank of India is no doubt in a sense imperial. They have got a lot of Europeans on it, both in the local Boards as well as on the Central Board. This letter

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clearly proves that the management of a bank of shareholders is a fraud on the public. The Secretary of the responsible Chamber writes :

" (1) I am directed by my Committee to address the Government of India on the question of the practical working of the Imperial Bank of India Act XLVI of 1920 in the three head offices at Calcutta, Bombay and Madras and in the Central Board and request you to be good enough to introduce necessary amendments of the Act at an early date. You will no doubt recognise that the experience of the working of the Imperial Bank of India Act during the last 12 years ought to give a timely warning to the Government of India so that the defects of this statute might not be mechanically repeated in the new Reserve Bank of India Bill and my Committee are anxious for a further reason that the Government of India should closely examine just at this time the drawbacks of this legislation because the establishment of a Reserve Bank would necessitate an amendment of the Imperial Bank of India Act and the Government are probably already drafting an amending Bill for the purpose.

(2) *Traditions of the old Presidency Banks.*—The Act of 1920 dubbed the Imperial Bank of India as the successor of the three old Presidency Banks and like a true successor the former has been carrying out its rich heritage of the history and traditions of the Presidency Banks with redoubled vigour and enthusiasm. By an omnibus provision in section 27 of the Act, the several persons who were the directors of the three Presidency Banks constituted the first Local Boards of the Imperial Bank of India at Calcutta, Bombay and Madras respectively and the persons who were then President, Vice-President and Secretary, respectively, of the Presidency Banks filled the same offices in the respective local boards of the Imperial Bank of India.

(3) My Committee find the present position of the Calcutta Head Office of the Imperial Bank an exact reflex of what the ' Capital ', the leading Anglo-Indian Commercial journal of the country, described of it a few years before the amalgamation of the Presidency Banks."

Now come the trenchant remarks of the *Capital*, the representative organ of the Anglo-Indian community in India :

" The Directorate of the Bank of Bengal has always been a very close borough, confined to certain favoured firms, some sixteen in number : of those firms three went bankrupt, one having its certificate suspended and six have closed up their business, so that only seven remain to draw directors from—Messrs. Jardine, Skinner and Company, and Gillanders, Arbuthnot and Company, have had a member of their firm a director during the past half century at least. They evidently have a freehold tenure of this position.

Of the present Board Messrs. Geo. Handerson and Company, came on the scene in 1873, Messrs. Begg, Dunlop and Company in 1888 and Messrs. Turner, Morrison and Company in 1893."

One or the other of the partners of these firms always managed to be there. Even if a Director goes on leave or furlough, a junior or other partner gets in. Sometimes it so happens that they do not find even a junior partner of that particular firm and then they keep the seat vacant and warm for this partner of the same firm to fill it up later :

" The defunct firms are : Colvin, Cowie and Company, Gisborne and Company, Crooke, Rome and Company, who came on prior to 1860, Mackillop, Stewart and Company, 1861, Shand, Fairlie and Company, 1863, Lyall, Rennie and Company, 1866, Ashburner and Company and Carlisle Nephews, 1871, John Elliot and Company, 1885.

Messrs. Kettlewell, Bullen and Company, who were in the first batch of firms, dropped out for some time, and then reappeared with the advent of Mr. Aitkin only to disappear. Messrs. Hoare, Miller and Company, who entered an appearance in 1862, seem out of favour now, Messrs. Begg, Dunlop and Company, in whose firm the late Secretary's brother was a partner, were admitted in 1888, but their Mr. J. F. Macnair having, it is said, been too independent, their firm, when he resigned in 1893, languished under the cold shade of the Secretary's displeasure, and their contempt was not brought to notice until a few years ago."

Mr. President (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned till Half Past Two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Vidya Sagar Pandya : When the House adjourned for Lunch, I was reading an extract from the *Capital* and, with your permission, I shall read the remaining portion now. The writer says :

" Now, I am not sure that this arrangement, under which a seat on the direction of the Bank of Bengal becomes apparently an asset in the partnerships of certain firms, is an absolutely wise and prudent one. The firms in question are undoubtedly of the highest standing ; but firms, even of the highest standing do not possess a monopoly of all those requisites which go to make an ideal bank director. It is common knowledge that the partners of these firms have not always been men of outstanding ability."

I wish to draw the special attention of the House to what I am going to read further :

" The aim of the Bank should be to secure the very best men, not to have the partners in certain firms running in and out of the Board room with their qualifying scrip like dogs at a fair. Firms like Apcar and Company, Balmer Lawrie and Company, Duncan Brothers and Finlay Muir and Company, etc."

I omit other names given by the journal :

" could all have furnished able Directors and brought business which is an important item. But the man in the street, rightly or wrongly, has an idea that the Directors have no independence and are simply dummies or pawns for the Secretary to play with. The present is a convenient time to change all this."

Now, I come back to the letter written by the Southern India Chamber of Commerce on the working of the Imperial Bank of India during the last 12 years. The state of affairs mentioned in the article of the *Capital* is practically repeated in the Imperial Bank of India. The Secretary of the Chamber says :

" I enclose statement No. I which contains the names of the Local Board Members from 1921 to 1932 on the Imperial Bank of India at Calcutta compiled from the published half yearly reports. From this it will be clear that the present Board of Directors at Calcutta head office have been ' a very close borough ' practically confined to seven favoured firms during all these years except for an occasional isolated departure. Messrs. Turner Morrison and Company, James Findlay and Company, Bird and Company, Gillander Arbuthnot and Company, George Henderson and Company, Jardine Skinner and Company, and Prankissen Law and Company, all these had a freehold tenure of the Calcutta Board, some Director or partner of which Companies or firms *always* being able to secure a seat on the Board from year to year. When it so happened in any year, a suitable partner or Director from the caucus of firms and companies was not available, the Board has gone the length of keeping the vacancy unfilled in direct contravention of Regulation No. 45 (1) of Schedule II of the Act which says that ' any vacancy.....shall be filled up by the remaining members.....'. Adding the number of years the partners and Directors of some of those concerns had occupied a seat on the Board of the Bank of Bengal, it will be found that certain firms have had the privilege of a reserved seat on the management of the institution for a period of 40 to 80 years. The above statement also makes it clear how a seat on the direction of the Imperial Bank of India has become apparently an asset in the partnership of these firms."

They have sent in support of this a statement No. I in which on the one side we have got each half year from 1921 to 1932, and on the other side, the names of the firms whose partners have been on the directorate.

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The firm of Messrs. Turner Morrison and Co. has had Mr. Smith, M.L.C. on the directorate. Then their partner Sir Robert Watson Smyth for three half years. Their partners Mr. Edmundson, and Mr. T. V. Dowding, then Mr. Edmundson who continued for five half years. Then, again, came Mr. Dowding for a half year, then Mr. Edmundson again and Mr. Cunningham. Again Mr. Dowding followed by Mr. Cunningham. Now, in 1932, they have got no seat.

Similarly, in the table of directors, of Messrs. James Findlay and Co., Ltd., Mr. Langford James continued for four half years, Mr. Tessi for another four half years, then Mr. Reid Kay, then again Mr. Tessi came, for five half years, then Mr. Reid Kay. Again Mr. Tessi and Mr. J. Reid Kay, all these partners of the same firm.

As for Messrs. Bird and Co., Mr. Carey continued for a number of years till Mr. Benthal came and he continued till 1932.

Then, from the firm of Messrs. Prankissén, Raja Rishi Case Law began in 1921 and continued till June 1932 when after him the partner of Messrs. Prem Chand Janaki Das Sitanath Roy came, that is Mr. J. N. Roy took his place. I may inform the House that Raja Rishi Case Law is about 90 years of age.

Similarly in the case of Messrs. Gillanders Arbuthnot and Co., the partner Mr. Eddis came for a year, then Mr. Ad'A. Willis who continued for 4 half years, then Mr. Eddis for 3 half years, then Mr. Kellock came and then Mr. Gladstone and so all their partners have been coming for years together on the directorate and they have been getting a warm welcome.

As regards Messrs. George Henderson and Co., their partners served for 50 years on the Bank of Bengal and this continued for another 12 years on the Imperial Bank. Their partners have been Mr. Meares, Mr. Mackenzie, Mr. Will, and again Mr. Mackenzie.

Similarly the partners of Jardine Skinner came, first Sir Alexander Murray, and he continued for about five years, then Mr. Austin came in and then again Sir Alexander Murray for three half years. Then Mr. Austin entered and continued for about four half years. Once Mr. Hunter also occupied the seat for 6 months. Then, Mr. Austin continued for 5 half years till December, 1932.

Now, Sir, recently on the representation made by the Southern India Chamber of Commerce and when they drew the attention of the Honourable the Finance Member, he was kind enough to put another Indian ; till now there was only one Indian and then in 1930, they invited Rai Badri Das Goenkar Bahadur to join the directorate and he has been continuing.

This is the story of the Imperial Bank Board, Calcutta, and now we come to the Imperial Bank Board at Bombay. The Committee of the Chamber says :

"My Committee note with regret that the conditions in Bombay have been very similar. It is found that the partners or Directors of seven firms or companies have had a practical monopoly of the seats of the Bombay Local Board. The firms and companies which have been enjoying this unrestricted privilege of determining the conduct and administration of the Bombay Head Office of the Imperial Bank of India have been,—Messrs. Bombay Company, Limited, David Sassoon and Company, Limited, Killick Nixon and Company, Forbes, Forbes, Campbell and Company, Limited, Currimbhoy Ibrahim and Company, and Narandas Rajaram and Company. Besides those firms and companies one or two individuals also have had the good fortune to become a permanent fixture of the Bombay Local Board. The Bombay Board has even improved upon the Bengal Board in this. While in Bengal the partners of the favoured firms have been running in and out of the Board rooms with their qualifying scrips, in Bombay the self-same partners or Directors have been driven by an inexorable fate to hold the position from year to year for 8 years in the case of one firm and for 10 years in the case of 5 other firms. Moreover, two of the firms have been simultaneously represented either on the Calcutta Board or on the Madras Board."

I will read the statement later on.

Now, coming to my own province, they say :

"In the case of Madras it will be found from Statement (3) that just as in the cases of Bengal and Bombay the Board of Directors has been more or less a monopoly of five firms, *viz.*, Messrs. Parry and Company, Gordon Woodroffe and Company, Bombay Company, Limited, Best and Company, Limited, as well as a solicitors' firm now known as Moresby and Thomas but which has thrice renovated itself by change of name and partnership. The partners or Directors of these firms and companies have practically had an assured career on the Local Board of the Imperial Bank ever since its commencement and they used to hold a seat on the Board of the old Bank of Madras. Some of the Directors had to vacate their seats when their firms were closed or when they died. It will be seen from the same Statement that the individuals now sitting on the Board have seen long years in the appointment."

In support of that we have got the statement of Bombay. It is interesting to note how the Directors come into the Board and it has even been suggested that the shares are held by the firm and not by the Directors. So, as soon as one partner wants to go in, the shares are transferred to him and, if other partners want to go, the shares are transferred to them ; and so it goes on.

Now, coming to the Bombay Circle, we have got the Bombay Company from 1921-1932. We find Mr. Gillum and then Mr. Goodall, again Mr. Gillum and again Mr. Goodall, and so on, till 1927, then Mr. Macdonell, again Mr. Goodall and again Mr. Macdonell again, there after Mr. Moore and Mr. Macdonell.

Then, in the case of Currimbhoy Ibrahim and Co., we find that Sir Fazulbhoy Currimbhoy continues from 1921 to 1932 and, in the case of David Sassoon and Co. also, Mr. Sawyer continues from 1921 to June 1932.

Then, in the case of Messrs. Killick Nixon and Co., we get Sir Thomas Birkett, then Mr. Hebbelthwaite, then Mr. Annesley. Again, Mr. Hebbelthwaite and, then, again, Mr. Annesley for about 8 years and then Mr. Reid.

Then we come to Sir Jamsetjee Jeejeebhoy who was Director from 1921 to December 1930. Then we come to Messrs. Forbes, Forbes, Campbell and Co. There was Mr. Bunbury up to December, 1923, and then partner Mr. Grantham and, again, Mr. Bunbury for 5 half years, then Mr. Fox and, again, Mr. Bunbury for 8 half years with Mr. Fox in the interval.

Then we come to Messrs. Narandas Rajaram & Co., where we find Sir Purshottamdas Thakurdas who entered in 1922 and still continues either as President or Vice-President alternately from 1924—1932, which is against the Imperial Bank of India Act. And then some other people also come in now and then probably to relieve the monotony.

Then we come to the Madras Board. There we find under Parry & Co., their partner Mr. Buchanan, then Mr. Wood for some years and then Mr. Wright, and then Mr. Wood and Mr. Wright changing alternately from 1924 to 1932.

Then the partners of Brightwell and Moresby, first Mr. Brightwell, then Mr. Moresby, then Mr. Taylor, then, again, Mr. Moresby, then Mr. Small and then Mr. Thomas.

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Then, coming to Messrs. Gordon Woodroffe & Co., we find Sir James Simpson and then Mr. Strouts, and these two gentlemen carry on alternately from 1921 to 1932.

Then, coming to the Directors of the Bombay Co., Ltd., we find Mr. Rae, then Mr. Hearson alternately till 1927, then Mr. Moore and, again, Mr. Hearson from 1928 to 1932.

Then, coming to the Best & Co., we find Sir Thomas Ross, then Sir Gordon Fraser, then Mr. Mackenzie Ross again and then the Director of the Taylor & Co.

Then we have the firm of the South Indian Industrials, Ltd., and its Director Mr. Haji Muhammad Ibrahim Sait, and then he went away when the South Indian Industrials went into liquidation, and Rao Bahadur V. T. Chetty came in.

Then, we have got some others and then the partners of Walker and Co. Then, we have got Raja Sir Annamalai Chettiyar for five full years and Mr. I. V. Ramaswamy Mudaliar for about 14 to 15 half years. But, in justice to the Imperial Bank in Madras, I must say that they had temporarily four Indians on the Board for three or four weeks and only three Europeans. It was more to bring out in prominence what they were doing otherwise in the past. Now I have read the three lists of the three circles.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Did the Bank crash, because there were four Indians ?

Mr. Vidya Sagar Pandya : No : it did not. Then I come to the local boards. See what the Chamber says :

" *General view of the Local Boards.*—The three statements mentioned above make quite clear certain broad features common to them all as to members of the same family. The Directors are confined to certain favoured firms and companies within a charmed circle, whose boundaries are very jealously guarded. They evidently have a freehold tenure of the direction of the bankers of the Government of India. "

These are not my words but the words of the Chamber, a responsible body. Again it says :

" It may be admitted that this is apparently due to the apathy on the part of the shareholders who for some reason or other have not succeeded in taking interest in the elections at the Annual Meetings. There is no doubt that one chief reason for this apathy is the fact that the management hold in their pockets a large block of proxies to thwart any attempt to elect anybody outside the caucus..... ".

Sir Cowasji Jehangir : Whose are the proxies ? Are they of Indians or of Europeans ?

Mr. Vidya Sagar Pandya : Of Europeans.

Sir Cowasji Jehangir : Are you sure of your facts ?

Mr. Vidya Sagar Pandya : Yes. For example when one of the Indians wanted to be an auditor of the Imperial Bank, one of the Secretaries threatened him with dire penalties ; that gentleman then went to Bombay.....

Sir Cowasji Jehangir : I am asking a question as to how many Indians there are among the shareholders in the Imperial Bank who give proxies.

Mr. Vidya Sagar Pandya : I do not know the exact number. But this much I can say. There are some members who are specially called

on that day to attend the meeting to thank the directors for their little mercies, and so forth.

Now to take up the letter :

" In order to show you at a glance the nature of attendance at the meetings of the shareholders "—(*the letter says*)—" I am directed to attach hereto statements 4 and 5 setting out the number of shareholders of the Imperial Bank of India present in person and by proxy at the General Meetings as well as at the local General Meetings at Calcutta, Bombay and Madras. They indicate what an abnormal number of proxies are whipped up each time to decide the election of the Directors and Auditors. It is clear that at the latter meetings not more than a dozen shareholders attend ordinarily at Calcutta and Madras and less than two dozen at Bombay. The members usually present consist of Directors, *ex*-Directors, officers of the bank and their brokers. There have been occasions when only Directors are left to elect themselves or their successors which must be a matter of a couple of minutes only—you will notice, for instance, that in the year 1926 there were only 4 members present at the Madras meeting. Thus the shareholders have practically no say in the matter and exercise absolutely no control. "

I will read those statements which will give a somewhat clear idea and answer also to my leader, Sir Cowasji Jehangir's question. This statement is about General Meetings of the Shareholders. In 1921, at Calcutta, the number present in person was 11, while the proxies were 665. In 1922, at Bombay, 33 were present in person, while the proxies were 881. In 1923, at Madras, 41 were present in person, while the proxies were 1,621. Here I want to say this. There was a little tussle between an Indian auditor and one of the Secretaries of the Bank, and the Secretary said " You dare not enter this charmed circle and I will teach you a lesson ". Then the auditor went to Bombay and, with the help of some of his friends there, was able to get about a thousand proxies, while the Bank had only 600 ; and the result was that the Bank came down on its knees and begged him not to propose some other Indians in the place of the other two European auditors and then a compromise was reached and that is why 41 were present in person on this occasion. On this occasion, as I have said, 1,621 proxies were collected by both the parties. In 1924, at Calcutta, 16 were present in person while the proxies were 908. In 1925, at Bombay, 34 were present in person and the proxies were 841. In 1926, in Madras, only 13 were present in person while the proxies were 788. In 1927, in Calcutta, 36 were present, while the proxies were 807. Then there was a special meeting which we need not take into consideration. But there also it was 37 and 815, respectively, when the question of establishing a Reserve Bank came up. In 1928, at Bombay, 32 were present in person and by proxies 812. In 1929, in Madras, the numbers were 22 and 788 ; in 1930, in Calcutta, 12 were present and 740 were proxies. In 1931, in Bombay, 176 were present and 954 were proxies. That was the year when there was a trouble and walk-out and apologies in the meeting. In 1932, in Madras, 19 were present with 1,198 proxies.

I now come to the Local General Meetings and the number of shareholders present in person and by proxy. The numbers present in person in the Calcutta meetings are 7, 8, 9, 11, 8, 10, 15, 8, 10, 10, 21, and 18 respectively from 1921 to 1932 : of course these consist of the directors, the secretaries and *ex*-directors and their friends. The number of proxies for the years from 1922 to 1932 are 255, 268, 276, 264, 232, 285, 280, 266, 255, 315, and 422. This goes to confirm the idea that they have got practically permanent proxies also. The numbers present in Bombay for the same period, that is 1921 to 1932, are 32, 18, 25, 20, 16, 18, 17, 13, 19, 21, 97, 43 and 47 in person, and in Madras for the same period there were 11, 7, 15, 10, 10, 4, 9, 14, 12, 13, 11, and 13 : while the number of proxies were,

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Sheets of the Imperial Bank of India should not indicate this position while, in the case of ordinary Banks of the country, it is a statutory obligation under the Indian Companies Act, 1913.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : What is the inference ? Do they borrow largely ?

Mr. Vidya Sagar Pandya : I can't say anything about it, but it is for the general public to draw their own inference.

Then, they make a suggestion as to how the Imperial Bank Act requires to be amended at an early date, and the recommendations are :

" (1) That no firm or company shall be represented on any Local Board or any Central Board of Directors of the Bank for more than five years under any circumstances.

(2) That no single partner or Director of any firm or company shall be a Director of the Bank for two terms in succession. Similarly for the Auditors' firms.

(3) That either the President or Vice-President in any Local Board shall be an Indian in any year, and none shall be either a President or Vice-President for two years in succession.

(4) That no Local Board Member or Governor on the Central Board or Secretary or the Auditor shall be more than 60 or 65 years old.

(5) That no Director or Officer of the Bank shall act as proxy for any shareholder or canvass for proxies and that the system of granting permanent proxies shall be abolished.

(6) That no single person shall be proxy for more than three shareholders and that no shareholder should have more than 12 votes."

Under the present Imperial Bank of India Act, it is open to one single man to sit with a number of proxies and carry on the meeting :

" That the liabilities of the Directors of Firms or Companies with which they are connected, to the Bank will be disclosed in the half-yearly Balance Sheets as required by other Banks under the Indian Companies Act."

I have finished with the letter of the Southern India Chamber of Commerce. The Chamber have collected the information very carefully and the defects indicated by them ought to be a lesson to us for our future guidance.

Thus, I have conclusively proved that even under the best drawn scheme for a shareholders Bank the Directors are practically left to pass the accounts submitted by themselves, to re-elect themselves or their successors, or to appoint Auditors of their own choice to audit their accounts. Owing to the apathy of the shareholders the Directors comply with just the formalities required by law to issue the report and a balance sheet. Thus, the control and direction of the Bank is vested in a group of men responsible to nobody but themselves without any effective supervision by the Government. Under clauses 8 to 16 of the Bill the Governor and the Deputy Governor will have the Bank in their pockets. The Directorates of the Reserve Bank Board as well as the Local Boards will be closed boroughs confined to certain favoured firms and the Directors will practically be mutes. The Directors even by election under the scheme will have no independence but will be simply dummies or pawns for the Governors and the local agents to play with, as is the case with the Imperial Bank of India. Whenever any information is sought about the Bank or Indianisation is pressed, the Government will say the Bank is a private body and they cannot give any information and must leave it to the Directors to do as they like. The question is whether the Indian currency and banking is to be handed over to

one or two Great Moghuls of the Reserve Bank of India under the Constitution as contained in the Bill. The election of the Directors will be in the hands of the Executive by whipping up proxies through the influence of those who are indebted to them or their agencies.

Mr. B. Das : Do you mean to say that the Directors are indebted to the Imperial Bank ?

Mr. Vidya Sagar Pandya : That is a question for the Imperial Bank of India to answer.

I have taken so much time of the House in giving these necessary details so that they may fully understand the implications of the Shareholders' Bank. The country has unmistakably expressed that the Reserve Bank should be a State Bank. The last Bills were lost on account of that. The London Committee sitting at a distance of 6,000 miles had simply adopted the Bill of 1928 with certain modifications. It is no use dismissing the constitution of a State Bank only on a mere phrase of " political influence ". Why should not the Government ask the country what they want ? The Government which is the biggest political party in the country chooses to call the Directors elected by the Legislatures as politicians. The Government nominate five Directors and in the beginning still more. They would represent the Government polities. Yet the kettle calls the pot black !

Another reason for my asking the Bill to be circulated for public opinion is that the country does not want to be tied to the coat tail of England. England is establishing a chain of Central Banks throughout the Empire and naturally requires the formation of a Reserve Bank of India so that the Bank may be an annexe of the Bank of England to carry out its prearranged policy. The country should be given an opportunity to express whether they want a real and honest Gold Standard or only Paper Sterling Standard and an independent Bank. Under the provisions of the Bill the currency notes are not convertible in gold. You may take silver coins or sterling. As I had to tell the House once before that if this Bill is to be put on the Statute-book I shall have to use an epigram which was in vogue in the time of Pitt :

" Of Augustus and Rome,
The poets still warble.
How he found it of brick,
And left it of marble."

" So, of Schuster and Ind
Men may say without vapur,
That he found it of gold,
And left it of paper." (Laughter.)

The idea, I believe, of the British Government has been to give India a real Gold Standard with Gold Currency, but owing to the peculiar circumstances over which England had no control she had to go off the Gold Standard. I do not see why they should drag India to follow their fall. It was open to the Finance Member to secure all the distressed gold which has gone out of India and create a sufficient Gold Reserve to keep India on Gold basis instead of tying the Rupee to the Sterling which has so heavily depreciated in terms of Gold. Formerly, an ounce of gold could be secured for £3-17-6 The depreciated Sterling or paper of the face value of over £6 has to be paid to secure an ounce of gold, and even that is difficult to procure.

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as regards Bombay, 494, 553, 550, 538, 494, 483, 478, 477, 466, 437, 845, 870, and 583 : while the figures for Madras proxies are 54, 70, 111, 88, 87, 69, 63, 57, 46, 42, 75 and 127.

I now come back to the letter. It goes on to say :

" As a result of such manipulation at meetings, it has been found that, as shown in Statement No. 6, the election of auditors also goes in stereotyped lines, partners of the same four firms being repeatedly elected. It is hardly fair to the public who as shareholders, as depositors and as taxpayers are deeply interested in the bank's affairs, to elect the same persons repeatedly to do this work which involves great responsibility to the public. The auditors have further made a domestic affair of this responsible work by segregating the work of each one, which is quite contrary to the intentions of the Act and of the shareholders. Regulation 52 evidently implies that all the auditors are to examine all the accounts jointly and be responsible for the work as a whole.

(8) *Ex-officio members of the Central Board.*—The statements indicate the names of the Presidents and Vice-Presidents as well as the Secretaries of the several Local Boards who have been *ex-officio* Governors of the Central Board. In Calcutta the President has been for a decade only a European, and the Vice-President has also been so, except for the fact that Rajah Reshee Case Law was permitted to be a Vice-President on two occasions. In this manner as large a representation of Europeans on the Central Board as is statutorily possible has been successively secured. In Bombay one of the Directors had been alternately holding the President's and Vice-President's office continuously for over 7 or 8 years, which appears to be in direct contravention of the letter and spirit of Proviso to 44 (1) which requires that no person shall be chosen to be President or Vice-President ' twice in succession '. There are some cases where proviso to section 44 (*1*) has been broken out. It may be said to the credit of the Bombay Board, however, that two Indians were given reasonable chances of being President and Vice-President. In Madras it was only after a serious protest was made by this Chamber in 1929 that any Indian was occasionally given the supreme privilege of entering the *sanctum sanctorum*. But no Indian has yet been found fit to be elected President in the Madras Local Board and no Indian has yet adorned that place except perhaps in a stop-gap arrangement when the permanent incumbent was out of India on leave.

(9) A Central Board so peculiarly constituted mostly of *ex-officio* European members can hardly pretend to give fair play to the needs of Indian merchants or manufacturers."

Here I may stop for a moment to give an explanation. The Board of the Imperial Bank is constituted of a President, Vice President and Secretary being *ex-officio* Members of the Central Board. The result is that they always succeed in getting a majority of nine Europeans on the Central Board of the Imperial Bank.....

The Honourable Sir George Schuster : May I remind my Honourable friend that we are discussing a Reserve Bank Bill and not the Imperial Bank. There is a Bill dealing with the Imperial Bank, but I fail to see how the constitution of the present Board of the Imperial Bank is relevant to the proposals in this Bill. The Reserve Bank will have a Board constituted on an entirely different basis. I may also remind my friend that he himself complained that sufficient time was not given to consider the provisions of this Bill, and I suggest that he himself will not be giving very much help to the House by considering the provisions of a Bill which is not before the House.

Mr. Vidya Sagar Pandya : I am alluding to this point merely because to show to the House how the shareholders of the Bank similarly constituted could not control, how in the case of Bank of Bengal, Madras and Bombay the shareholders were totally helpless or took no care to control, and I may add that in the year 1866, in spite of the shareholders' Bank

and with a Government Director nominated on it the Bank went to dogs. That was in 1866. Then in the case of the Imperial Bank, the scheme is practically the same. I want to make it clear whether the shareholders control the Directors and whether they have any effective hand in the management or not. All that the Directors do is they go on re-nominating themselves over and over again and things go on merrily for the Directors. (Laughter.) The same history may be repeated here.

Now, Sir, coming to the Central Board, as the Secretary says :

" I enclose a statement No. 9 which sets out the names of the four Governors nominated by the Government of India under section 28 (*1*) in each year in succession."

I want Honourable Members to kindly listen carefully to this part, and see how the Government nominates members in such cases, and what is the effect of their nomination :

" My Committee very much regret to note that the Government of India in making the nominations have put into the shade all the Local Boards. It will be observed that the Honourable Sir Dinshaw Wacha, aged 89 years (born on the 22nd August, 1844) has been nominated continuously from 1921 to 1932 in spite of the bad state of his health so well known. Similarly, Sir R. N. Mukharjee, aged 80 (born on the 23rd June, 1853) has been on the Board continuously except for a break of one year, *i.e.*, 1923. The Honourable Sir Maneckjee Dadabhoy, aged 68 (born on the 30th July, 1865) was continuously nominated until when the Government could not do so owing to his election as the President of the Council of State. The nomination of the 4th Governor has shown some show of refreshing contrast though it has its own peculiar and interesting features. In re-nominating, the same person over and over again the Government have overlooked the physical disabilities of age, the claims of the different provinces and the needs of the institution for liberalising and broadbasing the banking policy of the country. Indian interests of Bengal and Madras go practically without any *ex-officio* representative on the Central Board, although there are 9 *ex-officio* seats allotted on the Central Board. It is so constituted that there is an assured majority of 11 or 12 Europeans against 4 Indians and such a Board can hardly be expected to deal fairly with Indian interests even if it is supposed that the 4 Indian Governors bestir themselves to voice Indian interests."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : What about the other parts of India ?

Mr. Vidya Sagar Pandya : They are nowhere in the geography of the Bank. I may also add here that the Directors sometimes meet in Bombay, sometimes in Calcutta and sometimes in Madras, and on very rare occasions that the same persons are present at a meeting. Then the letter says further on :

" (10) I am also to enclose a statement of Secretaries and Managing Governors of the Imperial Bank which shows that Mr. Murray (now Sir Norman) was *ex-officio* Governor for seven years as Secretary and then as Managing Governor. Similarly, Sir K. M. Macdonald has been *ex-officio* Governor for 5 years either as Secretary or as Managing Governor. Sir Osborne Smith has been similarly a Managing Governor for about 7 years now. Ordinarily, even the Viceroy, Governors of Provinces and Members of the Executive Councils are allowed to remain in office only for 5 years, though there is a tendency to secure extensions in transition periods. But there is no limit to the number of years a person may be a Director, a Secretary or a Managing Governor of the Imperial Bank of India, nor is there any age-limit for any of them.

(11) *Liabilities of Directors.*—I am further to draw your attention to the fact that the Imperial Bank Act does not require that the Balance Sheet of the Bank should indicate the nature and amount of the liabilities owed to the Bank by the Directors or the business concerns with which they are connected. It is believed that some or several of the Directors are heavily indebted to the Bank directly or indirectly ",

and how much portion of their loan they will be able to repay God alone knows. In the circumstances, it is extremely unfair that the Balance

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Talking on the Bill, the constitution of the Central Board and the Local Boards is such that the best men in the country may not care to stand for the seats on the Boards. The sale and purchase of gold and silver is gone. The control is practically vested in the Governor and the Deputy Governor. The Bill is shorn of all its glory by the removal of the powers of the Bank to buy and sell gold. In all countries, the natural born, the nationals have got the control of the Bank. Here there is every loophole to allow aliens to secure the control of the Bank.

Now, I shall offer a few remarks on the provisions of the Bill. Clause 4 —Share Capital. To give proper representation to all provinces it may be necessary to increase the amount of share capital from 5 crores to a much larger amount so that all the provinces may be better represented. Three-fourths of the capital must be held by natural born Indians and when this proportion is disturbed the Directors should stop transfer of shares to aliens. Similarly, transfer from one provincial register to another should be so arranged that the election of Directors in any province does not become a farce.

Then I come to clause 8, sub-clause 1, c iv. Madras is not given the proper representation according to its population and importance. Here I will have to go more deeply into the constitution of the Board under this Bill and see how it compares with the Boards under previous Bills. I have got with me here so to say the horoscope of the four Bills. According to the original Bill of 1927 the constitution was as follows : (*a*) A governor and a deputy governor who shall be appointed by the Governor General in Council for a period of 5 years and shall devote their whole time to the affairs of the bank and shall receive such salaries and allowances, etc. (*b*) Then, 9 directors elected by the shareholders, each of whom shall be a registered holder in his own right of not less than 20,000 unencumbered shares, of whom two shall represent interests in Calcutta, two shall represent interests in Bombay and one the business interests of Madras, two to represent business interests in British India, exclusive of Bombay and Calcutta, (*c*) three directors to be nominated by the Governor General in Council to represent the interests of commerce and industry and agriculture, respectively, and (*d*) one officer of Government appointed by the Governor General. Under that scheme the number of Indian directors that could be secured at the utmost would have been for 9 out of 15. Now, this is very important. I would request those members who will constitute the Joint Select Committee to listen to this very carefully and whoever may be the members of that committee will have to do their duty by the country.

Under the Joint Select Committee Bill, the Board consisted of (*a*) a governor and a deputy governor of whom one was to be an Indian, (*b*) two directors who will be Indians, nominated by the Governor General in Council, (*c*) four directors of whom two shall be elected by the Associated Chamber of Commerce and two by the Federation of the Indian Chambers of Commerce, (*d*) one director to be elected by the provincial co-operative societies, (*e*) three directors to be elected by the elected members of the Indian legislature of whom one shall be elected to represent the interests of commerce and industry, (*f*) three directors to be elected by the elected members of the legislature of the Governors' provinces of whom two shall be elected to represent the interests of agriculture and one to represent the interests of commerce and industry, then (*g*) one officer of the Government nominated. Thus, under this scheme, out of 16 Directors we could secure 10 Indians.

Then, we come to the Bill of 1928, which has been followed by our friends in London : (*a*) the Governor and two Deputy Governors, to be appointed by the Governor General in Council after consideration of any recommendation made by the Board in that behalf, and (*b*) four Directors to be nominated by the Governor General, (*c*) two Directors to be elected by the Associated Chamber of Commerce, (*d*) two Directors elected by the Federation of Indian Chambers of Commerce and then (*e*) one Director representing the interests of agriculture by Provincial Co-operative Banks and (*f*) eleven Directors to be elected on behalf of the shareholders, etc. Now, under this Bill of 1928, you could secure 14 Indians out of 24 Directors. Under the present Bill, (*a*) the Governor and one or two Deputy Governors are to be appointed by the Governor General in Council after consideration of the recommendation of the Board in that behalf. That means three Europeans, (*b*) four Directors to be nominated by the Governor General in Council. I hope they will not repeat the story of the Imperial Bank by appointing men of 80 or 90 years of age. Then (*c*) eight Directors to be elected on behalf of the shareholders and (*d*) one Government officer nominated by the Governor General. We have practically only 8 or 9 Indians out of a Board of 15 or 16 Directors. Under the Bill the Governor General can nominate eight aliens besides the aliens coming through the election by the shareholders. Is there any other country in the world where so much opportunity is given to aliens? There is no guarantee that the natural born Indians or national Indians shall be in majority on the Board. The Government of India is a great political party by itself. It can have political influence, but the shareholders cannot elect any member of any Legislature or a Banker. There was a good chance under the scheme of the Joint Select Committee of there being a majority of Indians. Is there any Reserve Bank anywhere in the world where the aliens have any seat on a Reserve Bank. Here aliens can be in a majority. If the Reserve Bank of India is to be free of political interference the politicians in their turn must be equally free from any restriction of finance imposed upon them by the policy of the Bank. If not its establishment merely transfers the ultimate destiny of India from democratic rule to the autocracy of an institution similar to the Bank of England working its will in Parliament through the agency of the British treasury.

Then I come to clause 13 (*1*). As I have said, the meetings at Madras have been omitted. So, their interests will be neglected.

Under clause 24, there is no restriction on issuing of small notes of Rs. 2 and Re. 1. I think we must be careful about that.

Clause 28. I hope the discussion of August 31st will be taken into consideration and the rules will be liberal for the refund of money on cut or mutilated or lost notes. I hope the Honourable the Finance Member will kindly appoint the expert committee to look into the claims of the parties in the past.

Clause 41 requires Scheduled Banks to keep with the Reserve Bank not less than 7½ per cent. of the daily average on demand and 2½ per cent. of the daily average of time liabilities. I do think this a heavy

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burden on the banks and I do not think they will get sufficient compensation for the sacrifices they are called upon to make. In the light of my experience all over India I think this will penalise Bombay more than any other province. The Banks in Bombay will have to keep larger balances with the Reserve Bank than the banks in other parts of India.

Under clause 42 (7), I do not see any reason why the banks having over three lakhs capital should be penalised and all other institutions allowed to go scot-free. The five big banks of England have got capital of 8 to 9 millions but their deposits are about 300 to 400 millions. It would be for the Select Committee to go carefully into this matter in order to fix the contribution on the basis of capital or deposits.

Clause 44.—The dividend of 5 per cent. is enough and they should not by giving hopes of larger dividends encourage speculation in the market in these shares. Sub-clause (*c*) should be deleted.

Clauses 46—48.—I suggest similar alterations as have been suggested by the Chamber, *i.e.*, the same auditor should not be re-nominated more than twice.

Clause 49.—The Bank should issue quarterly reports of accounts and the annual report should be issued not only in English but also in important vernacular languages. It is no use expecting the whole of India to read English reports. Then, the reports and accounts should be submitted to both the Houses of the Legislature and the salaries of the Governors and Deputy Governors and the emoluments of the Directors may be made a votable item, so that we may know how they are running the show and their work may be properly reviewed in this House.

Clause 52.—This clause gives power to the Board to make a number of regulations. Well, I do not think any regulation should be passed by them unless and until it has been approved and confirmed by Legislature. Similarly, no alterations or changes should be made without the permission of the Legislature otherwise it gives lot of discretionary power to the Directors to do as they like or may think best. Similarly, there has been a complaint that the registers of the shareholders are not so easily available and therefore we must take steps to see that every shareholder will have a right to look into the registers without unnecessary restrictions of taking copies or notes from them.

Now, Sir, I wish to sum up briefly what I have said so far and I do not wish to tire the House for too long. First of all, we must take into consideration the control of the Bank. Leaving aside the question of the State-owned or private-owned capital, the constitution should be such as to secure complete public and national control and prevent undue sectional influence. That should be avoided. Non-nationals should not hold shares or occupy seats on the Board. Three-fourths of the capital and the seats on the Board should be reserved for natural born Indians. The Governor General should nominate only natural born Indians not at his own pleasure but on the advice of the Finance Member. So, also the Governor and the Deputy Governors should be appointed on the advice of the popular minister.

Exchange and ratio.—Rupee should not be linked to Sterling but gold standard and gold currency should be aimed at and all efforts should be made to accumulate Reserves.

Now, I come to the agreement or arrangement between Imperial Bank of India and the Reserve Bank. The Imperial Bank, which is dominated by non-Indian interests, should not be the sole agent of the Reserve Bank. Remuneration for agency is too high and in some countries such services to the public are being rendered free. Public Debt account is also maintained without any change. The Imperial Bank should no longer have the prestige and privileges of Government connection, otherwise they will be a formidable rival to Indian Joint Stock Banks. It has been a Central Bank but playing the role of trusteeship of wolf over lambs.

Now, I come to the question of compensation. They have no moral claim for compensation in respect of the so-called "disappointed expectations", as they have been cancelled by realised advantages and unexpected windfalls and benefits. Thus, the recommendation of the London Committee must not only be ignored but the Bank authorities, if I may say so, should be impeached for the disservice they have done to the Indian interests. I agree that there may be a London Branch but the work should not be entrusted to the Bank of England. The Reserve Bank should not work under the poisonous influence of any other Bank. It should be a training ground for future Indian Governors and Deputy Governors to be in touch with the foreign money markets. Sir, I think, I have already tired the patience of the House and specially of the Honourable the Finance Member and, Honourable Mr. President, with your permission, I will now close my speech.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the Bill to constitute a Reserve Bank for India be circulated for the purpose of eliciting opinion thereon by the 31st December, 1933."

Dr. Ziauddin Ahmad : Sir, I would like to restrict myself to a few general observations today and would not like to go into the details of the Bill. The points that I would like to take up for discussion are, (1) whether it should be a State Bank or a Shareholders Bank ; (2) the question of exchange ; (3) should rupee be linked up with the sterling or gold or with nothing ; (4) the ratio question, whether it should be 1*s.* 4*d.* or 1*s.* 6*d.* I quite agree that Nos. 3 and 4, as the Finance Member suggested, may be discussed as distinct problems. But the London Committee in their report have distinctly said that at every stage of the discussion of the Reserve Bank Bill it is impossible to avoid their discussions. The fifth point which I would like to take up would be the reserve of the Bank.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

That is the proportion of gold and other forms and reserve in our Reserve Bank. The sixth question I will take up will be the relation with our Imperial Bank, and then the last question which I will take up, if unfortunately it is decided by a majority that it should be a Shareholders' Bank, is the restrictions and the safeguards of income-tax payers in the country.

An Honourable Member : Agriculturists.

Dr. Ziauddin Ahmad : Yes, most of whom are agriculturists. These are the points which I will take in turn. I now take my first point.

In 1926, it was agreed that the Reserve Bank would be a State Bank. Opinions changed in 1927 and the Bill laid before the Assembly in 1928 contemplated that it should be a Shareholders' Bank but, on account of strong opposition from the then Members of the Assembly and for other reasons, the Government withdrew that Bill. The present Bill is contemplated to be a Shareholders' Bank, but no arguments are given in favour of the Shareholders' Bank, either in the report or in the speech of the Honourable the Finance Member except one point that it ought to be free from political influence. I would read clause 3 of the Report which says :

> "We fully accept the principle that the Reserve Bank should be free from any political influence. The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders and we recommend that this plan should be adopted in the case of India."

I request you to mark the words " capital should be held by private shareholders " which I will discuss later on. May I ask, Sir, the Honourable the Finance Member whether the Reserve Bank will discuss any philosophical questions, whether it will discuss the theory of relativity or questions of that kind for which it is necessary that the Reserve Bank should be free from political influence. I submit that politics does not only mean " non-co-operation " or its reverse. Politics includes the maintenance of the credit of the country, control of currency, stabilisation of exchange. All these are fundamental political problems. If you demand today that the Reserve Bank should be free from political influence, you may as well demand that the Universities in India should be free from academic influence. (Laughter.) You deal with fundamental political problems and then, afterwards, say that they should be free from political influence. You are just acting, as the Persian Poet said :

" Darmiyáne qáare daryá takhtá bandam kardaí
Baz mi goi keh dáman tar mákun hushyàr básh."

It means, " you have bound my hand and feet in the middle of the river and then say, ' be careful, do not make your clothes wet '." It is just what you are doing. You are making a Reserve Bank to deal with political issues and yet you demand that it should be free from political influence, and this is a position that I cannot understand. There is one point to which I should like to draw the special attention of the House. It is assumed in the report that the Indian Minister will mean political influence, but the Secretary of State for India will not mean political influence. We assume that the present Members on the Treasury Benches do not represent politics, the Viceroy does not represent politics, the Secretary of State for India does not represent politics, but the only unfortunate person, the future Finance Minister, when and if he comes into existence, will represent politics. I say, adopt one uniform principle. Either you admit that the Bank should be free from political influence, and since Ministers, Members of the Executive Council, Members of the Legislature and the Secretary of State are all politics, therefore the administration of the Bank should be left to the capitalists of the country

alone. But if the politicians do come into existence and if the Viceroy and his Executive Council exercise their influence, then, I do not see why the future Minister, when and if he is appointed, should be left out of consideration altogether. Either both the Secretary of State and Indian Minister should be excluded or they both come in.

If you permit me, Sir, I should like to introduce a little confusion of thought and take my second point and come back again to this issue ; and my justification for introducing this confusion of thought is that the conclusion which I will draw from that will throw light on the problem which I am now discussing. So I take up the question of " Exchange ", which is really my second point. Sir, I quoted, two years ago, on the floor of this House, a preliminary note from Professor Gregory's book that " there is only one person who understands the conundrum of exchange and that man is in the lunatic asylum ". My apology for introducing it is that we are all M. L. A.'s. Speaking more seriously, the exchange of every country is worked by the demand and supply of currencies. This thing again is based on three factors, first is what we call visible balance of trade, that is the balance of trade of merchandise, or the difference of import and export of goods. Then the second item to be considered is what is called the invisible balance of trade, which includes the services, the expenses of the tourists, and the interests on long investments and other things. The third item is the movement of long term capital from one country to another. These three items, taken together, really determine the problem of exchange. If these three items balance in any year, then the exchange stands on the even key. If the balance of trade taking all these three points together—to use my pet phraseology—if the balance of trade of visible and invisible negotiations is equal to zero, then the exchange balances, but if it is against us, then we should be prepared to part with our gold. That is to say, an uneven balance is always met by the export of gold from the country. In addition to these three important factors, there is a new factor which has come into existence in recent years, and that is called the short term capital and it is popularly known as " ready money ". Now, this ready money or short term capital has been estimated by the Bank of International Settlement in 1931 to be 10 billion dollars. Now, this amount is the same as the value of the monetary gold in the whole world. This huge mass of perfectly liquid capital is concentrated in a few financial centres and it is in a comparatively few hands and it belongs mainly to a few banks and to some financial houses and to a few rich men. It can be moved easily and without notice. The movements of this ready money are sudden, violent and overwhelming and incalculable, and they break down the exchanges. The movement of this capital was the cause of the collapse of British currency in 1931 and of America three months ago. I would refer the persons, who are interested in it, to the beautiful article in the *Times of London*, dated the 31st July, 1933. The holders of this ready money collapsed sterling which at one time was thought to be the most stable currency in the world. The World Economic Conference made useless efforts to solve the questions of war debts, tariff walls and monetary problems, but these remedies, even if solved, would not solve the world economic problem till this fluid capital of 10 billion dollars has found a home where it can safely be locked up and will not be allowed to move about freely without notice from one country to another. We are now demanding a Reserve Bank where we can carry on operations in the open market and I have a great apprehension that we will put our

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necks in the hands of these capitalists and our currency may be broken down in the manner in which the currencies of other countries have been broken down, by the movement of this large fluid amount of 10 billion dollars from one place to another. It is not unknown that the amount now standing in the accounts of the English people in the Banks of the United Kingdom and which can be invested at a moment's notice, is in the neighbourhood of one billion sterling.

Now, Sir, do we really believe that our capitalists here in this country who will be the Directors of our Shareholders' Reserve Bank would be able to face this huge amount of capital, whose mouth may be directed to India and break up our currency. Here Government alone can give relief. We have got the example of Germany before us. Can any one think that the Reich Bank of Germany would have been able to control the exchange of Germany had not the Government come forward to their assistance and controlled the movement of capital from Germany to outside countries? So, in this case, I say that if we want really to stabilise and protect ourselves from this huge fluid capital, then we will have to give predominating powers in the hands of the Government, for the Government alone can protect us. The shareholders who are advised to go in the open market will never be able to protect us.

Sir, the object of the Reserve Bank is not to secure large profits for capitalists, but to safeguard the interests of the country. Who are the people who are most competent to safeguard the interests of the country? Are they the politicians or the capitalists? Here, I believe, I join issue with the Honourable the Finance Member. He will probably say that the capitalists are best qualified to safeguard the interests of the tax-payers of India and I think that those who are the elected representatives of the people will guard the interests of the people more efficiently and more effectively than the capitalists can possibly do. Sir, I come back again to my first point. We want a Shareholders' Bank only on the ground that it would be free from political influence. Sir Henry Strakotch, for whom I have great respect and whose opinions I highly value, said on one occasion that the political influence in the case of a Shareholders' Bank was greater than in the case of a Government Bank. The action of the Minister will be exposed in the Assembly by the political opponent, but your capitalist Directors will take shelter behind statutory responsibility. Besides, the politicians will have no axe of their own to grind, but the Directors, who will be capitalists, may get some advantage for themselves from the secret knowledge which they may get from the Reserve Bank. I would request the Finance Member or any one who is a supporter of the Shareholders' Bank to give on the floor of the House some definite illustrations of the way by which the Minister can practically break up the Reserve Bank if it happened to be a Government Bank. Now, if your Minister happened to have enormous influence with the House and an enormous influence in the country, then I can assure him that he can influence the shareholders much more easily than he can influence his opponents in the Assembly.

Now, Sir, I will take up my third point, as to whether the rupee should be linked with gold, sterling or dollar or with nothing. In this matter, Sir, I differ from the opinion which is expressed by my distinguished friend who moved the amendment for circulation. The Hilton-Young

Commission recommended that the rupee should be linked with gold sterling and said that if, by chance, England went off the gold standard, then the time would come to consider the separation. When England went off the gold standard on the 21st September, 1931, the first instinct of the Honourable the Finance Member was to do away with that provision. But, on second consideration, he changed his mind and he brought a second Ordinance. The Assembly, however, stuck to its guns, and we passed a Resolution under the leadership of Mr. President (then Mr. Deputy President) insisting that the rupee should no longer be linked with paper sterling. I always had the same opinion, but a minute consideration of the world economic conditions led me to change my opinion, and I honestly believe that it is for the advantage of both England and India that the rupee should continue to be linked with sterling. To link up our rupee with gold will, in my opinion, be a reactionary policy, because, in that case, the rupee will become very expensive, and our export will enormously be affected. There exist at present weighty opinions in favour of making the rupee cheaper and its linking with gold will be the reverse process. If we do not connect it with gold, then are you going to connect it with the dollar, or with the currency of any other country? Are you going to connect it with anything? I say that we are at present in the deluge of economic confusion and the boats of the currencies of many countries have been cut off from the shore of gold. It is always beneficial for loosely floating boats to bind themselves together to get out of this present deluge. Therefore, if we really unite together with sterling, and all those countries, who have disconnected themselves from gold, unite together, then there are greater chances of our coming to the shore. Now, England adopted the right policy at Ottawa to meet the present commotion. She attempted to unite together, in the first instance, all the countries forming part of the British Empire, and then increase their fold. The policy initiated at Ottawa was really the right policy, and had that policy been pursued, then we would have got by this time in our fold a large number of other countries. But, unfortunately, England adopted the opposite policy this year at the Economic Conference. Instead of making efforts to unite together, in the first instance, only those countries which have already disconnected themselves from gold, she began to ask the gold countries to disconnect themselves, and the result was that all the economic enemies of England joined together under the leadership of France, and the chances of all the countries uniting together have become more remote. Therefore, I am not going to pursue this question further just now, but I will discuss when we come to review the Ottawa Agreement,—and I hope the Leader of the House will give us an opportunity to discuss the Ottawa Agreement as he promised,—then we will discuss what action we have taken and what action England and India ought to take in future.

Whether we like it or not, the most advantageous course open to us is to keep the rupee linked with sterling.

I come now to the fourth point, the question of the "Ratio," *i.e.*, whether rupee should be equal to 1*s.* 6*d.* or 1*s.* 4*d.* Here I do not propose to bring before the Assembly the entire discussions that we had since 1926. I myself moved a motion about it two years ago, but I would like to draw the attention only to one point in connection with this matter. Till recently, our exchange has been on an even keel. We had a favourable balance of visible trade, that is the difference of export over import in merchandise amounted to about 75 or 80 crores of rupees. Out of this

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visible balance of trade, we paid for the invisible balance of trade, including commitments of 50 crores ; and, in the end, something was left to our credit and we got the balance in the shape of precious metals. This has been the position of India for some time. But, now, the process has changed on account of world conditions which I need not discuss here, our visible balance of trade has been continually diminishing. We are not now in a position to pay up all our commitments which amount to 50 crores and the other invisible balance of trade by export of our raw materials. Since England went off the gold standard, we have been paying for this balance of trade by the export of gold. Had gold not been exported from this country, our currency would have been broken to pieces, our credit would have gone down, and we do not know what would have been the value of the rupee in the world market : but the exchange was really kept up not by the means of export of merchandise as we have been doing in the past, but by the export of gold. The Government of India did not have a very large reserve of gold to maintain this unfortunate position. We know very well that, in these days of adversity, only those firms could stand who had a reserve in cash. This is applicable not only to business firms. but also to Governments and only those Governments have come out successful from economic troubles who had a strong balance of gold in reserve. Fortunately for India, the people of this country are accustomed to keep their savings not in banks, but in precious metals and, on account of this habit of the people, on account of the very good reserves which they had, the Indian exchange was well maintained ; but this process cannot be continued for a very long time. The balance of invisible trade, that is, our commitments, cannot for a long time be paid out of the gold which the people have collected to meet their own emergency needs. Even if they can do it, I think it is wrong policy to draw continuously year after year on our reserves ; but we should try to create a situation by means of which we can pay up all our commitments by means of our visible favourable balance of trade. This can only happen if we increase our exports. There is no other way of doing it. Now, everybody knows that our export has enormously fallen, because other countries have now come up in competition, and it is our duty and the duty of every person interested in the currency of the country to see that we should increase the exports of our country and that is the only method by means of which we can maintain our exchange without exporting gold from India. We have been pressing the Government that there should be an embargo on gold, but such attacks are useless. In the first place, Government will not do it ; and even if the Government did it, it would result in the breakdown of our currency ; and the only way in which we can maintain it is that we should have a favourable balance of trade and we must increase the quantity of exports in order to pay up our commitments.

Now, I make one suggestion, and I ask the Honourable the Finance Member or any other person who is opposed to my opinion to give me another method of increasing our exports. One method is that we should make our rupee cheaper in the world market and then our exports are bound to increase. This was tried by two countries—New Zealand and Sweden ; and, in both cases, they tried it with great success. They had a devaluation of their currency : they diminished the value of their currency in the world markets and their exports went up ; and I would like to press the same thing today, namely, that with the object of increasing our exports it is essential that we must lower the value of our rupee in the world market : in other words, the value of the rupee, instead of being at 1*s.* 6*d.*, ought to be 1*s.* 4*d.* and that is the only way in which we can maintain our exchange on an even keel : I believe it will be very unfortunate for the future Reserve Bank if we are to establish it with a ratio of 1*s.* 6*d.*, because it will be impossible for the Bank to maintain exchange on an even keel with this ratio, that is, always pay the invisible balance of trade by means of the reserve of gold. If the people of India do not come forward and part with their private savings, then it will have to be paid by the Reserve Bank from its reserve gold, and it will be a very great strain on the Bank to do it. Therefore, I think we must seriously consider, not in the light of political conditions, but purely from the point of view of increasing our exports, whether we should not consider the devaluation of the rupee and reduce it from 1*s.* 6*d.* to 1*s.* 4*d.*

I take up the next question and that is the Bank Reserve. In considering the amount of reserve, we should not only consider our credit outside the country, but also the credit inside the country and we must see that the people have confidence in the currency ; and the confidence of the people of this country is much more important than the confidence of the people outside India. We know that the currency note is a kind of pronote and people accept it, because they believe in the stability of the Indian Government. The credit of currency notes at present does not depend on gold reserve, but the credit of their notes depends upon their power of taxation, and upon the stability of the Government, and gold reserve is really built up with the primary consideration of the credit abroad. But if it is going to be a private bank, then the position would be reversed. In that case, we will have to consider the confidence of the people inside the country which is much more important than the question of confidence abroad. This private bank has to satisfy the people that it has got sufficient money to honour the notes which it would issue.

Sir, in determining the amount of the reserve, we have to consider three very important factors : (1) the credit inside the country ; (2) the credit outside the country ; (3) the emergency that may arise by a change in the monetary condition of the world, such as England returning to the gold standard again.

Nobody can say at present what would be the monetary position a few years hence in the world. It is possible that England may return to gold standard and we may have to follow. In that case, the amount of reserve, that we should have, must be substantially greater than when England is off the gold standard. These three considerations ought to determine the total amount of the gold reserve in the Reserve Bank. Unfortunately we have taken into consideration only one important factor, and that is the credit outside the country ; but the other two important factors, namely, the confidence of the people inside the country and the emergency factor have not been given proper consideration which they deserved. Sir, the amount under the head " Emergency " ought to be sufficiently large, so that we may be able to meet all possible contingencies. In this case the question would arise, and it is not possible to discuss it in detail here just now, what should be the ratio of gold reserve to the total liabilities of the bank. In this connection, I would like to give the House certain figures from various countries. In France, the gold reserve is 35 per cent. of the total of its notes and current accounts.

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[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

In Belgium, it is 40 per cent. of the gold and foreign credits payable in gold out of which 30 per cent. must be physical gold. In Copenhagen, 50 per cent. must be in metallic reserve ; in Netherlands, 40 per cent. of the Bank notes in gold bullion and gold coins, and, in South Africa, 40 per cent. in gold, U. S. A. 35 per cent. to notes. Any one, who is interested in these figures, is referred to a very important book written by Mr. Kisch. Though it is some years old, still it is a very important contribution, and you will find in it the ratio of gold reserve to the total paper notes and also to total liabilities :

Countries.	Manner of quotation.	Notes.	Deposits.	Sum of notes and deposits.	Ratio of gold to notes.	Ratio of gold to notes and deposits.
England	Million Sterling.	356	108	464	44·4	34·1
France	Million Francs.	73,007	15,425	88,505	59·9	49·5
Belgium	Million Francs.	2,909	144	3,053	41·3	39·3
Japan	Million Yens.	1,186	753	1,939	73·4	44·9
South Africa ..	..	9	7	16	81·1	45·3
U. S. A.	Million dollars.	.. 1,489	2,434	3,925	20·4	77·21

In our case we have provided only 20 per cent. of the note issue. Here we should not consider only the paper notes that we issue, but also the other liabilities, Treasury Bills and Cash Certificates.....

The Honourable Sir George Schuster : They will not be the liabilities of the Bank. They will be liabilities of the Government.

Dr. Ziauddin Ahmad : We would take into consideration the entire liabilities of the Bank in determining the amount of reserve. We should consider two items together, that is, deposits and the notes which they issue. These are the two items which we must consider ; we should fix up the amount of gold reserve, not by considering the amount of paper issue only, but also the amount of the deposits, and then we should fix up some ratio. Now, I suggest the following proportion. Of course, this is only tentative, and the exact proportion might be discussed later. I think the gold should be 30 per cent. of the note issue and deposits ; then sterling or gold securities should be 20 per cent., the Indian Government securities 15 per cent., and rupees only 20 per cent. We all admit that the rupees are not good form of reserve. Rupee in itself is a token coin just as much as bank notes are. The notes are printed on paper and the rupees are printed on silver, and both of them are token coins, and so silver rupees are really not a good form of reserve. This is a point which ought to be discussed in detail in Select Committee. In the Bill, we have provided 35 crores of rupees for gold reserve, which, to my mind, is not sufficiently large. Considering the three purposes for which gold reserve is built up, I think we should increase this amount to at least 50 crores, and say either 50 crores or 25 per cent. of the total liabilities whichever may be the maximum, that is, 50 crores should be the minimum, and it should go up to 25 per cent. of the total liabilities.

As regards the percentage of other forms of liabilities, this is a point which we should consider carefully. I may also mention here by the way, that gold should be calculated not according to the present parity, but according to old parity. If any time, the Bank changes the gold into other forms of reserve, then the profits accrued by sale of gold should come to us and they should not go to the bank, because it is Government property, and given by Government at old parity.

Then I come to the question of our relation with the Imperial Bank. I wanted to discuss the question more exhaustively, but we already had a long discourse by the Mover of the amendment, Mr. Pandya, and he has very much lightened my task. Sir, it was proposed that the Imperial Bank should be transformed into a Reserve Bank. It was also proposed that the shareholders of the Imperial Bank should be transformed into the shareholders of the Reserve Bank. Then, again, these suggestions were whittled down to the demand that there should be some intimate relationship between the Imperial Bank and the Reserve Bank. In discussing our relation with the Imperial Bank, we must consider the following points. The first point is the existence of clique system. This was exhaustively illustrated by my friend, Mr. Pandya. He described in detail the manner in which the Directorship is transferred from one generation to another generation, and he has exposed the process clearly on the floor of this House, and I think if we ever form a Shareholders' Bank, we ought to take a lesson and we should not allow this kind of thing to be repeated. The second point is that these directors, while evaluating the prices of various articles in order to determine the amount of the loan to be advanced, do not evaluate the prices correctly and impartially ; they evaluate the prices highly in the case of a few favoured merchants and undervalue the prices in the case of merchants who are not favourites, but, I hope, that the appointment of these Local Boards, if they are properly appointed, may, to a certain extent, mitigate this partiality. Then the third is the question of appointments. Mr. Pandya pointed out very clearly that there were very few Indians in the service of the Bank, and if I draw the attention of my Muslim friends, they will notice that the number of Muslims is still more limited. Not only this, Sir. If you draw the attention of the authorities, then, instead of hearing with patience or trying to redress the wrongs, they lose their temper. I am myself a shareholder of the Imperial Bank, I hold not only one share, but I hold several shares, but from the speech of my distinguished friend and from the additional facts which I propose to lay before the House presently, I am quite willing to lose my shares if the Imperial Bank is allowed to cease to exist.

Sir, we have been hearing a good deal about the special facilities which the Imperial Bank has provided for Indian trade and commerce. I should like to examine some of these facilities. Here, if you take a cheque for Rs. 10 on the Imperial Bank to any of its branches, the branch will at once charge you eight annas discount. The discount is four annas per cent., with a minimum discount of eight annas. If you cash a cheque for Rs. 10, you will only get Rs. 9-8-0. Most of us are familiar

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with the banking system in Europe, and I ask you whether you have to pay this discount anywhere in London ? You take a cheque to any bank and cash it at par and no discount has to be paid. Then why should we pay discount in India ? I call this swindling, though you may call it facility. The second thing is they say they provided banking facilities in smaller places where those facilities do not exist. Yes, but in smaller places people are engaged in agriculture. If the Imperial Bank makes advances on the security of landed property, then it will be doing a service, but the Imperial Bank does not advance money on the security of landed property.

An Honourable Member : Not directly, but indirectly it does.

Dr. Ziauddin Ahmad : What is the result ? The result is that the local rates of interest remain where they were before. The Bank rate has been diminished from 7 per cent. to 3½ per cent., but the local rates of interest charged by the *mahajans* and local bankers remain exactly in the same position, because they are the persons who advance money on the security of landed property. If the Imperial Bank desired to do service to the country, then it ought to have made it the first rule that it would advance money at the bank rate on the security of landed property.

The Honourable Sir George Schuster : May I point out to my Honourable friend that they are precluded by law from doing so.

Dr. Ziauddin Ahmad : I am merely narrating the facts as they are. They may be due to law made by the Legislature before we came into existence, or may have been made by the Directors, but the facts remain. It is immaterial how the Act was first framed. We could have changed it, had we been required to do so. But the fact remains that the lower rate of interest of the Imperial Bank has not lowered the rate of interest in the case of local banks and absolutely no good has been done to the landed proprietors and agriculturists who form the bulk of the population of this country and they are exactly in the same position as they were before. Recently, the Imperial Bank of India has introduced a new rule that you must keep a sufficient amount of money in the Bank, whose interest may cover the expenditure on keeping the accounts. This is a recent rule. This is not under the Act, and this rule has been made by the Directors. This rule does not help the banking system of this country. It rather frightens away people from keeping their money in the banks. These are the actions which the Imperial Bank have taken and they are not very encouraging so far as the landed interests are concerned. The Bank may have proved to be useful, which is very doubtful, to a few firms in big towns like Bombay, Calcutta, and possibly Madras.

Sir, I do not like to enlarge on this topic, but I should very much emphasise that our relations with all the banks should be uniform, that is, that no bank should be placed in an advantageous position. One thing more I should like to say in this connection. Though I am not unwilling to extend these privileges to foreign banks, but I would like to put down one condition before their names are entered in the Second Schedule of this Bill. That is, that each of these foreign banks should keep the accounts of the Indian branch quite separately and they should

be in a position to submit their audited balance sheets to the proper quarters in the same manner as the other Indian banks are doing.... (*An Honourable Member :* "And publish them also.").....and publish them too. This ought to be a condition before we can recognise any of the branches of any foreign bank.

I leave the question of the Imperial Bank, and I take up the last point. If unfortunately it is decided that this Reserve Bank of ours should be a Shareholders' Bank, then what action should be taken to safeguard the interests of poor taxpayers like myself ? Before I deal with it, I desire to relate one more story. There was a person who did not like to eat *laddus* from a particular shop. One person brought 300 *laddus* for him and told him that he purchased them from that particular shop. Then he could not take them. What did the other person do ? He bought five *laddus* from another shop and mixed them with the 300 *laddus*. He took out the first *laddu* and said in his mind ; "This may not be the *laddu* from that particular shop" ; and so saying he ate the first *laddu*. He repeated the process till he ate all the 305 *laddus*. He ate all the 305 *laddus* under the pretence of what lawyers call "the benefit of doubt". By using the catchword, he conscientiously ate all the 305 *laddus*. This is exactly what we are doing here. We are going to hand over the question of Indian credit and finance to these private persons. These private individuals are going to bring in five crores of rupees, and we are going to hand over to them the whole of the financial credit of India which at one time was valued at Rs. 300 crores. These capitalists will really take possession with their five crores of rupees, Rs. 300 crores belonging to Indian taxpayers. Thus we are handing over, under another catchward, the catchword of "political influence", our 300 crores to persons who brought in 5 crores.

My Honourable friend, Mr. Vidya Sagar Pandya, has mentioned certain restrictions which he would like to impose upon the Reserve Bank if, unfortunately, it is a Shareholders' Bank. I would also like to add a few more restrictions. I would like to put down, like the Assembly election, one man one vote. The votes should not be determined by the number of shares a person holds ; but one man should have only one vote. In the Assembly election a person may possess several qualifications, but he has only one vote. And, in order to avoid one person buying shares in the name of minor sons and daughters, etc., I would like to add one more condition and that is that only persons above the age of 18 should exercise the right of voting and nobody else. The guardian should not be able to exercise the right of voting. Another condition, I would like to have, is that no person should have more than ten shares. This is really a very liberal account. Shares should not be monopolised by a few capitalists. The next condition is that a person, who is a shareholder in one particular province or locality, should not be allowed to purchase shares in another locality. If purchasers are not available, then Government, for the time being, may buy those shares and sell them as soon as the buyers are available. Now, the other thing is that we have set up an indirect election for the Directors. They are to be elected by local boards. I do not seriously object to this indirect election though I would prefer myself a direct election. I do not seriously object to it, but the number of persons who are

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going to elect the Directors is too small. That is, the number in the electoral colleges are very few. Therefore, it is very desirable that their number should be increased, so that we might have a true representative and I think we cannot have an indirect election in which the number of persons in the electoral college are so few. The next thing which was pointed out also by my friend, Mr. Pandya, is that, even if it be a Shareholders' Bank, there ought to be annual reports which ought to be published and the two Houses of the Legislature should have a right to criticise the report and pass Resolutions on it. Though it may be a private Shareholders' Bank, we must remember that these shareholders have brought only five crores of rupees, and really the bulk of the capital belongs to the Indian taxpayers, and we must also remember that the losses of this Reserve Bank will be borne by the Indian taxpayers and, therefore, we are intimately interested in the whole problem. The next thing is that we should not show favour to any particular bank. All the banks should be placed on the same footing and no favour should be shown to one bank, which may be unfair to the general banking problem of the whole country. If we place one particular bank in a more favourable position, then naturally the other banks would suffer. The next thing is, we ought not to make the Reserve Bank a new concern for profiteering purposes. We know that the Imperial Bank has long been paying an interest of 18 per cent. Now, they have recently reduced it from 18 to 12. Even 12 per cent. is rather high. The bank rate is only 3½. Therefore, I am quite willing to give a slightly higher per cent., one per cent. higher than the bank rate and, in any case, it should not be more than 6 per cent. I would like to put down explicitly that these shareholders are not entitled to have any dividend more than one per cent. above the bank rate. I think we might discuss these and similar other restrictions when we come to a discussion of the details. I will sum up my remarks. I am very strongly in favour of establishing a Reserve Bank. I suppose that is the principle of the Bill, that a Reserve Bank should be established and I give my heartiest support to it. We hope it will be left to the Select Committee to consider whether it should be a Government Bank or a Shareholders' Bank, but if the Select Committee is precluded from discussing whether it should be a State Bank or a Shareholders' Bank, then I would rather like that this Bill should be circulated to elicit public opinion ; but if we could discuss this particular thing also in the Select Committee, then we would not mind going to Select Committee and discuss face to face with the opposite opinions and come to some conclusions which may be advantageous to the taxpayers of this country and which may not put our neck in the hands of the capitalists of this country or abroad.

Mr. Gaya Prasad Singh : Sir, Never before, perhaps, in the history of legislative business in this House was a more far reaching measure introduced than the one which we are discussing today ; but, Sir, I have to utter a note of regret that the time which has elapsed between the introduction of the Bill and its discussion on the floor of the House today has not been more ample than has been given to us by the

Government. A Bill of this nature requires to be studied from all points of view, but I must take things as they are, and proceed with some general observations on the Bill as they occur to me today.

We have before us two motions down on the Agenda Paper. One is for the reference of the Bill to a Joint Committee of both Houses, and another is for the circulation of the Bill for the purposes of eliciting opinions thereon. Now, I must say, Sir, that if the House accepts the motion for the Select Committee, it would have accepted the principle of the Bill. That leads me to try and discover what is the main principle of the Bill. My Honourable friend, the Finance Member, in his Statement of Objects and Reasons says : " The object of this Bill is to set up a Reserve Bank for India." Now, with regard to this, I think there will be a unanimity of opinion both in this House as well as in the country outside that a Reserve Bank on approved lines ought to be established in this country ; but the difficulty arises as to what sort of Reserve Bank it is to be, its constitution and the handling of the finances of the country, and the control over the Reserve Bank. These are some of the questions that must be carefully looked into before we commit ourselves to the principle of the Bill. My Honourable friend, the Finance Member, in the course of his speech this morning reiterated that he wanted to keep the Reserve Bank free from political influences. I should like to inquire in this connection whether the Bill in its present form is free from another sort of political influence or not. I find that most of the powers have been designed to be concentrated in the hands of the Governor General. If the Governor General does not represent the largest political party in this country, I should like to know what else does he represent. The Governor General is responsible to the Secretary of State, and the Secretary of State, as we all know, in these financial matters, is more or less influenced by the financial magnates of the City of London, and of the interests of England, than of this country. Therefore, Sir, under the scheme propounded in this Bill, I take it that the political influence will play upon it though of a character quite different from the one which we contemplate. Powerful City interests in London will have a voice in the actual working of this Bank, and that will be an influence which will not be in accord with the interests of the masses of this country. In this connection I should like to refer to the Despatch of the Government of India on Constitutional Reforms in 1930. In the course of that Despatch they said :

> " It would be possible to convince Indian opinion of the desirability that such a Bank should work in close co-operation with and on lines approved by the Bank of England."

That gives away the whole case. The Reserve Bank which is sought to be established will be a sort of appendage to the Bank of England. This feature of the proposal before the House is open to serious objection from the point of view of the larger interests of the country.

I will next refer to the proposal that this Bank should be a Shareholders' Bank. Opinion in the country is practically unanimous that, instead of having a Shareholders' Bank, the Bank should be a State Bank. I am glad that at least one member of the London Committee, Rai Bahadur Lala Ram Saran Das, did dissent from the view of the majority of the members of that Committee, and appended a note that it should be a State Bank rather than a Shareholders' Bank. When a Bill

[Mr. Gaya Prasad Singh.]

of a somewhat similar character was before the House a few years ago, Sir Basil Blackett agreed afterwards to a State Bank, but powerful influences were brought to bear upon him by the Secretary of State, and he resiled from the position which he then took up and the whole scheme was knocked on the head. To entrust currency and exchange to big capitalists and exploiters of the masses of the people is not the sort of arrangement which will commend itself to some of us on this side of the House. Clause 17 of the Bill sets out in some detail the business which this Bank will be called upon to transact. Some of these items are as follows : The accepting of money on deposit without interest and the collection of money for the Secretary of State in Council, the Governor General in Council, Local Governments, States in India, Banks and other persons : purchase, sale and re-discount on bills of exchange and promissory notes. I am not going to read out all the different items in this list, but I will refer only to a few of them in order to show the important nature of the work which this Bank will be called upon to transact : Gold coin or bullion or documents of title to the same ; promissory notes of any scheduled bank ; the making of advances to the Governor General in Council ; the issue of demand drafts, and the making, issue and circulation of bank post bills ; the purchase and sale of securities ; the custody of monies, securities and other articles of value ; the sale and realisation of all property, whether movable or immovable, which may in any way come into the possession of the Bank ; the acting as agent for the Secretary of State in Council, the Governor General in Council or any Local Government or State in India ; the purchase and sale of gold or silver ; the purchase, sale, transfer and custody of bills of exchange, securities or shares in any company ; the collection of the proceeds, whether principal, interest or dividends, of any securities or shares ; the management of public debt ; the issue of notes ; the purchase and sale of gold coin and bullion, and so on.

It will, therefore, be seen that the business which this Bank will be called upon to transact will be of enormous importance, and it will be rather dangerous to entrust the affairs of the Bank to private shareholders whose interests may not always coincide with the interests of the people of this country generally. Sir, it will be found that the shareholders generally are hankering more after their personal profits and gains, and they are not always solicitous about the interests of the people of the country. My Honourable friend, Mr. Vidya Sagar Pandya, has referred in some detail to the manner in which the Imperial Bank of India is being carried on. I am afraid that, if this Bank is established as a Shareholders Bank, it may also fall into the same error in which the Imperial Bank has fallen. Now, in other countries also there are instances of State Banks, as, for instance, Australia. Another feature to which objection is to be taken in connection with the proposals of the Government is the total absence of any reference to the nationality of the shareholders. In the best interests of this country, there ought to be a restriction to the sale of shares only to the nationals of this country.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will resume his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 12th September, 1933.

LEGISLATIVE ASSEMBLY.

Tuesday, 12th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

GRADES OF OFFICERS IN THE MADRAS CUSTOMS PREVENTIVE STAFF.

792. ***Mr. K. P. Thampan** : Will Government be pleased to state :

(*a*) if it is a fact that in the Madras Customs Preventive Staff there are two grades of officers with different scales of salary ;

(*b*) if they are of the same qualifications and perform the same nature of work ;

(*c*) if this system obtains in Madras alone and that in Bombay, Calcutta, Karachi, Rangoon and other places there is only one grade ;

(*d*) if the answer to part (*c*) be in the affirmative, what is the reason for continuing this distinction in Madras ;

(*e*) if they are prepared to consider the desirability of abolishing the two grades in Madras and introduce an uniform grade for all ports in India ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) No.

(*c*) No. There are two classes of Preventive Officers at Karachi, Bombay and Burma Outports.

(*d*) Does not arise.

(*e*) No.

Mr. K. P. Thampan : Do I understand that there are Assistant Preventive Officers not only in Madras, but also in other major ports like Calcutta and Bombay ?

The Honourable Sir George Schuster : Yes, Sir. If the Honourable Member had followed my answer to part (*c*), he would find that I said " there are two classes of Preventive Officers at Karachi, Bombay and Burma Outports."

NEW OVERTIME RULES FOR THE ASSISTANT PREVENTIVE OFFICERS OF THE MADRAS CUSTOMS OFFICE.

793. ***Mr. K. P. Thampan** : Will Government be pleased to state :

(*a*) whether they have received a memorial from the Assistant Preventive Officers of the Madras Customs Office regarding the new overtime rules ;

(*b*) whether the new rules were introduced as the outcome of some anonymous petitions ; if so, why ;

(*c*) if it is a fact that after the introduction of the new rules the overtime earnings of an Assistant Preventive Officer have been considerably reduced and whether they are aware that there is considerable discontent among them ;

(*d*) whether they are prepared to undertake an enquiry and redress the grievances of the Assistant Preventive Officers ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) No.

(*c*) The new rules aim at a more equitable distribution of overtime earnings. The ratio of overtime earnings to salary is even now greater for an Assistant Preventive Officer than for a Preventive Officer. The Government of India are not aware of any discontent.

(*d*) The question has already been considered and Government do not consider that any change is necessary.

Mr. K. P. Thampan : Considering the lower scale of salary of these Assistant Preventive Officers, may I know if the rules could not be revised more favourably to them ?

The Honourable Sir George Schuster : As my answer implies, we have considered the matter very carefully and we consider that the present conditions are quite fair.

Mr. K. P. Thampan : Is it a fact that in other ports, such as Calcutta and Bombay, also, the overtime rules are more or less on the same lines that are recently introduced in Madras ?

The Honourable Sir George Schuster : I must ask for notice. I must enquire into the question whether the overtime rules are exactly the same in all ports.

Mr. K. P. Thampan : Will the Honourable Member please enquire and communicate to me ?

The Honourable Sir George Schuster : Yes.

PROPOSED REVISION OF THE TERMS OF THE OTTAWA AGREEMENT.

794. *Mr. **K. P. Thampan** : Will Government be pleased to state :

(*a*) whether their attention has been drawn to a Reuter's message, dated London, July 20, regarding the decision to hold a series of meetings between the British and Dominion Government delegates with a view to revise the terms of the Ottawa Agreements ;

(*b*) whether Government have deputed any one to represent them at these meetings ;

(*c*) in what important commodities, judged from the experience of the last six months, are the Agreements not working favourably to Indian interests ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) and (*c*). The Honourable Member is referred to the reply given on the 1st September, 1933, to starred question No. 371 on the same subject.

Mr. K. P. Thampan : I did not hear the Honourable Member well. May I know whether any definite decisions were arrived at at that Conference ?

The Honourable Sir Joseph Bhore : The general gist of my reply on that occasion was that we had no information of what took place.

Mr. K. P. Thampan : Were the Government of India represented at that Conference ?

The Honourable Sir Joseph Bhore : To the best of my recollection, no, Sir. We have no information, as far as I remember, about this matter, nor have we, I believe, any information as to what was actually discussed at that Conference.

Mr. K. P. Thampan : May I know, whether judging from the experience of the last so many months, the Ottawa Trade Agreement is working entirely to the benefit of Great Britain and that the exports from India have not appreciably increased ?

The Honourable Sir Joseph Bhore : A few days ago, in reply to a question, I laid statistical information that was available on the table of the House and I would suggest to my Honourable friend that he should consult the information that I then laid before the House. He will, I think, find that it does not really bear out his suggestion.

Mr. K. P. Thampan : What does the Honourable Member himself think about the working of the Ottawa Agreement ?

The Honourable Sir Joseph Bhore : I prefer for the present to withhold my opinion on that point.

Dr. Ziauddin Ahmad : Will the Honourable Member give the Assembly an opportunity to discuss the results of the working of the Ottawa Agreement as soon as the 12 months are over ?

The Honourable Sir Joseph Bhore : As Honourable Members in the Assembly are aware, we are pledged to setting up a representative committee of this Assembly to examine from time to time the results of the working of that Agreement. Either in the next Session or in the early part of the Budget Session, I propose to move for the setting up of such a Committee. When it is constituted, all the facts available will be placed before it.

Mr. F. E. James : May I take it that if the Government are convinced that as regards any particular article, the preference given in the United Kingdom is not adequate, in view of all the circumstances, to confer any benefit on the Indian producer, then the Government will represent to His Majesty's Government the possibility of increasing the preference before the Committee is set up by the Assembly ?

The Honourable Sir Joseph Bhore : I have always refused, in fact I refused yesterday to reply to hypothetical questions put to me, but I can assure the House that if at any time information comes to our hand which makes it advisable for us to seek the alteration of

the agreement to the advantage of this country, we shall not hesitate to try and do so.

Mr. F. E. James : May I know whether the Government feel bound to the present preferences until the Committee of the House which is envisaged has reported ?

The Honourable Sir Joseph Bhore : I would like to make it perfectly clear to the House that if, at any time, we consider that we can better the Agreement that we came to with the United Kingdom from our point of view, and if it could reasonably be done, we shall not hesitate to try and do so.

Mr. B. Das : Were the Government approached by any section of the so-called Indian producers to make representation to the United Kingdom to alter the present Agreement ?

The Honourable Sir Joseph Bhore : I must ask for notice, because I think we have received a number of representations in connection with the Agreement.

Mr. Gaya Prasad Singh : In any further preferential treatment that may be given to the products of the United Kingdom, will the interests of the consumers of India be carefully watched ?

The Honourable Sir Joseph Bhore : I think we always bear all interests in mind.

Dr. Ziauddin Ahmad : I understand from the reply of the Honourable Member that the Government of India have no information so far about the message sent by Reuter. In case this message comes out to be true, and since the Assembly will no longer be sitting, may I request the Honourable Member to convey to His Majesty's Government the strong desire and feeling of this Assembly that in future the representatives of India should be sent from India and should not be represented by persons already in England ?

The Honourable Sir Joseph Bhore : I am not in a position to commit myself in any way.

Dr. Ziauddin Ahmad : Very often India is represented by men who have not got personal knowledge of India on the present day problems. It is our wish that, if India is to be represented at all, she must be represented by persons who have got knowledge of the present day problems, and not by persons who have never visited India or who left India more than six months ago.

The Honourable Sir Joseph Bhore : My Honourable friend may rest assured that the representatives of India will always be chosen from amongst those who have up-to-date and complete knowledge of the problems in India.

CASE OF ONE MR. BHARTHI, *ex*-GUARD, EAST INDIAN RAILWAY.

795. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that Mr. Bharthi, *ex*-Guard, East Indian Railway, preferred an appeal to the Agent, East Indian Railway, Calcutta, through the Divisional Superintendent which was withheld by the latter under paragraph 15 (*iv*) of rules for discharge and dismissal of State Railway non-gazetted servants ?

(*b*) Is it a fact that the Divisional Superintendent in his letter to Mr. Bharthi said that the order of discharge was passed not by him, but by the Superintendent Transportation and that the investigation ordered by his predecessor would take place ?

(*c*) Will Government be pleased to state what the order of his predecessor actually was and who investigated the case and in whose presence, and what the report was ?

(*d*) Is it a fact that rules 6 and 14 for discharge and dismissal of State Railway non-gazetted Government Servants, framed by the Railway Board, have been violated in this case ? If so, why ?

(*e*) Is it a fact that Mr. Bharthi preferred an appeal to the Government of India, which was sent to the Divisional Superintendent for disposal, and on which the Divisional Superintendent wrote to Mr. Bharthi as follows :

" Your appeal to His Excellency the Viceroy has been sent to me for disposal, as no appeal lies to any one above me, I have nothing to add to what I have said " ?

(*f*) Is it a fact that Mr. Bharthi submitted to the Divisional Superintendent a copy of the written statement of his witness regarding his insult ?

(*g*) Will Government be pleased to state whether Mr. Bharthi, under Government of India Circular No. 3267-A., dated the 8th July, 1916, and repeated in 1929 and 1930 is entitled to represent his case to the Government of India ?

(*h*) Will Government be pleased to state if the appeal of Mr. Bharthi was forwarded to the Agent, East Indian Railway, by the Secretary, Indian Soldiers' Board (*vide* his No. 57|Emp.|5100, Government of India, dated the 11th March, 1933, New Delhi) for reinstatement ? If so, what action was taken by the Agent ?

Mr. P. R. Rau : Government have no information but are enquiring into the matter, and, if they find that the procedure adopted was contrary to the existing rules, they will consider what action is necessary to set the matter right.

Mr. Lalchand Navalrai : May I know if these Divisional Officers, against whose decision an appeal is preferred, withhold the appeal, what is the remedy to the applicant ?

Mr. P. R. Rau : A Divisional Officer can withhold an appeal only for definite reasons and he has to communicate those reasons to the petitioner.

Mr. Lalchand Navalrai : Supposing in fact he has done it very wrongly, what is the remedy left ?

Mr. P. R. Rau : The rules definitely lay down that for certain reasons appeals may be withheld and, if the Divisional Officer withholds appeals contrary to those rules, the matter will be looked into.

Mr. Lalchand Navalrai : But my point is that if the Divisional Officer decides an appeal whether rightly or wrongly and withholds it, and the applicant is not satisfied, what is the reasonable course left to him, or is he doomed ?

Mr. P. R. Rau : There must be a limit to appeals, Sir.

Mr. Lalchand Navalrai : I am asking about cases in which a wrong has been done. I would ask the Honourable Member to consider the rules on that point and, if there is any necessity for changing the rules, they may be changed for the purpose of doing justice.

Mr. P. R. Rau : The rules provide for certain appeals and Government consider that they have in the rules allowed for all reasonable chances of appeal to an aggrieved employee.

Mr. Lalchand Navalrai : My Honourable friend is only repeating. I am asking whether the Honourable Member is prepared to go into this question and give a chance to these unfortunate people who are not able to reach the Agent.

Mr. P. R. Rau : I am afraid the Honourable Member is repeating the same question over and over again. I cannot say what exactly he is after. If he has any suggestions to make, I shall be quite prepared to consider them.

Mr. Lalchand Navalrai : My suggestion is that where certain appeals are wrongly withheld, some opportunity should be allowed to these people to reach the Agent and represent the case.

Mr. P. R. Rau : If appeals are wrongly withheld, certainly the Agent will look into the matter.

Mr. M. Maswood Ahmad : Have Government mentioned in the rules the reasons for which appeals may be withheld ?

Mr. P. R. Rau : I think so, Sir.

Pandit Satyendra Nath Sen : Did the Honourable Member suggest that the right procedure was adopted in the present case ?

Mr. P. R. Rau : I said that Government are making inquiries into the matter and, if they find that the procedure adopted was contrary to the existing rules, they will consider what action is necessary.

Mr. M. Maswood Ahmad : Can an employee send an advance copy of the appeal to the Agent ?

Mr. P. R. Rau : There is nothing to prevent him from doing so.

Mr. Lalchand Navalrai : In case the appeal is wrongly withheld, what is the course left to the applicant to reach the Agent ? Has he got to go again through the Divisional Officer or can he send his appeal direct to the Agent against the wrongful withholding ?

Mr. P. R. Rau : As a matter of fact, I believe employees very often send their appeals direct in a large number of cases.

Mr. M. Maswood Ahmad : Can an employee appeal to the Agent against an order withholding the application ?

Mr. P. R. Rau : If the application has been wrongly withheld, I suppose they are at liberty to do so.

DISCHARGE ORDERS PASSED IN THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

796. ***Pandit Satyendra Nath Sen** : In how many cases have orders of discharge been passed in the Dinapore Division of the East Indian Railway since 1931 ? How many of those have been reversed after reconsideration ?

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

RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

797. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state whether retrenchment was made in class II Service of the Survey of India Department in 1931 ?

(*b*) If so, how many officers and other clerks were picked out of the total workers ?

(*c*) Is it a fact that since the beginning, the above department has remained the monopoly of Anglo-Indians ?

(*d*) Will Government be pleased to state how many officers are there in the above department who are still in service although they are over 50 years in age ?

(*e*) Is it a fact that fresh hands are to be recruited in the near future to fill up vacancies in the class II Service ?

(*f*) If so, are Government prepared to appoint the retrenched young officers, who have spent the best part of their lives in the department, for the above stated vacancies ?

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

The other parts of the question presumably refer only to Class II of the Survey of India. On this assumption, the replies are :

(*b*) 22 officers and 1 probationer. There are no clerks.

(*c*) I would refer the Honourable Member to the reply given to part (*c*) of starred question No. 349 in this House on the 1st September, 1933.

(*d*) Four.

(*e*) Yes.

(*f*) The Honourable Member is referred to the reply given to part (*c*) of starred question No. 346 in this House on the 1st September, 1933.

RETRENCHMENT IN THE EAST INDIAN RAILWAY PRESS.

798. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that at the time of retrenchment in 1931 in the East Indian Railway Press, Calcutta, 16 Compositors, 26 Binders and 9 Distributors and a number of other operatives were reduced, but none of the supervising staff, such as Overseers, Foremen, Section Holders, Computors, Clerks, Time-keepers, etc., were touched ?

(*b*) Is it a fact that in 1926 there were only two Jamadars to supervise the work of the Binders, whereas at present there are five Supervisors, *viz.*, one Foreman, two Assistant Foremen, one Jamadar and one Assistant Jamadar, in the binding section who perform identically the same duties ?

(*c*) Is it a fact that in 1926 there were only two Section-Holders to supervise the work of the Compositors while now, after the reduction of

operatives (in 1926, 101 Compositors, at present 75), there are one Foreman and four Section Holders for the same purpose ?

(*d*) Is it a fact that the payment of wages on the monthly salary basis has been introduced in the East Indian Railway and Eastern Bengal Railway Presses, Calcutta, in place of the piece system ?

(*e*) Have Government considered whether in the case of the payment of wages on a salary basis the services of the Computors are not necessary for calculating the wages of the Operatives ?

(*f*) Is it a fact that the Superintendent of the Eastern Bengal Railway Press informed the Railway Board that after the introduction of the monthly salary system the posts of the Computors were superfluous and that he did actually abolish the same posts of the Computors in his Press ?

(*g*) Is it a fact that in 1926 there were only two Computors in the East Indian Railway Press, whereas at present the number of the said Computors is 16, and that the strength of the operatives has considerably decreased due to the retrenchment in 1931 and to the introduction of the monthly salary system ?

(*h*) Is it a fact that the following is a correct statement of the comparative strength of the supervising staff in the East Indian Railway Press, Calcutta and Howrah, in 1926 and at present ?

	1926.	At present.
Overseer	1	2
Foremen	1	4
Assistant Foremen	*Nil*	2
Office Superintendent	*Nil*	1
Press Mechanic	*Nil*	1
Section-holders	2	4
Machine Jamadars	1	3
Computors (including Asstt. Computors) ..	2	16
Time-keeper (including Asstt. Time-keepers)	3	4
Clerks	36	44
Checkers	*Nil*	2

(*i*) If answers to parts (*a*) to (*h*) be in the affirmative, will Government be pleased to state whether they have satisfied themselves that the existing number of posts in the supervising staff and among the clerks in the East Indian Railway Press, Calcutta and Howrah, do not contain many surplus hands ? If not, why not ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 798 to 801 and 803 to 813 together. Government have not full information on the various points raised but are obtaining whatever information is readily available and I will lay a reply on the table of the House, in due course.

RETRENCHMENT IN THE EAST INDIAN RAILWAY PRESS.

†799. ***Rai Bahadur Lala Brij Kishore :** (*a*) Is it a fact that the Railway Board have recently issued further instructions for retrenchment of the staff in the East Indian Railway Press ?

(*b*) Is it a fact that the Agent, East Indian Railway, has informed the Secretary of the Press Employees Association, Calcutta, that further reductions of staff in the said Press will be undertaken shortly, and has invited the opinion of the Association in the matter ?

(*c*) Is it a fact that the Secretary, Press Employees' Association, in his letter dated the 9th August, 1932, protested against this distinction and pointed out that the Operatives, specially the Binders, were now fully employed ?

(*d*) Is it a fact that Mr. A. F. Slater, who was appointed a Special Officer at an enormous cost to enquire into the scheme of reorganising the Printing Offices of the Railways, recommended in 1930 that the minimum strength of the Compositors and Binders in East Indian Railway Press should be 79 and 175, respectively ?

(*e*) Is it a fact that the present strength of the Compositors and the Binders in the said Press is 75 and 154, respectively ?

(*f*) Is it a fact that owing to pressure of work in the binding department :

(*i*) men belonging to the departments of Machine, Inkman, Packerman, etc., are now daily being engaged to do the work of the Binders ;

(*ii*) extra temporary Compositors are still working ;

(*iii*) overtime is also going on ?

(*g*) Will Government be pleased to lay on the table a copy of the letter referred to above written by the Secretary, Press Employees' Association ?

(*h*) If answers to parts (*b*) to (*g*) be in the affirmative, will Government be pleased to state :

(*i*) the reasons of the Agent's proposal for reduction of Operatives ;

(*ii*) whether Government propose to reduce the existing number of the supervising staff such as Overseer, Foreman, Computor, Checker, Clerks, etc., at the time of the proposed retrenchment ? If not, why not ?

PURCHASE OF TIME-RECORDER MACHINES BY THE EAST INDIAN RAILWAY PRESS.

†800. ***Rai Bahadur Lala Brij Kishore :** (*a*) Is it a fact that in the East Indian Railway Press four time-recorder machines, *viz.*, Glendhill Brook time clocks, etc., were purchased ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state :

(*i*) the cost and the date of the purchase of each machine ;

†For answer to this question, *see* answer to question No. 798.

(*ii*) what their uses are ; and

(*iii*) whether these machines make the services of the Time-Keepers redundant ? If so, whether the number of the Time-Keepers has been reduced accordingly ?

PURCHASE OF CERTAIN MACHINES BY THE EAST INDIAN RAILWAY PRESS.

†801. ***Rai Bahadur Lala Brij Kishore** : (*a*) Will Government be pleased to lay on the table a statement showing the number of (*i*) Rotary, (*ii*) Envolve, (*iii*) Folding, (*iv*) Cutting, (*v*) Mono., (*vi*) Lino and other machines bought by the East Indian Railway Press from 1914 to 1931, year by year ?

(*b*) Is it a fact that a number of machines, *viz.*, one Envolve machine and one Rotary, have never been used since their purchase ?

(*c*) Will Government be pleased to state the amount, if any, realised as discount on the purchase of each machine ?

(*d*) Will Government be pleased to lay on the table a statement showing, year by year, from 1914 to 1931 :

(*i*) the number of machines and presses sold by the East Indian Railway Press, Calcutta and Howrah ;

(*ii*) the amount for which each was sold, together with the original price for which each was bought, as well as the dates of purchase and sale of each ?

SALE OF WASTE PAPER IN THE EAST INDIAN RAILWAY PRESS.

802. ***Rai Bahadur Lala Brij Kishore** : (*a*) Will Government be pleased to state whether the East Indian Railway Press, Calcutta and Howrah, call for tenders for the sale of old papers ?

(*b*) If the answer to part (*a*) be in the negative, will Government be pleased to state the reason for not doing so ?

(*c*) Will Government be pleased to lay on the table a statement showing, year by year, from 1915 to 1931, the amount realised from the sale of waste paper ?

Mr. P. R. Rau : I would refer the Honourable Member to the reply given by Sir Alan Parsons to question No. 381 by Mr. S. C. Mitra on the 11th February, 1931.

PURCHASE OF CERTAIN MACHINES BY THE EAST INDIAN RAILWAY PRESS.

†803. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that two Lino. and seven Mono. machines and six Mono.-casting machines were purchased in the East Indian Railway Press immediately after the East Indian Railway became a State Railway ?

(*b*) Is it a fact that the Mono. machines cause to the Government a loss of 40 per cent. while the lino. machines cause a 20 per cent. loss ?

(*c*) Is it a fact that matters composed in Mono. or Line. machines have to be melted away after printing, and that such melting can go on for five times only ?

†For answer to this question, *see* answer to question No. 798.

(*d*) Is it a fact that hand-composed matter lasts 90 lakhs of impressions ?

(*e*) Is it a fact that Hand Compositors are entitled to remuneration after the first reading, second reading, third reading, revised corrections and rule dress-up are finished ?

(*f*) Will Government be pleased to lay on the table a comparative statement showing the cost of composing by hand 44 × 72 Em non-pareil type 15 column statement, and that of having it in a Mono-machine, noting specifically the charge of :

(*i*) Operator ;

(*ii*) Caster ;

(*iii*) Arranging ;

(*iv*) First reading corrections ;

(*v*) Second reading corrections ;

(*vi*) Third reading corrections ;

(*vii*) Revise corrections ;

(*viii*) Rule Dress up ;

(*ix*) Gas ;

(*x*) Electricity ;

(*xi*) Water ; and

(*xii*) Metal ?

(*g*) If the replies to parts (*a*), (*b*), (*c*), (*d*) and (*e*) be in the affirmative, will Government be pleased to state why they are replacing hand composition by Lino. and Mono. machines ?

MEMORIAL FROM CERTAIN EMPLOYEES OF THE EAST INDIAN AND THE EASTERN BENGAL RAILWAY PRESSES.

†804. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that the Honourable Member in charge of Railways and Commerce received a memorial, dated the 12th January, 1931, from the Compositors, Distributors and Binders of the East Indian Railway Press, Calcutta and Howrah, and the Eastern Bengal Railway Press, Calcutta ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to lay on the table a copy of the said memorial ?

(*c*) Will the Honourable Member in charge of Railways and Commerce, be pleased to state :

(*i*) what action has been taken or is intended to be taken in the matter ;

(*ii*) if no action has been taken or is intended to be taken, the reasons therefor ?

RETRENCHMENTS AND REDUCTIONS IN THE OPERATIVE STAFF OF THE EAST INDIAN RAILWAY PRESS.

†805. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that following the amalgamation of the Eastern Bengal Railway Press with

†For answer to this question, *see* answer to question No. 798.

the East Indian Railway Press, retrenchments and reductions have been made in the operative staff of the East Indian Railway Press ?

(*b*) Are Government aware that the operative staff of the East Indian Railway Press held a meeting of the Press-workers affected by the said amalgamation on July 29, 1933, at Calcutta, and passed resolutions expressing their grave apprehensions and that a copy of those resolutions was duly forwarded to the Honourable Member in charge, Department of Railways and Commerce, by the Secretary, Press Employees' Association, Calcutta, on the 31st July, 1933 ?

(*c*) Is it a fact that the Agent, East Indian Railway, addressed a letter to the Secretary, Press Employees' Association, Calcutta, dated the 23rd June, 1933, and enclosed a list showing by categories the " surplus " staff in the Printing Department ?

(*d*) Is it a fact that the post of the Assistant Time-keeper and ten posts of clerks were shown as " surplus " in the said list ?

(*e*) Is it a fact that the said posts of the Assistant Time-keeper and the clerks have subsequently been kept intact while eleven operatives have been marked out " surplus " instead ?

(*f*) What action do they propose to take for remedying such irregularities ?

STAFF OF THE EASTERN BENGAL RAILWAY PRESS.

†806. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that the staff of the Eastern Bengal Railway Press were guided by the General Manual of the Eastern Bengal Railway ?

(*b*) Is it a fact that the staff of the Eastern Bengal Railway Press were divided into two heads, *viz.*,

(*i*) ministerial and (*ii*) industrial, under the said Manual ?

(*c*) Is it a fact that in a notice over the signature of Mr. I. T. St. Pringle for the Agent, Eastern Bengal Railway, in July, 1933, to the Eastern Bengal Railway Press staff taken over by the East Indian Railway, the term " workshop staff of the Eastern Bengal Railway Press " occurs ?

(*d*) If the answers to parts (*a*) to (*c*) be in the affirmative, will Government be pleased to state the reason and the authority under which the term " workshop staff of the Eastern Bengal Railway Press " was employed in the said notice by Mr. Pringle ?

DISCONTINUANCE OF THE PRIVILEGE OF ALLOWING FREE PASSES TO THE COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS.

†807. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that according to the Railway Board's orders in 1905, the Compositors of the East Indian Railway Press, Calcutta, drawing a pay of Rs. 20 and over were treated as Clerks and were allowed free Intermediate Class passes ?

(*b*) Is it a fact that the privilege thus enjoyed by the Compositors has been discontinued since 1921 ?

†For answer to this question, *see* answer to question No. 798.

(*c*) If the answers to parts (*a*) and (*b*) be in the affirmative, will Government be pleased to state the reasons for the discontinuance of a long-enjoyed privilege ?

RESOLUTIONS PASSED BY THE EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

†808. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that the Secretary, Press Employees' Association, Calcutta, sent a letter, dated the 31st July, 1933, to the Honourable Member in charge, Department of Railways and Commerce, forwarding therewith a copy of the resolutions passed at a mass meeting of the employees of the East Indian and Eastern Bengal Railway Presses held at Sealdah, Calcutta, on July 29, last ?

(*b*) If the reply to part (*a*) above be in the affirmative, will the Honourable Member be pleased :

(*i*) to lay on the table a copy of those resolutions ;

(*ii*) to state what action, if any, has been taken in the matter ?

PAY OF COMPOSITORS OF THE EASTERN BENGAL RAILWAY PRESS.

†809. ***Rai Bahadur Lala Brij Kishore** : (*a*) Is it a fact that the Compositors of the Eastern Bengal Railway Press, Calcutta, are salaried hands ?

(*b*) Is it a fact that the pay of the Compositors was revised in 1930 ?

(*c*) Is it a fact that at the time of the revision neither seniority in service nor any other definite principles were followed in fixing the pay of the said Compositors ?

(*d*) Is it a fact that the staff list of the Printing Department, East Indian and Eastern Bengal Railways (1933) shows that :

(*i*) Compositors appointed in 1926 are drawing the same pay with their co-workers appointed in 1927 ; and

(*ii*) different salaries are being allowed to Compositors appointed on the same date and year ?

(*e*) If the answers to parts (*a*) to (*d*) be in the affirmative :

(*i*) will Government be pleased to state the reasons for these discrepancies ;

(*ii*) will Government be pleased to state if any action has been taken or is intended to be taken to remove the said discrepancies at an early date ; and

(*iii*) if not, why not ?

RETRENCHMENT AMONG THE INDUSTRIAL STAFF OF THE EASTERN BENGAL RAILWAY PRESS.

†810. ***Rai Bahadur Lala Brij Kishore** : (*a*) Are Government aware :

(*i*) that heavy retrenchment has recently been made among the industrial staff of the Eastern Bengal Railway Press ; and

†For answer to this question, *see* answer to question No. 798.

(*ii*) that several permanent hands have been retrenched as "surplus"?

(*b*) Will Government be pleased to state the principles, if any, followed in relegating a hand to the "surplus" list?

(*c*) Is it a fact that amongst the Compositors appointed on the same date and in the same year some have been put down as "surplus", while several others have not been so regarded?

(*d*) Are Government aware that an attempt is being made by the authorities of the Eastern Bengal Railway for providing for the "surplus" ministerial hands by reshuffling and distributing them over the sections, while no such attempt for providing for the "surplus" industrial hands is even being thought of?

(*e*) If the answers to parts (*a*) to (*d*) be in the affirmative, will Government be pleased to state:

(*i*) the reasons that led to the state of affairs as revealed in part (*c*), and

(*ii*) what action they intend to take for providing for the "surplus" industrial hands?

DEMOTION AND REDUCTION IN SALARIES OF THE INDUSTRIAL STAFF IN THE EASTERN BENGAL RAILWAY PRESS.

†811. ***Rai Bahadur Lala Brij Kishore**: (*a*) Are Government aware that demotion and reduction in salaries of the industrial hands have recently been effected in the Eastern Bengal Railway Press?

(*b*) Will Government be pleased to state the principles followed in carrying out these demotions and reductions in salaries?

(*c*) Is it a fact that these demotions and reductions have been made in case of the industrial hands only, the supervising and clerical staff being left entirely untouched?

(*d*) If the replies to parts (*a*) to (*c*) be in the affirmative, will Government be pleased to state:

(*i*) the reasons for the action mentioned in part (*c*), and

(*ii*) what action they intend to take to remedy the grievances of the industrial hands in this respect?

POSITION OF COMPOSITORS AND BINDERS AFTER THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

†812. ***Rai Bahadur Lala Brij Kishore**: (*a*) Is it a fact that an amalgamation of the East Indian and Eastern Bengal Railway Presses has recently been effected?

(*b*) Is it a fact that the industrial hands of the Eastern Bengal Railway Press will be paid from the Eastern Bengal Railway fund, the said amalgamation notwithstanding?

(*c*) Is it a fact that the Compositors and the Binders of the Eastern Bengal Railway Press at present transferred to East Indian Railway are all in superior service equally with other industrial staff, *viz.*, Supervisors and Readers?

†For answer to this question, *see* answer to question No. 798.

(*d*) If the answers to parts (*a*) to (*c*) be in the affirmative, will Government be pleased to state the rules and regulations under which the said Compositors and Binders of the Eastern Bengal Railway Press, now transferred to East Indian Railway Press, will in future be guided in their service?

ACTION TAKEN ON THE MEMORIALS OF THE EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

†813. ***Rai Bahadur Lala Brij Kishore**: (*a*) Is it a fact that the employees of the East Indian Railway and the Eastern Bengal Railway Presses, Calcutta, submitted on 12th January, 1931, and 17th January, 1931, respectively, two memorials to the Honourable Sir George Rainy, Member-in-Charge, Railway and Commerce Departments?

(*b*) Is it a fact that on the 21st March, 1931, Mr. A. A. L. Parsons stated that the said memorials of the workers of the two Presses abovenamed were under consideration?

(*c*) Is it a fact that in answer to unstarred question No. 108, dated the 28th September, 1931, with reference to the said memorial, Mr. A. A. L. Parsons stated that the Agent of the Eastern Bengal Railway had been asked to expedite the matter?

(*d*) If the replies to parts (*a*) to (*c*) be in the affirmative, will Government be pleased to state, whether the views of the Agent, Eastern Bengal Railway, on the said memorials had been forwarded?

(*e*) If so, what action has been taken in the matter of those memorials?

(*f*) If no action has yet been taken, when do Government intend doing so?

ENFORCEMENT OF THE PUNJAB PRIMARY EDUCATION ACT IN DELHI.

814. ***Mr. M. Maswood Ahmad**: (*a*) Is it a fact that the Punjab Primary Education Act, 1919, has recently been enforced in Delhi, and if so, will Government please state: (*i*) whether a "School Attendance Committee" has been formed, (*ii*) who are the members of the said committee, (*iii*) if this committee has received representations for exemption of boys receiving religious education in Islami Maktabs, (*iv*) what has been decided by the committee in such cases, (*v*) if no action has yet been taken, whether they propose to see that such boys who are receiving religious education in such Schools and Maktabs which are not recognised by Government, are also exempted under section 10 (*c*) of the said Act?

(*b*) Is it a fact that the Delhi Municipality has issued a number of notices to the managers of Maktabs or parents of boys who are receiving religious education in Islamia Maktabs to the effect that they have committed an offence under section 14 of the compulsory Act, and, if so, will Government be pleased to lay on the table a statement showing (*i*) the number of boys affected, (*ii*) the number of notices issued, (*iii*) number of cases challaned, and (*iv*) the amount of fine realized?

(*c*) Are Government aware that the issue of notices to those who are receiving religious education is considered by the general public as an

†For answer to this question, *see* answer to question No. 798.

interference in the performance of religious duty, and are Government prepared to consider the advisability of issuing necessary instructions in the matter ?

Mr. G. S. Bajpai : Enquiries have been made and the result will be communicated to the House in due course.

Mr. M. Maswood Ahmad : Has the Honourable Member seen section 14 of the Punjab Primary Education Act which runs as follows :

" Any person other than the parent of such boy who shall, during the prescribed hours of attendance at school, utilise in connection with any employment, whether for remuneration or not, the services of any boy whose parent is required under section 9 to cause his attendance at school, shall, on conviction, be punishable with a fine not exceeding twenty-five rupees."

Mr. G. S. Bajpai : I have a general familiarity with the Act from which my Honourable friend has read out, but he would agree that, until I am in possession of the facts, the question whether it is applicable cannot be determined.

Mr. M. Maswood Ahmad : Do Government realise that teaching a boy in a *musjid* and giving him religious instruction is not employment ?

Mr. G. S. Bajpai : That is a question asking for an expression of opinion. The question here relates to certain facts and, as I have said, when I do get the facts, I shall look into the matter.

Mr. M. Maswood Ahmad : I want to know the views of Government, whether they take it as employment or not.

Mr. G. S. Bajpai : I am not here to express an opinion, but only to deal with questions of fact.

Dr. Ziauddin Ahmad : When this report comes in, will Government consider the fact that a boy who is receiving religious instruction along with some secular instruction may be supposed to be attending a school ?

Mr. G. S. Bajpai : My Honourable friend's suggestion will certainly be considered when the facts are available to Government.

AMOUNT RECEIVED FROM THE ENHANCED PETROL TAX FOR ROAD PURPOSES.

815. ***Mr. B. V. Jadhav** : Will Government be pleased to state :

(*a*) the total amount received each year from the enhanced petrol tax for road purposes since its levy ;

(*b*) the amount collected each year from (*i*) the Bombay Presidency, and (*ii*) the City of Bombay ?

The Honourable Sir Frank Noyce :

	Rs.
(*a*) March, 1929	3,95,082
1929-30	98,42,801
1930-31	98,03,207
1931-32	102,00,768
1932-33 (Provisional)	102,86,267
	405,28,125

(*b*) I presume the Honourable Member wishes to know the amounts allotted to the Bombay Presidency from the Road Development Fund on the basis of consumption. They are as follows :

	Rs. lakhs.
1929-30 (including March, 1929)	16.85
1930-31	15.70
1931-32	16.83
First half of 1932-33 (up to the 30th September, 1933) Provisional	8.25
	57.63

No separate figures for the City of Bombay are available.

Mr. B. V. Jadhav : May I point out, Sir, that my question was about the total amount collected each year in Bombay ?

The Honourable Sir Frank Noyce : I should like to explain to the Honourable Member that, if I gave him those figures, as I am quite prepared to do, they would convey nothing. The petrol duty of two annas—2½ annas now—from which the Road Development Fund is financed is made up of customs duty and excise, and it is only natural that by far the greater part of the excise duty should be collected in Burma. The actual collection of petrol duty in Bombay as customs duty is comparatively small and, it is for that reason, that I was under the impression that the Honourable Member wanted to know the amount allotted to Bombay. If he desires to know the amount actually collected in the Bombay Presidency, I shall be happy to furnish the figures.

GOLD AND SILVER HELD IN THE CURRENCY DEPARTMENT.

816. ***Mr. B. V. Jadhav** : Will Government be pleased to state :

(*a*) (*i*) the maximum and (*ii*) minimum amounts of (A) gold and (B) silver held in the Currency Department during each of the years 1930, 1931, 1932, 1933 (upto 30th June) ;

(*b*) the average rate at which each was (*i*) sold or (*ii*) bought during each of the above years ?

The Honourable Sir George Schuster : (*a*) I would invite the attention of the Honourable Member to the weekly Abstracts of the Accounts of the Currency Department and to the memoranda published by the Controller of the Currency regarding the balance of the Gold Standard Reserve.

(*b*) No gold was sold and no silver was bought during this period. Gold was acquired at the statutory rate of Rs. 21-3-10 per tola in accordance with section 4 of the Currency Act, 1927. As regards sales of silver the information could not be compiled without involving an amount of labour which Government do not consider justified, but I may state for the information of the Honourable Member that the amount of silver sold from the commencement of operations to the 31st March, 1933,

was 151 million fine ounces and the net price realised was approximately 18½ crores of rupees which represents an average price of about 22*d.* per fine ounce or slightly over 20⅛*d.* per standard ounce.

Dr. Ziauddin Ahmad : May I ask whether the Honourable gentleman has taken into consideration the amount of silver sold in the month of July ?

The Honourable Sir George Schuster : The figures that I have given are up to the 31st March, 1933 : therefore, the month of July, 1933, does not come in.

RELEASE OF MEMBERS OF THE WORKING COMMITTEE OF THE JAMIAT-UL-ULEMA-I-HIND.

817. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware of the resolution passed by the working committee of the Jamiat-ul-Ulema-i-Hind at their Moradabad meeting on the 19th, 20th and 21st August, 1933, suspending the programme of civil disobedience announced by the President of the Jamiat in exercise of his special powers ?

(*b*) Will Government be pleased to state how many members of the Working Committee and workers of the Jamiat are still in jail ?

(*c*) Will Government be pleased to state how many members of the Working Committee and workers of the Jamiat are under notices of expulsion ?

(*d*) Do Government propose to release the members of the Working Committee and the workers of the Jamiat and to withdraw the notices of expulsion ?

The Honourable Sir Harry Haig : I am making enquiries and will lay a statement on the table in due course.

SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY STAFF.

818. ***Rai Bahadur Lala Brij Kishore :** (*a*) Will Government be pleased to state in how many senior posts on the Oudh and Rohilkund section of the East Indian Railway subordinates are working at present and *vice versa* ?

(*b*) Is it a fact that common seniority of East Indian and Oudh and Rohilkund is maintained for Traffic staff and not for Engineering ? If so, why ?

(*c*) Is it a fact that there are different rules governing the seniority of different departments of the Railway ? If so, why ?

(*d*) Is it a fact that the privilege of daily allowances which used to be enjoyed by the Overseers on the Oudh and Rohilkund section has now been withdrawn, although their duty hours are the same and the Chief Engineer and the Chief Auditor, Oudh and Rohilkund Railway, never disallowed this privilege ?

(*e*) How many posts have been fixed in the cadre of revised grades I and II for the Oudh and Rohilkund Railway Inspectors of Works and how have they been filled up ?

(*f*) Is it a fact that revised scales sanctioned by the Agent in 1928 were given to some staff from the date of introduction while in some cases years after ? If so, who is responsible for the delay and why has not all the staff been treated alike ?

(*g*) Is it a fact that in Lucknow Division menials are allowed seven days and subordinates between six and ten days allowance, although they might have earned more in the discharge of their duties, and that there is no such limit for officials ? If so, why ?

(*h*) Is it a fact that there is a periodical eye-sight examination after every three years for subordinates ? If so, why is there no such examination for officers ?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table of the House in due course.

CUT IN THE CONSOLIDATED ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

819. ***Mr. E. H. M. Bower :** (*a*) Will Governmnet be pleased to state whether it is a fact that in accordance with the orders of the Railway Board continued in letter No. 7196-F., dated 24th July, 1931, the consolidated allowance paid to the Travelling Ticket Examiners on the East Indian Railway has been subjected to a 12½ per cent. cut ?

(*b*) Is it a fact that the cut has been imposed from August, 1931 ?

(*c*) Is it a fact that five months later, *i.e.*, from December, 1931, a ten per cent. cut on pay was introduced in addition ?

(*d*) Is it a fact that the cut on pay has been reduced to five per cent. whereas the 12½ per cent on consolidated allowance still continues, although two years have passed ?

Mr. P. R. Rau : The reply to all these questions is in the affirmative.

CUT IN THE CONSOLIDATED ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

820. ***Mr. E. H. M. Bower :** (*a*) Will Government be pleased to state whether it is a fact that in their letter No. 7196-F., dated the 24th July, 1931, the Railway Board have classed consolidated allowance as compensatory allowance and subjected it to a 12½ per cent. cut ?

(*b*) Is it a fact that daily allowance has not been subjected to any cut ?

(*c*) Is it a fact that daily allowance was converted into consolidated allowance in June, 1931 ?

(*d*) Is it a fact that the 10 per cent. cut on mileage allowance which has been treated like pay has been subsequently reduced to five per cent., the cut to last only till the 31st March, 1934 ?

(*e*) Is it a fact that when the ten per cent. cut on pay was introduced, all other emergency cuts and methods of economy were cancelled ?

(*f*) If the reply to part (*e*) be in the affirmative why was this cut on consolidated allowance not cancelled and why has it been imposed

for a longer period than that on pay and at a much higher rate and why has consolidated allowance been treated differently from daily allowance and mileage allowance ?

Mr. P. R. Rau : The reply to parts (*a*), (*b*) and (*d*) is in the affirmative, and to parts (*c*) and (*e*) in the negative. In regard to (*f*), I may say that the question whether consolidated travelling allowance should be dealt with on the same principles as daily allowance is under consideration.

CONSOLIDATED ALLOWANCES PAID ON THE EAST INDIAN RAILWAY.

821. ***Mr. E. H. M. Bower :** Will Government be pleased to state :

(*a*) whether substantial allowance is paid to the staff for the running duty they perform ;

(*b*) whether it is compensatory allowance, and if so, whether its payment is governed by Supplementary Rule 6 ; if not, why not ; and also why is it treated differently from the daily allowance ; and whether both are defined as travelling allowance under Supplementary Rule 21 ;

(*c*) what are the various rates of consolidated allowances paid on the East Indian Railway and to what classes of employees, and what is the total number of each class ;

(*d*) whether it is a fact that the President, National Union of Railwaymen of India and Burma, Bombay, personally represented this case to the Chief Commissioner of Railways during the last half-yearly meeting of the Railway Board with the Federation ; if so, what was the reply given ?

Mr. P. R. Rau : (*a*) The term ' substantial allowance ' is new to me, but perhaps my Honourable friend is referring to the mileage allowance paid to running staff.

(*b*) The mileage allowance is treated as part of pay to a large extent. It is taken into account in calculating provident fund bonus, gratuity and leave allowances subject to a maximum of 75 per cent. of pay. I am not quite clear what exactly is the Honourable Member's difficulty with regard to the interpretation of the Supplementary Rules quoted by him. I shall be glad to give him a fuller reply if he will elucidate his difficulty further, but he, no doubt, realises that such questions are not easy to discuss in the form of question and answer in this House. Perhaps it will be more convenient if he will speak to me privately about it.

(*c*) The information is not readily available, and I am afraid its collection will be a laborious task which is hardly likely to yield any adequate return.

(*d*) I am unable to trace anything on record about this interview ; Sir Guthrie Russell, with whom the interview is represented as having taken place, is away from India at present and I am not in a position to make any statement on the point.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether travelling ticket examiners get travelling allowance and mileage allowance ?

Mr. P. R. Rau : Travelling Ticket Examiners get travelling allowances.

Mr. M. Maswood Ahmad : And mileage allowance ?

Mr. P. R. Rau : No.

Mr. M. Maswood Ahmad : Has the attention of the Government been drawn to the Gazette of India, dated the 31st January, 1931—Running staff, *viz.*, drivers, shunters, firemen, guards, brakesmen, travelling van porters, travelling van checkers, travelling ticket examiners, travelling stores delivery staff, etc.,—and that travelling ticket examiners are also taken as running staff ? Have Government changed that rule or not ?

Mr. P. R. Rau : That, Sir, is intended for the purpose of the Hours of Employment Regulations.

Mr. M. Maswood Ahmad : Have Government changed that or is it that they still treat travelling ticket examiners as running staff ?

Mr. P. R. Rau : Travelling ticket examiners are included in running staff for the purpose of the Hours of Employment Regulations.

Mr. M. Maswood Ahmad : Do Government propose that they will amend this rule and will mention for what purpose they will be treated as running staff ?

Mr. P. R. Rau : If my Honourable friend will read those rules, he will see that they are meant for the purpose of interpreting the Hours of Employment Regulations.

Dr. Ziauddin Ahmad : Is it not a fact that this mileage allowance has been changed into a consolidated allowanee ?

Mr. P. R. Rau : My Honourable friend is quite right.

TRAVELLING WITHOUT TICKETS ON RAILWAY TRAINS.

822. ***Mr. E. H. M. Bower :** Will Government be pleased to state with reference to paragraph 47, item 6, on page 30 of the Report of the Public Accounts Committee, Volume I, for 1929-30 :

(*a*) whether illicit travelling entails leakage of revenue ,

(*b*) whether it is the duty of the Traffic Department to recover money by the sale of tickets ;

(*c*) whether the Traffic Department is responsible that no passengers board a train without a ticket ; and

(*d*) whether Government propose to stop the leakage of revenue ?

Mr. P. R. Rau : The answer to all these questions is in the affirmative. Railway Administrations are fully alive to the necessity of taking steps to check travelling without tickets.

TICKET FRAUDS ON RAILWAYS.

823. ***Mr. E. H. M. Bower :** (*a*) Has the attention of Government been drawn to a note published in the *Railway Times*, the official organ of the National Union of Railwaymen of India and Burma, Bombay, dated the 14th January, 1933, under the heading " Ticket Frauds on Railways " ?

(*b*) Will Government be pleased to state if the facts contained therein are correct ?

(*c*) Is it a fact that several gunny bags of used tickets were discovered in the hollow pillars of Howrah station ?

(*d*) What action do Government propose to take on the suggestions contained in the note referred to in part (*a*) and on a similar suggestion contained in the Railway Retrenchment Sub-Committee's Report under a special note by Dr. Ziauddin Ahmad ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) and (*c*). I am making enquiries and shall lay a reply on the table in due course.

(*d*) I presume the Honourable Member refers to the recommendation of reverting to the old system of check by Travelling Ticket Inspectors working under the Chief Accounts Officer. The question was, as the Honourable Member is aware, discussed at length by the Public Accounts Committee when they considered the Appropriation Accounts of Railways for 1929-30, and the opinion of the Railway Board was explained to them by Sir Alan Parsons, *viz.*, that it was desirable to enforce the responsibility of collecting railway dues on the Traffic Department. The Auditor General concurred in this opinion and added that the function of the Accounts Department was, through the accounts, to check whether the Traffic Department was doing its work properly.

DISCHARGE OF CERTAIN PEONS ATTACHED TO TRAVELLING TICKET INSPECTOR SECTION ON THE EAST INDIAN RAILWAY.

824. ***Mr. E. H. M. Bower :** (*a*) Will Government be pleased to state how many peons attached to the Travelling Ticket Inspector section under the Accounts Department on the East Indian Railway were discharged from service from the 1st June, 1931 ?

(*b*) What was the length of service of each and the last pay drawn ?

(*c*) Have any efforts been made to provide them with similar posts elsewhere ? Is it a fact that those posts are being filled by fresh recruits from outside ? If so, why ?

(*d*) Do Government propose to consider the lot of these persons and mitigate their hardships by providing for them in some manner ?

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

(*d*) I have asked the Controller of Railway Accounts to make enquiries and see whether anything can be done to remove the grievances complained of.

REFUND OF FEES TO CERTAIN CANDIDATES NOT PERMITTED TO APPEAR AT THE MINISTERIAL SERVICE EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

825. ***Pandit Satyendra Nath Sen :** (*a*) Will Government be pleased to state whether it is a fact :

(*i*) that permanent Government servants between the ages of 25 and 30 are allowed to sit for the Indian Audit and Accounts Service Examination ;

(*ii*) that the same concession was extended to retrenched Government employees, who were candidates for the Ministerial Service Examination held in July, 1933 ;

(*iii*) that permanent Government employees between the ages of 25 and 30, who deposited fees under a reasonable belief that they were eligible to sit for the Ministerial Service Examination, were neither permitted to appear at the examination, nor were their fees refunded to them ?

(*b*) Has it been represented to Government that the notice, dated the 25th March, 1933, issued by the Secretary, Public Service Commission, is not explicit on the point ?

(*c*) Do Government propose to enquire into the matter and refund the fees to the affected parties ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) (*i*) and (*ii*). Yes.

(*a*) (*iii*) and (*c*). The Notice and the Application Form for the examination in question prescribed the conditions of eligibility clearly and also stated plainly and specifically that the fee would not be refunded under any circumstances. The application form also warned candidates to read the Notice carefully to see whether they were eligible before paying the fee and that the conditions prescribed for the examination would not be relaxed in any case. If, in spite of this, some candidates, who were not eligible, applied and paid the fee, I do not think they have any cause for legitimate grievance. Government do not therefore see any reason to enquire into the matter as suggested by the Honourable Member.

(*b*) No.

Pandit Satyendra Nath Sen : May I know what it would amount to if these fees are refunded ?

The Honourable Sir Harry Haig : I am afraid I cannot tell. The object of the rule presumably was to avoid the time of Government officers being wasted in looking into applications for refunds.

APPLICATION OF THE NEW STATE RAILWAY LEAVE RULES TO THE ACCOUNTS STAFF.

826. ***Pandit Satyendra Nath Sen :** (*a*) With reference to their reply to starred question No. 946, put in the Legislative Assembly on the 8th November, 1932, regarding the application of the new State Railway Leave Rules to the Accounts staff, will Government be pleased to state the action taken by them in the matter so far ?

(*b*) Is it a fact that the new State Railway Leave Rules have been made applicable to permanent staff with effect from the 1st April, 1930 ?

(*c*) Is it a fact that there are staff in the Railway Accounts Department, who were confirmed from a date prior to the 1st April, 1930, and were not required to execute a declaration that they would come under the new State Railway Leave Rules on their introduction ?

(*d*) If so, do Government propose to give such staff the option to remain under the old set of Leave Rules ? If not, why not ?

Mr. P. R. Rau : (*a*) The temporary staff appointed in the old combined Audit and Accounts Offices before the 1st April, 1929, and taken

over by the Railway Accounts Department have been allowed the option of remaining under the old leave rules, if they were not informed of the fact that the new State Railway Leave Rules would be applicable to them. The permanent staff taken over from the old combined Audit and Accounts Department have the option to remain under the Fundamental Rules.

(*b*) The new leave rules have been introduced with effect from the 1st April, 1930, and are applicable to those appointed on or after that date and also to those appointed prior to that date under the arrangement that when the new rules are introduced they would be brought under them.

(*c*) and (*d*). The question is still under consideration.

APPOINTMENT OF QUALIFIED CLERKS AS SUB-HEADS ON THE EAST INDIAN RAILWAY.

827. ***Pandit Satyendra Nath Sen :** (*a*) Will Government be pleased to lay on the table a copy of the information referred to in reply to starred question No. 846, dated the 21st March, 1933, regarding appointment of qualified clerks as sub-heads on the East Indian Railway ?

(*b*) Are Government aware that if reverted sub-heads monopolise all the vacancies in the sub-head's grade, the qualified clerks, who have passed the highest departmental examination, will have to wait for promotion for at least a decade ?

(*c*) Is it a fact that the Controller of Railway Accounts' letter No. 77-E.|31|C.R.A.|III, dated the 20th July, 1932, has practically been reduced to a dead letter ?

(*d*) If so, do Government propose to reconsider the case of the above class of qualified clerks ?

Mr. P. R. Rau : I would refer the Honourable Member to the statement laid by me on the table of the House on the 28th August, 1933, in reply to parts (*a*) to (*c*) of question No. 846, dated 21st March, 1933.

APPOINTMENT OF LILLOOAH APPRENTICES.

828. ***Pandit Satyendra Nath Sen :** With reference to the answer to Mr. S. C. Mitra's unstarred question No. 22 (*a*), (*b*) and (*c*) of the 5th September, 1932, regarding Lillooah apprentices, will Government please state in what way they considered the said Anglo-Indian to be the best all round for the appointment in preference to other *ex*-apprentices of his batch all of whom were placed in higher Divisions in the Technical School examination and who are still waiting ? Is it a fact that he had no qualifications of Train Examiner [as referred to by Government in reply to Mr. Bhuput Sing's starred question No. 631 (*a*) of the 4th March, 1932] and he failed in the Technical School examination ? Do Government intend to take steps to replace him (the said unsuccessful Anglo-Indian) by an Indian *ex*-apprentice of his batch ? If not, why not ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 828 to 836 together. I have called for certain information and will lay a reply on the table in due course.

APPOINTMENT OF LILLOOAH APPRENTICES.

†829. ***Pandit Satyendra Nath Sen :** (*a*) With reference to the answer given in reply to Mr. S. C. Mitra's unstarred question No. 22 (*c*) of the

†For answer to this question, *see* answer to question No. 828.

5th September, 1932, are Government aware that it is not a fact that those two apprentices were sent back to Lillooah shops for unsatisfactory work and irregular attendance ?

(*b*) Is it a fact that one of them was retained there (under Divisional Superintendent, Howrah) for the discharge of his duties even for a week after the strike was over ? And is it also a fact that he drew the maximum overtime allowance (working under Divisional Superintendent, Howrah) during the strike of all other apprentices of Lillooah workshop who were appointed since 1925 ?

(*c*) If the answer to parts (*a*) and (*b*) above, be in the affirmative, will Government please state whether, before appointing the said unsuccessful Anglo-Indian, they made any endeavour to select any one of those two Indians who had prior claims and both of whom passed in the First Division and were the seniormost of his batch for the post ? If not, why not ?

(*d*) If the answer to parts (*a*) and (*b*) above be in the negative, are Government prepared to make an enquiry into the matter and take necessary steps ? If not, why not ?

(*e*) Will Government please state why racial discrimination was made in spite of the assurance given in reply to Mr. S. C. Mitra's starred question No. 291 (*a*) of the 10th September, 1929, in appointing the unsuccessful Anglo-Indian as Train Examiner, although better qualified Indians were available ?

(*f*) Do Government propose to appoint those two Indian *ex*-apprentices as Train Examiners under Divisional Superintendents at the earliest opportunity and when vacancies arise and to issue orders to all Divisional Superintendents to this effect ? If not, why not ?

APPOINTMENT OF APPRENTICE TRAIN EXAMINERS FOR THE OPERATING DEPARTMENT.

†830. ***Pandit Satyendra Nath Sen :** (*a*) Will Government please lay on the table a copy of their decision in the matter of appointing further apprentice Train Examiners for the Operating Department, as referred to in the reply to a question by Mr. S. C. Mitra ?

(*b*) If Government have not yet reached any decision, how much longer will they take and what are the reasons for delay ?

APPOINTMENT OF LILLOOAH APPRENTICES.

†831. ***Pandit Satyendra Nath Sen :** (*a*) Will Government please state the number of *ex*-apprentices of Lillooah workshop appointed in suitable posts under Divisional Superintendents, as referred to in answer to Mr. S. C. Mitra's unstarred question No. 22 (*f*) of the 5th September, 1932, with the following particulars :

(*i*) names of those who have been appointed,

(*ii*) names of the Divisions posted,

(*iii*) Division placed in final examination in Technical school,

(*iv*) designations,

†For answer to this question, *see* answer to question No. 828.

(*v*) number of Indians, Anglo-Indians and Europeans,

(*vi*) starting salaries ?

If not, why not ?

(*b*) Is it a fact that some *ex*-apprentices of Lillooah workshop have been appointed as Train Examiners under Divisional Superintendent, Howrah, only, and none have been appointed so far in other Divisions ? Are Government aware of the assurance given in reply to Mr. S. C. Mitra's unstarred questions Nos. 22 (*f*) and 23 (*b*) and (*c*) of the 5th September, 1932, and Mr. Bhuput Sing's starred question No. 631 (*c*) of the 4th March, 1932 ?

(*c*) If the answer to part (*b*) above be in the affirmative, will Government please state the reasons for not appointing any *ex*-apprentices in other Divisions ? Is it a fact that vacancies exist in other Divisions ?

(*d*) Do Government propose to appoint the *ex*-apprentices of Lillooah workshop (East Indian Railway), in other Divisions too and issue orders to all Divisional Superintendents accordingly without further delay ? If not, why not ?

APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

†832. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that recently some *ex*-apprentices of the East Indian Railway workshop, Lillooah, have been appointed as Train Examiners under the Divisional Superintendent, Howrah (East Indian Railway) ?

(*b*) Is it a fact that the majority of them are junior to many *ex*-apprentices who passed in the First Division and who are still unemployed ?

(*c*) If the answers to parts (*a*) and (*b*) above be in the affirmative, will Government please state the reasons for not selecting those seniors who passed in the First Division and the grounds for selecting juniors, two of whom passed in the First Division and one in the Second Division, for the posts ? Is it a fact that they had appointed one Anglo-Indian *ex*-apprentice of Lillooah workshop of 1930 under the same Divisional Superintendent who was decidedly less qualified than all the Indians of his batch and who had no qualifications of Train Examiner ? Do Government propose to take steps to replace them by those seniors who passed in the First Division and who are on the waiting list ? If not, why not ?

(*d*) If the answer to part (*b*) above be in the negative, do Government propose to make an inquiry into the matter and take necessary steps ? If not, why not ?

(*e*) Will Government please lay on the table a statement showing the names of the *ex*-apprentices of Lillooah workshop (East Indian Railway), who have been recently appointed as Train Examiners under the Divisional Superintendent, Howrah, with the dates of their completion of apprenticeship training and the Divisions in which they passed from the Technical School and also of their seniors who are still waiting ?

(*f*) Will Government please state the percentage of Indian, European and Anglo-Indian *ex*-apprentices of Lillooah workshop (East Indian Railway) appointed as Train Examiners under the Divisional Superintendent, Howrah, East Indian Railway, since 1931 and whether the

†For answer to this question, *see* answer to question No. 828.

policy of progressive Indianisation has been strictly adhered to in making these appointments ?

(*g*) Will Government please state whether they propose to appoint the senior *ex*-apprentices of Lillooah workshop (East Indian Railway) of 1929 and 1930 whose cases have been ignored, as Train Examiners, when next vacancies arise, according to the dates of completion of their training and the Divisions they passed from Technical School, and issue orders to all Divisional Superintendents to this effect without further delay ? If not, why not ?

APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

†833. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that selection of *ex*-apprentices of East Indian Railway workshop, Lillooah, for the posts of Train Examiners under Divisional Superintendent, Howrah, on 14th August, 1933, was made after granting interviews to all *ex*-apprentices who completed their training up to the year 1932 ?

(*b*) Is it a fact that one European or Anglo-Indian who completed his training this year was appointed as Train Examiner under the Divisional Superintendent, Howrah, without even being called for an interview and ignoring the claims of many senior Indians ?

(*c*) If the answer to part (*b*) above be in the affirmative, will Government please state why racial discrimination was made in appointing a junior European or Anglo-Indian *ex*-apprentice of 1933 without granting him an interview along with others ?

(*d*) If the answer to part (*b*) above be in the negative, are Government prepared to make an enquiry into the matter and take necessary steps ? If not, why not ?

(*e*) Do Government propose to appoint the *ex*-apprentices of Lillooah in all future cases as Train Examiners from the waiting list strictly according to seniority, giving preference to those who passed in the First Division without making any racial discrimination and issue orders to all officers concerned accordingly ? If not, why not ?

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

†834. ***Pandit Satyendra Nath Sen** : (*a*) Will Government please state the number of *ex*-apprentices who are likely to be provided with posts under Divisional Superintendents this year, as referred to in answer to Mr. Bhuput Sing's starred question No. 631 (*c*) of 4th March, 1932 ?

(*b*) Will Government please state the number of vacancies which occurred in the grade of Electricians and Train Examiners under Divisional Superintendents, East Indian Railway, since 1932 with the following particulars :

(*i*) number of vacancies in each Division with the name of the Division, and

(*ii*) designations of the vacant posts ?

†For answer to this question, *see* answer to question No. 828.

FORMATION OF SQUADS FOR TICKET CHECKING ON THE EAST INDIAN RAILWAY.

†835. ***Pandit Satyendra Nath Sen** : (*a*) Will Government be pleased to state if squads of Anglo-Indian boys have been formed on the East Indian Railway for Ticket Checking purposes and placed under the Watch and Ward Department ?

(*b*) On what considerations have the provisions of Rule 9, Section I, on page 4 of East Indian Railway Agent's Circular No. 548|A.E.-2460 of the 1st October, 1932, been overlooked in basing these appointments on racial discrimination ?

(*c*) Was practical training for one month given to them as per Rule No. 28, Section II (Commercial) of the above Circular ?

(*d*) Is it a fact that a few cases of harassment to the travelling public have come to light ?

(*e*) Is it a fact that they are not empowered to realise money from defaulters and have to hand such men over to station staff for recovery, and that even those men who are ready to pay on demand are made over for such recovery ?

(*f*) Is it a fact that due to the arrangement mentioned in question (*e*) above, the passengers on occasions have to pay more penalty than admissible under the rules as per illustration below :

"A passenger travelling without ticket to Chandernagore is detected at Belur. Since the squad men cannot recover the amount, they make him over to the station staff at Chandernagore where the passenger has to pay annas six as fare and annas six as penalty, whereas, if the amount was recovered then and there, as the man was willing to pay, he would have paid annas six as fare and only five *pice* as penalty ?"

(*g*) If the reply to the above be in the affirmative are Government prepared to take immediate steps to stop this excessive recovery ?

FORMATION OF SQUADS FOR TICKET CHECKING ON THE EAST INDIAN RAILWAY.

†836. ***Pandit Satyendra Nath Sen** : Will Government be pleased to state :

(*a*) whether the posts for squads of Ticket Checkers on the East Indian Railway were advertised, as per Section III on page 13 of East Indian Railway Agent's Circular No. 548|A.E.-2460 of 1st October, 1932 ;

(*b*) if so, the names and dates of the papers ;

(*c*) whether there were any Indian applicants also ; if so, their qualifications, and the names of the officers of the Selection Board, if any was held ;

(*d*) what reasons have been recorded by the Agent in relaxing the provisions of his own Circular No. 548|A.E.-2560 of the 1st October, 1932, in basing these appointments on racial discrimination and without advertisement and one month's *practical* training as desired under Rule 64 of the said Circular ?

†For answer to this question, *see* answer to question No. 828.

PAYMENT OF DEATH CLAIMS BY THE POSTAL INSURANCE FUND.

837. ***Mr. E. Studd** : (*a*) With reference to part (*b*) of the unstarred question No. 157, asked by Mr. Arthur Moore on the 13th November, 1931, on the subject of payment of death claims by the Postal Insurance Fund, and its reply by the Honourable Sir Joseph Bhore to the effect that he would examine the question, will Government be pleased to state the result of that examination ?

(*b*) Are Government aware of the feeling of strong dissatisfaction on the part of insurance companies as regards the practice of Government of competing through the Post Office Insurance Fund on particularly favourable terms with private enterprise, especially in view of :

(*i*) the extension of the Post Office Insurance Fund to *quasi*-Government servants,

(*ii*) the increase in the maximum limit of Insurance in the Fund from Rs. 10,000 to Rs. 20,000 on any one life, and

(*iii*) the practice of Government in granting a concession by dispensing with legal proof of title of claimants to policy monies where the sum assured does not exceed Rs. 5,000, which facility is one that insurance companies are unable, for their own protection, to grant ?

(*c*) Will Government be pleased to state what steps, if any, they propose to take in the matter so as to remove the disadvantages under which insurance companies labour when in competition with the Post Office Insurance Fund ?

The Honourable Sir Frank Noyce : (*a*) The question was examined and it was decided that when the amount payable to the heirs of a deceased insurant exceeds Rs. 5,000, or when the claim is disputed, payment should not be made without production of legal proof of title. It was decided that in other cases legal evidence of claim should be dispensed with but that an indemnity bond with two approved sureties should be taken. I may say that this decision was communicated to the Association of Life Insurance Offices in India, and it was explained to them that unlike private companies the scope of the Post Office Insurance Fund is limited to Government servants and *quasi*-Government servants who are better known to Government than the public at large are known to private insurance companies. The identification of their heirs is comparatively easy and there is very little risk of mispayment. In these circumstances Government consider that it would impose an unnecessary burden on the heirs of small insurants if they were required to produce legal evidence when the amount of the policy does not exceed Rs. 5,000.

(*b*) Government have received representations from bodies representative of Life Insurance interests in India.

(*c*) Government do not consider that their existing practice involves unfair competition with private Insurance enterprise, having regard to the fact that the Post Office Insurance Fund caters only for Government's own employees and persons of analogous position. There is a very large field available in India for the operation of private insurance enterprise outside the ranks of those to whom the Post Office Insurance Fund is available, and even within those ranks since it is open to any Government official to

insure—as many do—with private companies. In the circumstances Government do not propose to take any steps in this matter.

RAISING OF A STERLING LOAN IN LONDON BY THE SECRETARY OF STATE FOR INDIA.

838. *Mr. K. P. Thampan : Will Government be pleased to state :

(a) whether it is a fact that within ten days of the Government floating the 3½ per cent. 1947-50 loan at Rs. 96 under Notification No. F. 3(2) F. 33, dated 25th April 1933, the Secretary of State raised a sterling loan of 4 per cent. at 97 in London ;

(b) whether the Secretary of State had about 18 million sterling at his disposal for his requirements on that date and what was the immediate necessity for raising any loan ;

(c) whether the loan was raised at the instance of the Government of India or that of the Secretary of State, and in the latter case, if the Government were consulted in the matter and they agreed to it ;

(d) whether Government knew at the time the notification for the 3½ per cent. loan was issued that within a short time the Secretary of State would be raising a sterling loan in London on a higher rate of interest ;

(e) whether Government will lay on the table the whole correspondence that passed between Simla and Whitehall on the subject ?

The Honourable Sir George Schuster : (a) The facts are not quite correctly stated. The 3½ per cent. 1947-50 loan at 96 was announced on the 25th of April and the sterling 4 per cent. loan 1948-53 was issued at 97¼ on the 10th of May.

(b) No. The balance at the Home Treasury at the end of April was approximately seven million pounds. The purpose of raising a sterling loan was, first to pay off the seven million pounds sterling six per cent. loan falling due on the 15th June, and secondly to strengthen the sterling position of Government with a view to accumulating adequate external reserves for the establishment of a Reserve Bank.

(c) The loan was issued after full consultation between the Government of India and the Secretary of State.

(d) The possibility of issuing a sterling loan if at any moment conditions appeared favourable had been under discussion since the beginning of the year. But no decision had been taken nor had any terms been fixed. These decisions have to be taken in London at very short notice and the terms are fixed at the last moment.

(e) No.

Mr. K. P. Thampan : Is it not a fact, Sir, that the ruling rate of interest in England is generally less than that in India ?

The Honourable Sir George Schuster : Will the Honourable Member kindly repeat his question ? I could not hear him.

Mr. K. P. Thampan : Is it not a fact that generally the ruling rate of interest in England is less than that in India ?

The Honourable Sir George Schuster : I presume my Honourable friend is referring to the discount rate of Three Months' Bills or short term interest, is that the point ?

Mr. K. P. Thampan : No, I mean ordinary bank rate of interest.

The Honourable Sir George Schuster : It is a fact that the Bank of England discount rate is lower at present than the bank rate of the Imperial Bank of India.

Mr. K. P. Thampan : How does the Honourable the Finance Member account for the phenomenon that the loan raised in India was at a lower rate of interest than the one raised in England ?

The Honourable Sir George Schuster : Because the rate of interest payable on a Government of India loan depends on the conditions affecting Government of India securities in the London market ; it depends on the general level of credit of India in the London market.

Mr. K. P. Thampan : Is the credit of India less in England ?

The Honourable Sir George Schuster : I am afraid I do not follow my friend's question. He seems to be suggesting that because the bank rate in London was lower than the bank rate in India, therefore, the Government of India sterling loan in London ought to have been issued on more favourable terms than the Government of India rupee loan in India. If that is my friend's suggestion, my reply to him is that the price at which a Government of India sterling loan in London is issued depends upon the credit of the Government of India in London, and it is on those conditions that the terms were fixed.

Mr. M. Maswood Ahmad : Is it not a fact, Sir, that the Government of India's credit is now-a-days very high ?

The Honourable Sir George Schuster : Yes, Sir ; it is very high, and that particular loan was issued at a comparatively favourable rate.

Mr. M. Maswood Ahmad : Is it very high in England as well ?

The Honourable Sir George Schuster : It is open to my friend to see the quotations for Government of India sterling securities in the daily Press, and he can judge for himself.

Mr. B. V. Jadhav : Whenever the Government of India borrow in England a higher rate is paid than the rate in India, why is it so ?

The Honourable Sir George Schuster : It is a fact that our sterling loans in London practically always stand at a slightly lower price than the corresponding rupee loans in India, and that is a very common phenomenon for all countries. If my friend will study the position of Japan, for example, he will find still more striking differences between the quotations of their internal loans in Japan and the quotations of their external loans in London or New York.

Mr. K. P. Thampan : Is it a fact that the loan raised in England by the British Government was at a lower rate of interest than that raised by the Secretary of State for India ?

The Honourable Sir George Schuster : I do not know to what particular loan my friend is referring to, but obviously British Government

securities in London stand at a higher level than the Government of India securities ; they stand at a level which produces a yield of about one half per cent. lower rate of interest than our securities.

Mr. K. P. Thampan : Is there any foundation for the rumour that the Bank of England had a lot of money at that time and that they wanted to thrust it on this country, and that was the reason why this loan was raised ?

The Honourable Sir George Schuster : No, Sir, we did not raise the loan from the Bank of England. We raised it from the British public.

Mr. K. P. Thampan : Was not the Bank of England a large subscriber to this loan ?

The Honourable Sir George Schuster : The Bank of England never subscribes to these loans. The Bank of England arranges the issue to the public ; it is the public who subscribe to the loans.

Dr. Ziauddin Ahmad : In view of the fact that there is a very large amount available in various banks in England for investment, did the Government of India and the Secretary of State make inquiries through their experts whether the money could be raised at a lower rate of interest in London ?

The Honourable Sir George Schuster : I suppose my friend is suggesting that we should have endeavoured to negotiate privately in London. I can only tell my friend that it will be quite an impossible method for the Government of India to adopt. They cannot go round London and endeavour to raise sums privately.

Dr. Ziauddin Ahmad : What I mean is, did the Government of India and the Secretary of State make sufficient efforts to find out whether they could raise a loan at a lower rate of interest, and did they find that it was not possible ?

The Honourable Sir George Schuster : I can assure my Honourable friend that we used every possible effort to get that loan issued at more favourable rates than we were actually able to do.

Sir Cowasji Jehangir : May I ask the Finance Member whether there were any advantages at that particular time for raising a loan in England rather than in India ?

The Honourable Sir George Schuster : Sir, the object of raising this particular loan was to increase our sterling resources, and that we would not have been able to do by raising a loan in India.

REPORT OF THE POPE ENQUIRY COMMITTEE.

839. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(*a*) whether the Pope Committee which was appointed on the recommendation of the Railway Retrenchment Sub-Committee has submitted its report, and if so, whether it will be made available to the members of this House ;

(*b*) the remuneration offered to Mr. Pope and other members of the committee ;

(*c*) the total expense incurred, including the cost of printing the report, on behalf of this committee ?

Mr. P. R. Rau : (*a*) Copies are available in the Library of the House.

(*b*) Mr. Pope was paid a salary of £2,000 per annum together with an allowance of Rs. 1,000 per mensem while in India and travelling expenses at Rs. 10 per day. Mr. Pope's associates drew the pay they were in receipt of in their regular posts *plus* Rs. 10 per day travelling allowance.

(*c*) Including the cost of printing the report, the cost of the enquiry roughly amounted to Rs. 36,000.

IMPORT OF MOTOR CARS DESIGNED TO RUN WITHOUT PETROL FROM JAPAN.

840. ***Rai Bahadur Sukhraj Roy :** (*a*) Will Government be pleased to state whether they are aware that new motor cars designed to run without petrol have been imported from Japan and are lying on ships in Diamond Harbour at Calcutta ?

(*b*) Is there any dispute about payment of custom duties on the same ?

(*c*) Is there no provision at present in law for imposition of duties on these cars ? If so, why not ?

(*d*) Do Government apprehend a fall in income from petrol duties by the import of these cars ? If so, how ?

(*e*) Are Government aware at what price it is intended to sell such cars in India and what are the main features of such cars ?

The Honourable Sir George Schuster : (*a*) No such cars have been imported from Japan into Calcutta, and no such cars are lying on ships at Diamond Harbour or Calcutta. Diamond Harbour is not a port, and goods cannot be legally imported there.

(*b*) No.

(*c*) Such cars would be dutiable at the same rate as other cars.

(*d*) Does not arise.

(*e*) No.

PROSECUTION OF CERTAIN OFFICIALS OF THE CENTRAL TELEGRAPH OFFICE, CALCUTTA, FOR DIVULGING THE CONTENTS OF TELEGRAMS REGARDING RACES.

841. ***Mr. B. N. Misra :** (*a*) Has the attention of Government been drawn to the remarks at page 155 of the *Telegraph Review* for April, 1933, under the caption of " Gambling " ?

(*b*) Is it a fact that some years back certain officials of the Central Telegraph Office, Calcutta, were prosecuted for divulging the contents of telegrams regarding horse races ?

(*c*) If the answer to parts (*a*) and (*b*) be in the affirmative, what steps have Government taken, or propose to take as a preventive measure ?

(*d*) Will Government please lay on the table a statement showing the number of Telegraph employees (by designation) employed on this work in different offices in each Circle and how many of them are Indians and Anglo-Indians ?

The Honourable Sir Frank Noyce: (*a*) Government have seen the article.

(*b*) Government are aware of only one case of the kind to which the Honourable Member refers.

(*c*) The article refers to a matter of discipline in the Calcutta Telegraph Office and shows that the Chief Superintendent who is fully competent to deal with the matter has already taken such steps as he considers appropriate ; Government do not, therefore, propose to interfere.

(*d*) I regret I am unable to answer the Honourable Member's question as it is not clear what particular work the Honourable Member means by the expression " this work ".

PERMISSION TO THE TELEGRAPH EMPLOYEES TO WORK IN THE RACE COURSE.

842. ***Mr. B. N. Misra**: (*a*) Is it a fact that the Government Servants' Conduct Rules preclude the departmental employees from receiving remuneration from other firms or agents ?

(*b*) Is it a fact that permission is granted to the employees in the Telegraph Department to work in the race course due to economic depression ?

(*c*) Is it a fact that arrangements are made by the Department to give them off or reshuffle their duties in such a way as to enable them to work in the race course on every Saturday ?

(*d*) Will Government please state if any complaint has ever been received from any head of office for sparing these men at the appointed time on the fixed dates regularly ? If so, from which offices and on how many occasions ?

(*e*) Will Government please state if there was any occasion in any office to refuse this permission ? If so, when and where ?

(*f*) Is it a fact that many of these workers are granted permission to perform night duties permanently ? If so, why ?

(*g*) Will Government please lay on the table a statement showing the names of other departmental offices in which such permission is granted and the number of men thus employed and how many of them are Indians and Anglo-Indians ?

The Honourable Sir Frank Noyce: (*a*) Yes, except with the previous sanction of the proper authority.

(*b*) Such permission is of long standing and was granted before the economic depression.

(*c*), (*e*) and (*f*). Government have no information. The arrangement of duties in a Telegraph office is carried out by the officer-in-charge.

(*d*) Government have not been able to trace any such complaint.

(*g*) I regret that I am unable to answer the Honourable Member's question as it is not clear what offices he means by the expression " other departmental offices ".

DUTY SYSTEM OF TELEGRAPHISTS AND SIGNAL ROOM CLERKS.

843. ***Mr. B. N. Misra**: With reference to answer given to unstarred question No. 100, dated the 13th March, 1933, by Mr. Rameswar Prasad Bagla :

(*a*) has the attention of Government been drawn to page 369 of the *Telegraph Review*, November, 1932, where a representation to the Director General appeared under the heading " Frequent night duties " ?

(*b*) are Government prepared to order a departmental enquiry into the duty system prevalent in signal offices ?

The Honourable Sir Frank Noyce: (*a*) Yes, the reperesentation, which is reproduced on the page mentioned, was duly replied to by the Director General.

(*b*) No, Government do not consider that there is any necessity for such inquiry.

REPORT OF THE VARMA COMMITTEE.

844. ***Mr. B. N. Misra**: (*a*) Has the attention of Government been drawn to question No. 5 under section H—Supplementary Questionnaire of the Varma Committee ?

(*b*) Is it a fact that the investigation conducted has not been embodied in the Report ?

(*c*) Will Government please lay on the table the whole correspondence on the subject with the reasons for omission of their findings on this subject in the Report by the Committee ?

(*d*) With reference to paragraph 30 of the Varma Committee Report, will Government please lay on the table the whole correspondence and evidence on the duty chart and daily absence list which are essential for the computation of telegraph staff ?

The Honourable Sir Frank Noyce: (*a*) to (*d*). Government have not yet taken the report of the Varma Committee into consideration and I, therefore, regret that I am unable to reply to the Honourable Member's questions.

MEAL RELIEF IN POST OFFICES.

845. ***Mr. B. N. Misra**: (*a*) Will Government please state what are the differences in the conditions of service in the Indian and continental signal offices in respect of meal relief, which preclude the Government to accept the standard of 45 minutes' relief ?

(*b*) Will Government please state the result of the enquiry regarding meal relief in British Post Offices ?

The Honourable Sir Frank Noyce: (*a*) and (*b*). For the reasons explained in the reply to part (*h*) of Mr. Rameshwar Prasad Bagla's unstarred question No. 100 in this House on the 13th March, 1933, Government do not propose to take any action in the matter of comparison between the Indian and British and Continental signal offices in respect of the period of meal relief.

INSOLVENT EMPLOYEES IN CERTAIN GOVERNMENT DEPARTMENTS.

846. *Mr. B. N. Misra : With reference to starred question No. 850, dated the 21st March, 1933, by Mr. Lalchand Navalrai, will Government be pleased to state how many insolvents are still in the active service in the Telegraph side of the Posts and Telegraphs Department in gazetted ranks in (*i*) Railway, (*ii*) Posts, and (*iii*) Telegraphs Departments separately ?

The Honourable Sir Frank Noyce : Government regret that the information is not readily available and could not be obtained without an expenditure of time and labour which would be unjustifiable.

INDEBTEDNESS OF GAZETTED OFFICERS IN THE TELEGRAPH DEPARTMENT.

847. *Mr. B. N. Misra : (*a*) Are Government aware that many gazetted officers in the Telegraph Department are hopelessly encumbered with debt taken from private individuals ?

(*b*) Will Government please lay on the table a statement showing the number of employees still in service in the Telegraph Department among the (*i*) subordinate and (*ii*) gazetted ranks whose pay has been attached by the Court ?

(*c*) Is it a fact that Government is considering the desirability of amending Rule 16 of the Government Servants' Conduct Rules with a view to make dismissal a compulsory condition for those Government servants who have been adjudged insolvents ?

(*d*) Will Government please state the number of employees during the last 10 years in the Telegraph Department whose services have been dispensed with for misappropriating the public money or for abetting or falsification of Government accounts ?

The Honourable Sir Frank Noyce : (*a*) Although Government are aware that certain of the gazetted officers in the Telegraph branch of the Posts and Telegraphs Department are financially embarrassed, they have no reason to suppose that the number is large.

(*b*) and (*d*). Government regret that the required information is not readily available and cannot be obtained without an undue expenditure of time and labour.

(*c*) No.

ALLEGED FALSIFICATION OF ACCOUNTS BY A CLERK OF THE OFFICE OF THE DIRECTOR, TELEGRAPH ENGINEERING, EASTERN CIRCLE.

848. *Mr. B. N. Misra : (*a*) Is it a fact that the services of a clerk who was attached to the office of the Director, Telegraph Engineering, Eastern Circle (now amalgamated with the Postmaster-General's Office, Calcutta), were dispensed with for alleged falsification of accounts and misappropriation on the judgment of the Presidency Magistrate during the time when Mr. Fox was Personal Assistant ?

(*b*) Is it a fact that the trying Magistrate passed severe strictures on the conduct of some responsible officers ?

(*c*) Will Government please lay on the table the full copy of the judgment ? If not, why not ?

(*d*) Is it a fact that the officers whose conduct was criticised are still in service ?

The Honourable Sir Frank Noyce : (*a*) The clerk was dismissed from service on the charges referred to not in connection with the cases in which he was acquitted by the Presidency Magistrate but in connection with other cases of falsification of accounts and misappropriation of Government money, brought to light as a result of departmental investigations after his acquittal by the Magistrate.

(*b*) So far as Government are aware the trying Magistrate made adverse comments on the conduct of one officer only.

(*c*) Government regret that they are unable to comply with the Honourable Member's request as the dismissal of the clerk referred to in part (*a*) of this question was not in connection with the cases forming the subject of the judgment and the officer referred to in my reply to part (*b*) above has since died.

(*d*) The Honourable Member is referred to the reply to parts (*b*) and (*c*) above.

UNAUTHORISED APPOINTMENTS IN THE POSTAL DEPARTMENT.

849. *Mr. B. N. Misra : (*a*) Has the attention of Government been drawn to Chapter XIV of the Report of the Telegraph Establishment Enquiry Committee and to pages 353, 390 of the *Telegraph Review* of November and December, 1932, on the subjects of certain unauthorised appointments ?

(*b*) Have Government undertaken any enquiry ? If so, with what results ? If not, why not ?

(*c*) Is it a fact that all these appointments are being carried on for years with the full knowledge of the Circle Heads ?

The Honourable Sir Frank Noyce : (*a*) As regards the first part of the question, Government have not yet considered the Report of the Committee. As regards the second part, Government have seen the article in question.

(*b*) Government have made no enquiries as the matter is one with which the Head of the Circle is competent to deal.

(*c*) Government have no information.

DECENTRALISATION OF THE ADMINISTRATION OF THE POSTS AND TELEGRAPHS DEPARTMENT.

850. *Mr. B. N. Misra : (*a*) Is it a fact that the administration of the Posts and Telegraph Department is being gradually decentralised like other Government Departments ?

(*b*) Have Government taken any disciplinary action against the responsible officers where they have flouted the orders of the Director General ? If so, will Government be pleased to state the number of such officers and the nature of punishment awarded ?

The Honourable Sir Frank Noyce : (*a*) Yes, so far as is practicable.

(*b*) Government are not aware of the orders of the Director General being flouted by responsible officers. Occasionally orders may be disregarded ; such cases when they come to notice are dealt with according to the circumstances. The Department has been so long in existence that it would be an impossible task to compile a statement of such cases.

RULES FOR RECOGNITION OF GOVERNMENT SERVANTS' ORGANISATIONS.

851. ***Mr. B. N. Misra :** (*a*) Has the attention of Government been drawn to the two editorials in the *Telegraph Review* for December, 1932 and June 1933 on the subject of Rules of Recognition of Government servants' organizations ?

(*b*) Is it not a fact that the editorial under caption " A bone of contention " in the June, 1933, issue is based on the recommendations of the Whitley Commission ?

(*c*) Is it a fact that under the existing rules of recognition, service organizations cannot represent the grievances of individual members ?

(*d*) Is it not a fact that on many occasions Government ask for individual concrete instances from the organizations whenever common grievances are represented ?

(*e*) In view of the recommendations of the Royal Commission on Labour in India, are Government prepared to consider the modification of the existing rules of recognition of Government servants' organisations ? If not, why not ? If so, when ?

The Honourable Sir Frank Noyce : (*a*) Government have seen the article.

(*b*) The article refers to certain passages in the Report of the Commission.

(*c*) Yes, representations must be confined to matters which are, or raise questions which are, of common interest to the class represented by the Association.

(*d*) Such occasions may arise, but are not frequent.

(*e*) Government have under consideration the revision of the Recognition Rules in their application to industrial workers.

INSPECTION OF COMBINED POST AND TELEGRAPH OFFICES.

852. ***Mr. B. N. Misra :** (*a*) Is it a fact that the inspection of combined post and telegraph offices has been transferred from the duty of a

Superintendent of Telegraph Traffic to that of a Postal Inspector and Superintendent ?

(*b*) Is it a fact that under the existing rules Postal clerks are eligible for the posts of telegraphists after training ?

(*c*) Is it a fact that the majority of 228 telegraphists surplus to requirements have been transferred to the post offices and the occasion for such transfers are too frequent ?

(*d*) Will Government please state whether suitable telegraphists and clerks in the Telegraph Department are eligible for promotions to the grades of Postmasters, Postal Inspectors and Superintendents' provided they possess the required qualifications ? If not, why not ? Will Government please state whether they are prepared to consider the question now ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). The replies are in affirmative.

(*c*) No, only 68 telegraphists have been so transferred.

(*d*) The reply to the first part is in the negative. As regards the second part, the duties of telegraphists or clerks in telegraph offices are quite different from those of officials in the grades of Postmasters, Postal Inspectors or Superintendents of Post Offices and the experience gained by them in their own grades would be of no value in the grades named by the Honourable Member. The reply to the last part is in the negative.

NON-GRANT OF LEAVE TO THE INFERIOR SERVANTS OF THE TELEGRAPH DEPARTMENT.

853. ***Mr. B. N. Misra :** (*a*) Are Government aware that there are no provisions for leave reserves staff for the inferior servants of the Telegraph Department and consequently leave on average pay granted to superior establishment is denied to this class of employees ?

(*b*) If answer to part (*a*) be in the affirmative, are Government aware of the hardship caused to these servants of Government ?

(*c*) If answer to part (*b*) be in the affirmative, do Government propose to make necessary provision for their leave reserve and grant them average pay for privilege leave ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) and (*c*). The existing rules do not provide for the grant of leave on average pay to inferior Government servants generally and Government do not propose to make an exception in respect of the inferior staff of the Telegraph Department.

GRIEVANCES OF THE TELEGRAPH STAFF.

854. ***Mr. B. N. Misra :** (*a*) Are Government aware of the fact that in the May and July, 1933, issues of the *Telegraph Review* on pages

189-190 and 255-256, three articles appeared under the captions (*i*) " Who is to blame ", (*ii*) " Legitimate Claims " and (*iii*) " Viceroy's Camp " ?

(*b*) Will Government be pleased to state whether the facts on which the articles have appeared are substantially correct ? If so, what action have Government since taken or propose to take to redress the grievances of the staff ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) As regards the first part of the question, the reply is in the affirmative.

Of the cases referred to, the claim for enhanced overtime allowance made by certain telephone operators, Dacca and Narayanganj, was not admitted, on the ground that it was a very belated one when it reached the Director General. I have however given instructions that the claim should be re-examined.

The claim of certain task work messengers for overtime allowance for duty performed in 1930, in the Viceroy's camp office at Calcutta, was not referred to the Director General by the Postmaster-General, Bengal and Assam, who apparently disposed of it under his own powers.

REALISATION OF SUBSCRIPTION OF MEMBERS OF SERVICE ORGANISATIONS THROUGH THE SALARY BILLS OF THE STAFF.

855. ***Mr. B. N. Misra :** (*a*) Is it a fact that recoveries of co-operative credit societies, clubs, etc., attached to different Government offices are made through the salary bills of the staff ?

(*b*) If the reply to the above question be in the affirmative, do Government propose to grant the same facilities to service organisations recognised by Government in respect of realisation of subscriptions of members through their salary bills ? If not, why not?

The Honourable Sir George Schuster : (*a*) and (*b*). There are no cases where deductions for such purposes are made through salary bills in the same way, for instance, as a subscription to a Provident Fund. In certain cases however an arrangement was introduced as a concession whereby sums due from members of co-operative societies in the Posts and Telegraphs Department could be realised through the assistance of departmental officials. The practice is limited to certain cases and it is considered undesirable to extend it.

RETRENCHMENT IN THE UNITED PROVINCES POSTAL CIRCLE.

856. ***Mr. B. N. Misra :** (*a*) Is it not a fact that the promotions and discharge of officials under the retrenchment scheme in the United Provinces Circle of the Posts and Telegraphs Department are being done on the grounds of communalism ?

(*b*) Will Government be pleased to state if they have received any appeals from the staff of the United Provinces Circle on the grounds mentioned in part (*a*) ?

(*c*) Are Government prepared to make sifting enquiries into this matter and take such steps as would stop these practices ?

The Honourable Sir Frank Noyce : (*a*) As has often been stated in this House, promotions are not made on communal grounds. In carrying out retrenchment, however, the communal ratios existing before the beginning of the retrenchment campaign have been maintained as nearly as circumstances allowed.

(*b*) No such appeals have been traced.

(*c*) In the absence of any reason to suppose that their orders are not being carried out in the United Provinces Circle, Government do not propose to initiate enquiries.

TEACHING STAFF OF THE ROYAL INDIAN MILITARY COLLEGE, DEHRA DUN.

857. ***Mr. B. N. Misra :** (*a*) Will Government be pleased to state (*i*) the number of the members of the senior staff of the Royal Indian Military College at Dehra Dun, (*ii*) their academic qualifications, (*iii*) the classes in which they obtained their degrees, if any, (*iv*) their ages and dates of appointment, (*v*) the salaries on which they started and their present salaries, (*vi*) their extra allowances and the duties for which they are given, and (*vii*) other privileges, like free bungalows with their rental values, etc. ?

(*b*) Are there any Indians on the senior staff of this college, or has any Indian been appointed on the senior teaching staff ? If not, why not ?

(*c*) If the answer to part (*b*) be in the negative, were there no Indians available with these or better qualifications ? Why have no Indians been appointed, keeping in view the Government declared policy of Indianising a certain proportion of the military services ?

(*d*) Is it a fact that this college has nothing to do with military training ? If so, have Government considered whether they can obtain more efficient Indians on lower salaries for it ?

Mr. G. R. F. Tottenham : (*a*) I lay a statement on the table giving the information desired by the Honourable Member so far as available.

(*b*) and (*c*). No Indian has been appointed permanently to the senior teaching staff because the object of the college is to give a Public School education on British lines and British masters are considered essential if this object is to be fulfilled.

(*d*) Apart from simple drill and physical training no military training is imparted at the college. For the reason given in the reply to parts (*b*) and (*c*) the answer to the second part of this question is in the negative.

Statement showing certain information about the senior staff of the Royal Military College, Dehra Dun.

Names.	Academic qualifications.	Age on appointment.	Date of appointment.	Salary. Initial.	Salary. Present.	Extra allowances.	Rental value of free quarters.	Remarks.
1	2	3	4	5	6	7	8	9
J. G. C. Scott, Esq.	M.A. (Cantab.)	33	23-10-21	1,500	1,750 *plus* overseas pay at £30 p. m.	Rs. 150 p. m. Principal's allowance.	185	
C. A. Phillips, Esq.	M.A. (Cantab.)	33	10-2-22	1,000	1,250 *plus* overseas pay at £30 p. m.	Rs. 100 ... ... Section master's allowance.	173	
J. M. Allen, Esq. ...	M.A. (Cantab.)	37	30-11-25	750 *plus* overseas pay £25.	1,100 *plus* overseas pay £30.	Rs. 100 ... ... Section master's allowance.	252	
J. C. Pritchard, Esq.	B.A. (Oxon.)	25	23-7-26	400 *plus* overseas pay Rs. 150.	700 *plus* overseas pay £25.	Rs. 100 ... ... Section master's allowance.	254	
W. V. Berkeley, Esq.	Was appointed while in residence at Oxford before he took a degree.	22	14-1-27	Do.	600 *plus* overseas pay £15.	..	194	
J. T. Badham, Esq.	M.A. (Cantab.)	28	14-11-27	550 *plus* overseas pay Rs. 150.	800 *plus* overseas pay £25.	..	97*	*Messrs. Badham and Catchpole are in occupation of 1/3rd portion of the unmarried officers' quarters separately.
F. C. Harris, Esq. ...	M.A. (Oxon.)	23	29-7-28	400 *plus* overseas pay Rs. 150.	550 *plus* overseas pay Rs. 150.	..	249	
H. Catchpole, Esq.	B.A. (Oxon.)	21	26-10-28	Do.	450 *plus* overseas pay Rs. 150.	..	97*	
E. Watson, Esq. ...	M.Sc. (Sheffield).	29	5-1-33	600 *plus* overseas pay £15.	600 *plus* overseas pay £25.	..	239	

Mr. Gaya Prasad Singh : I understood the Honourable Member to say that no military training is given in the Royal Indian Military College at Dehra Dun.

Mr. G. R. F. Tottenham : Yes.

Mr. Gaya Prasad Singh : If that is so, why should the name be the Royal Indian *Military* College ? It becomes a misnomer.

Mr. G. R. F. Tottenham : Because it prepares boys for the Indian Military Academy examination.

Mr. Gaya Prasad Singh : Without any military training at all ?

Mr. G. R. F. Tottenham : Yes.

TEACHING STAFF OF THE INDIAN MILITARY ACADEMY, DEHRA DUN.

858. ***Mr. B. N. Misra :** (*a*) Will Government be pleased to state if there are any Indians on the teaching staff of the Indian Military Academy, Dehra Dun ? If not, why not ?

(*b*) Why are military officers only appointed for the teaching of such subjects as Elementary Mathematics, Geography, Law, Drawing, Higher Mathematics, Economics, Science, etc. ?

(*c*) If the answer to the latter part of (*b*) above be in the affirmative, are Government prepared to take the necessary action to replace the military officers with Indians with proper qualifications ?

(*d*) Will Government please state the number of officers in the Military Academy getting (*i*) Rs. 300 and upwards and (*ii*) below that ?

(*e*) How many (*i*) Europeans, (*ii*) Indians are there in the cadre above Rs. 300 ?

Mr. G. R. F. Tottenham : (*a*), (*b*) and (*c*). The attention of the Honourable Member is invited to the answer to starred question No. 759 asked on the 13th March last.

(*d*) (*i*). 15.
(*ii*). 2.
(*e*) (*i*). 15.
(*ii*). None.

EXTENSIONS GIVEN TO THE COMMISSIONER AND ASSISTANT COMMISSIONER OF INCOME-TAX IN THE UNITED PROVINCES AND THE PUNJAB, RESPECTIVELY.

859. ***Bhai Parma Nand :** (*a*) Will Government be pleased to state if it is a fact that in the Income-tax Department, extension has been given for the second time to an Income-tax Commissioner in the United Provinces, and that an extension has also been given to an Assistant Income-tax Commissioner in the Punjab ?

(*b*) Is it a fact that Government have issued instructions that persons who have done 25 years' service should be made to retire ? If so, why is it that extension is so freely given in the Income-tax Department ?

(*c*) Are Government prepared to consider in the interests of economy that such extension should be disallowed and persons who have done 25 years' service be asked to retire ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) No. The second part of the question does not arise.

(*c*) That is a matter for consideration in each case. Extensions have only been granted when that has been considered to be in the interest of public service.

STOPPAGE OF EXPRESS TRAINS AT KHATAULI, NORTH WESTERN RAILWAY.

860. ***Bhai Parma Nand** : (*a*) Will Government be pleased to state whether the Up Bombay Express No. 57 and Down Express No. 58 do not stop at Khatauli on the North Western Railway, which is nearly midway between Muzaffarnagar and Meerut Cantonment ?

(*b*) Is it a fact that Khatauli has a much larger population—eight or nine times the population of Mansurpur and Daurala where these trains stop—and is also commercially more important and also the nearest Railway Station to the Tahsil headquarters at Janseth ?

(*c*) Are there any special reasons why the Bombay Express trains should stop at those stations and not at Khatauli and will Government please state the reasons ?

(*d*) Is it a fact that a big sugar mill is also being erected at Khatauli and will Government please give the figures for the goods and passenger traffic on this station from the 1st April to the 15th August, 1933, as also the figures for Mansurpur and Daurala stations for the same period and also for the corresponding period in 1932 ?

(*e*) Are Government prepared to consider the advisability of asking the North Western Railway Administration to arrange the stoppage of the Express at Khatauli ?

(*f*) Is Mansurpur only five miles from Muzaffarnagar and Daurala and six or seven miles from Meerut Cantonment ?

Mr. P. R. Rau : (*a*) Yes.

(*b*), (*c*), (*d*) and (*f*). Government have no information.

(*e*) I am sending a copy of this question to the Agent, North Western Railway, for considering the suggestion made by the Honourable Member.

CLASSIFICATION IN JAIL OF INDIAN PRISONERS.

861. ***Bhai Parma Nand** : (*a*) Is it a fact that the *social status* and *the mode of living* of the convict is the sole test applied by Government in the matter of the classification of Indian prisoners into three classes ?

(*b*) Is it a fact that Government have always been extremely averse to the entertainment of any proposal aiming at discrimination between ordinary and political prisoners ?

(*c*) Is it not a fact that *normally* every prisoner is entitled to associate with other prisoners of his own class, and that the Jail Manual even permits, with certain limitations, an only prisoner of a particular class to associate with one or more of a different class if he so desires ?

(*d*) Will Government please state whether they have authorised the Inspector-General of Prisons to frame and issue discriminatory regulations, and are Government aware that they virtually do away with the provisions of section 60 of the Prisoner's Act, so far as they are applicable to *Delhi* ?

If so, how do they reconcile their position with oft-professed principle of non-discrimination between the ordinary and political prisoners ?

(*e*) Is it also not a fact that in addition to his segregation :

(*i*) the so-called terrorist prisoner does not get the special remission permitted in the case of ordinary prisoners ;

(*ii*) he is not entitled to be made a convict-official, and loses the special remission and other facilities incidental thereto ;

(*iii*) he cannot get any of the better kind of labour, such as clerical work, etc. ;

(*iv*) he is not permitted books from outside ;

(*v*) he is not permitted a newspaper even when placed in the B class ?

The Honourable Sir Harry Haig : (*a*) Social status, education and habit of life are the criteria for admission to classes B and C but admission to class A is dependent also on the nature of the crime for which the prisoner is convicted and on his being a non-habitual prisoner.

(*b*) Government have not recognised a special class of political prisoners.

(*c*) It is a fact that prisoners are normally allowed a certain amount of association with other prisoners and that where there is only one prisoner of a certain class it is usual to give him some facilities for company.

(*d*) Section 60 of the Prisons Act confers a rule-making power on Local Governments. The Government of India are not aware that any Local Government has issued rules, or authorised any Inspector General to issue orders, which are not in accordance with the general instructions prescribed by the Governor General in Council for the classification of prisoners.

(*e*) (*i*) The rule relating to special remission applies to all prisoners equally.

(*ii*) No prisoner has any right to be made a convict official. Such appointments are made purely by selection.

(*iii*) Prisoners are ordinarily employed on the class of labour for which the Medical Officer certifies them to be fit. No prisoner has any right to any less severe form of labour.

(*iv*) and (*v*). There is no discrimination against terrorist prisoners in the matter of facilities for reading either books or newspapers.

CASE OF MESSRS. VAISHAMPAYAN AND POTDAR, ACCUSED IN THE DELHI CONSPIRACY CASE.

862. ***Bhai Parma Nand** : (*a*) Is it a fact that Vaishampayan and Potdar were acquitted by the Sessions Judge of Delhi in a case under the Explosive Substances Act ?

(*b*) Is it a fact that both the persons above-named were immediately re-arrested and confined in jail ?

(*c*) Is it a fact that Potdar was released after three or four days ?

(*d*) Will Government be pleased to state why he was detained ?

(*e*) Are Government prepared to order Vaishampayan's release ? If not, why not ? Why is he being detained ?

(*f*) Is it a fact that Vaishampayan and Potdar were accused in Delhi Conspiracy Case before the case under the Explosive Substances Act was instituted, and that this case was withdrawn after about two years ?

(*g*) Do Government propose to compensate the above-named persons for their long and uncalled-for confinement ? If so, what compensation do they intend to make ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) to (*e*). Yes.

(*d*) Potdar was detained under section 2 of the Punjab Criminal Law Amendment Act, 1932, pending consideration whether it was necessary to take any action against him.

(*e*) The answer to the first part is in the negative, and to the remaining parts, that the State Prisoner is being detained in jail in view of his terrorist activities which make it undesirable for him to be at liberty.

(*f*) Yes.

(*g*) I would refer the Honourable Member to the reply given by me on the 2nd March last to Rai Bahadur Sukhraj Roy's question No. 602.

GRANT OF AN ALLOWANCE TO MR. V. G. VAISHAMPAYAN, A STATE PRISONER.

863. ***Bhai Parma Nand** : (*a*) Is it not a fact that Mr. V. G. Vaishampayan was arrested and detained under Regulation III of 1818 immediately after he was acquitted by the Sessions Judge of Delhi from charges under Explosives Act ?

(*b*) Is it a fact that Government have not so far fixed any allowance for him and his dependants ?

(*c*) Are Government aware of the fact that Mr. V. G. Vaishampayan was the sole bread-winner of the family, consisting of a blind father, an old mother, an unmarried sister, and two minor brothers ?

(*d*) Will Government be pleased to state as to what steps they are taking towards the speedy decision of the question of proper allowance, etc., for him ?

The Honourable Sir Harry Haig : (*a*) Yes. Mr. V. G. Vaishampayan was detained as a State Prisoner under Regulation III of 1818 about the middle of August last.

(*b*), (*c*) and (*d*). The question whether any allowance is necessary is under consideration. According to my information the State Prisoner is unmarried and was a student and was earning nothing at the time of his arrest. It is understood that his father is in receipt of a pension.

EXTERNMENT OF ONE MR. RATNA PRAKASH FROM DELHI.

864. ***Bhai Parma Nand** : (*a*) Are Government aware that on the 25th July, 1933, Mr. Ratna Prakash was served with notice to leave Delhi Province within 24 hours for an indefinite period ?

(*b*) Are Government aware that Mr. Ratna Prakash was Secretary of the Students Harijan Service League, Delhi, which is a purely social body ?

(*c*) Has Mr. Ratna Prakash been externed on account of his anti-untouchability activities ? If not, will Government be pleased to give reasons for externing Mr. Ratna Prakash from Delhi where he has been residing for the last eight years ?

(*d*) Was any opportunity given to Mr. Ratna Prakash to explain himself before taking action against him ? If so, what ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) It is understood this was one of his activities.

(*c*) and (*d*). The order of externment had nothing to do with anti-untouchability activities. It was issued in view of the Local Government being satisfied that he was pursuing activities of a revolutionary character falling within the terms of section 3 of the Punjab Criminal Law Amendment Act, 1932, and in accordance with the procedure laid down in that section.

COMMUNAL INEQUALITY IN INFERIOR APPOINTMENTS IN THE JHELUM HEAD POST OFFICE.

865. ***Bhai Parma Nand** : (*a*) Is it a fact that out of 18 non-clerical superior and 11 inferior appointments in the Jhelum Head Post Office only one inferior appointment is held by a Hindu and all the rest by Muslims ? If so, do Government propose to take action to remedy the communal inequality in the said appointments ?

(*b*) Will Government be pleased to state the number of candidates for the above cadres of each community on the waiting list and how many Hindus have been recruited during the last five years to adjust the communal inequalities ? Has any of the Hindu candidates been given appointment according to Government orders regarding reserving of vacancies for minority communities ? If not, who is responsible for not acting up to Government orders and what action do Government propose to take against him and to stop further injustice to the Hindu community ?

(*c*) Owing to the paucity of Hindu inferior servants on the staff of the Jhelum Head Post Office, will Government be pleased to state what facilities, if any, have been provided for the supply of water, etc., to the Hindu clerical staff there ? Is it a fact that the Muslim staff are benefited by the service of a *bhishtee* sanctioned for the office besides the ten Muslim inferior servants ?

The Honourable Sir Frank Noyce : (*a*) to (*c*). Information has been called for and will be placed on the table in due course.

COMPULSORY ATTENDANCE OF THE STAFF OF THE HISSAR HEAD POST OFFICE ON A HOLIDAY.

866. ***Bhai Parma Nand** : (*a*) Have Government seen the article under the caption " Strange if True " in the issue of the *Daily Herald*, dated the 30th March, 1933, regarding compulsory attendance of the staff of the Hissar Head Post Office on 12th March, 1933, which was a Sunday and also a religious day for the Hindus on account of Holi ?

(*b*) Will Government please state who was responsible for the issue of these orders ?

(*c*) If the facts mentioned in part (*a*) are correct, do Government propose to state whether any action was taken against the officer concerned for causing inconvenience to the Hindu staff and interfering with the observance of their religious day ? If not, are Government now prepared to take suitable action to avoid a repetition of such occurrences ?

The Honourable Sir Frank Noyce : (*a*) Government have seen the article in question.

(*b*) and (*c*). Government have no information, but the matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

RETRENCHMENT OF HINDUS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

867. ***Bhai Parma Nand** : (*a*) Is it a fact that Government have laid down the policy of giving weight to communal proportion in services in the matter of

(*i*) Recruitment,

(*ii*) Retrenchment of personnel ?

(*b*) Is it a fact that recently the Postmaster-General, Punjab and North-West Frontier Circle, has retrenched 19 officials of the Railway Mail Service, out of which four are Muslims, one Sikh and fourteen Hindus ?

(*c*) Is it a fact that out of the 19 officials retrenched, four Muslims, six Hindus, and one Sikh are those who have voluntarily retired and that the remaining eight who have been retrenched are all Hindus ?

(*d*) If replies to parts (*a*), (*b*) and (*c*) be in the affirmative, will Government please state why Hindu officials have been retrenched out of all proportion ?

(*e*) Do Government propose to restore to service the Hindu officials, who have thus been retrenched ?

The Honourable Sir Frank Noyce : (*a*) The facts are substantially as stated by the Honourable Member.

(*b*) to (*e*). Information is being collected and a reply will be laid on the table in due course.

RETRENCHMENT OF HINDUS IN CERTAIN RAILWAY MAIL SERVICE DIVISIONS.

868. ***Bhai Parma Nand** : (*a*) Is it a fact that recently some four selection grade officials have been retrenched in Railway Mail Service "D" and "L" Divisions, who are all Hindus ?

(*b*) Is it a fact that there are orders from Government of India that the proportion amongst communities existing before retrenchment should not change after retrenchment ?

(*c*) Is it also a fact that officials who volunteer themselves to retire under retrenchment concessions or otherwise are not regarded as retrenched personnel for the purpose of maintaining communal ratio as stated in part (*b*) above ?

(*d*) Is it also a fact that the retrenched Hindu officials have barely put in a service of 30 years in the department, whereas others who have been left over are officials with more than 32 years of service ? Is it not against the intentions of and contrary to the instructions laid down by the Government of India in this connection ?

(*e*) If the replies to parts (*a*), (*b*), (*c*) and (*d*) be in the affirmative, will Government please state why only the junior Hindu officials have been singled out for retrenchment ?

The Honourable Sir Frank Noyce : (*a*), (*d*) and (*e*). The information is being collected and will be placed on the table in due course.

(*b*) Yes, the ratio between the various communities existing before retrenchment is to be maintained to the nearest practicable figure.

(*c*) The fact is not as stated. Officials who retire voluntarily under the retrenchment scheme, but not those who retire under the ordinary rules, are treated as retrenched officials for the purpose referred to.

RETRENCHMENT OF HINDUS IN CERTAIN RAILWAY MAIL SERVICE DIVISIONS.

869. ***Bhai Parma Nand** : (*a*) Will Government please state the number of Hindus, Muhammadans, Sikhs and others serving in the Railway Mail Service "D" and "L" Divisions in clerical and sorters cadre on the 1st March, 1933 ?

(*b*) Will Government also please state the number of officials retrenched in those Divisions (excluding those who volunteered themselves for retirement) since 1st March, 1933, as also the communities to which they belonged ?

(*c*) Is it a fact that the proportion that existed on the 1st March, 1933, in these Divisions has not been maintained ? If so, are Government prepared to restore them to service ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) The latest figures in possession of Government which are up to the 31st December, 1932, are as follows :

Railway Mail Service 'D' Division.	Hindus 280, Muhammadans 105, Sikhs 35, Indian Christians 3 and others *nil*.
Railway Mail Service 'L' Division.	Hindus 300, Muhammadans 98, Sikhs 62, Indian Christians and others *nil*.

(*b*) and (*c*). The information is being collected and a reply will be laid on the table in due course. It must not, however, be inferred that Government accept the Honourable Member's implication that voluntary retirements should be ignored.

PERIOD OF STAY OF EACH DEPUTY POSTMASTER GENERAL IN ONE POSTAL CIRCLE.

870. ***Bhai Parma Nand** : (*a*) Will Government please state if there is any order fixing the limit of stay of a Deputy Postmaster General in one Circle ?

(*b*) Will Government please lay a statement on the table showing the period of stay of each Deputy Postmaster General in their Circles ?

(*c*) If any such officer has exceeded the fixed limit, do Government propose to transfer him to some other Circle ?

The Honourable Sir Frank Noyce : (*a*) The reply is in the negative.

(*b*) In view of the reply to part (*a*) Government do not consider that it would be useful to collect the information.

(*c*) Does not arise.

ALLEGATIONS AGAINST THE SUPERINTENDENT OF POST OFFICES, ROHTAK DIVISION.

871. ***Bhai Parma Nand :** (*a*) Is it a fact that the present Superintendent of Post Offices, Rohtak Division, closed the Telegraph Branches of Rohtak Head Office and Hissar Cutchery Sub-Office several times during the years 1932-33 and 1933-34 on the ground that no combined hand was available to do telegraph work during the casual leave granted to officials for private affairs ? Are Government aware that this caused delay in the disposal of the telegraph work, and consequent inconvenience to the public ?

(*b*) Are Government aware that one Mr. Chander Bhan Gupta, reserve clerk, Hissar Post Office, applied for leave owing to his son's serious illness, which was not granted, and the child subsequently died, and even then he was not relieved soon after ? If so, will Government please state why some arrangement could not be made to relieve Mr. Chandar Bhan ?

(*c*) Will Government please state whether the Director General, Posts and Telegraphs, ever issued any instructions to his subordinates in the matter of granting leave in such cases of emergencies ? If so, why were those instructions not acted upon by the Superintendent of Rohtak Division ?

(*d*) Is it a fact that during the time Mr. Chandar Bhan's son was ill, a combined hand was available in the office of the Superintendent, Rohtak Division but his services were not utilized on this occasion ? If so, why ?

(*e*) Is it a fact that there are standing orders to the effect that a combined hand should not be posted to the Superintendent's office nor any clerk kept in such offices for more than five years ? If so, will Government please state how many such officials are working in the office of the Superintendent, Post Offices, Rohtak Division, contrary to Government orders and what action they propose to take in the matter ?

(*f*) Is it a fact that the combined hand working in the office of the Superintendent, Post Offices, Rohtak Division, since a long time was ordered several times by the Postmaster General to be removed but his orders have not been carried out by the Superintendent ? If so, why not ?

(*g*) If the facts are as stated in parts (*a*) to (*f*), will Government please state what action they propose to take against this Superintendent ? Do they propose to refer to his personal records in other Circles before he was transferred to the Punjab which is his home ?

The Honourable Sir Frank Noyce : (*a*), (*b*), (*d*), (*e*), (*f*) and (*g*). Government have no information. The Head of the Circle is fully competent to deal with the matters to which the Honourable Member refers and a copy of this question is being sent to him.

(*c*) The fact is not as stated. The Director General's instructions which the Honourable Member seems to have in mind relate to the prompt relief of officials in cases of their own serious illness. The latter part of the question does not arise.

DEMAND OF WHITE-SETTLERS FOR THE CONTROL OF FINANCES OF THE KENYA GOVERNMENT.

872. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of Government been drawn to the *Tanganyika Opinion* of the 4th August, 1933, pages 2, 3 and 4 publishing a memorandum under the heading " Kenya Leaders Memorandum on White Demands ", which purports to be a memorandum submitted by the leaders of the Kenya Indian community to the President of the East African Indian National Congress on the subject of Kenya White Demand for control of finances of the Kenya Government ?

(*b*) Has the attention of Government been drawn to the Presidential Address delivered at the Kenya Indian Unofficial Conference to consider the serious situation, which is published in the *Tanganyika Opinion* of the 4th August, 1933, at page 6, under the heading " President's Revealing Address at Mombasa " ?

(*c*) Has the attention of Government been drawn to the Resolutions passed at the Indian Unofficial Conference held at Mombasa, which are published in the *Tanganyika Opinion*, at page 5, under the heading " A Challenge to the Kenya White Demands " ?

(*d*) Do Government realize that an overwhelming serious situation has arisen in Kenya in regard to the future status of the Indian settlers in that colony ?

(*e*) Are Government prepared to make representations to the Government in London on the subject of relieving the tension ?

Mr. G. S. Bajpai : (*a*), (*b*) and (*c*). Yes.

(*d*) and (*e*). The attention of the Honourable Member is invited to the Press Note on the subject issued on the 11th August, 1933.

DEMAND FOR CLOSER UNION OF EAST AFRICA INCLUDING TANGANYIKA WITH KENYA.

873. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of Government been drawn to a leading article under the heading " Closer Union Menace ", at page 10 of the *Tanganyika Opinion* of the 11th August, 1933 ?

(*b*) Are Government aware of the situation arising out of the Kenya Whites' Demand for control of colonial finance and Closer Union of East Africa including Tanganyika with Kenya so as to give them an over-riding voice in the East African Government ?

(*c*) Are Government aware that the Indian community of Tanganyika are opposed to any kind of Closer Union of the mandated territory with Kenya ?

(*d*) Will Government be pleased to inform this House as to how far negotiations have been carried on with the Imperial Government up to now on the subject of the Closer Union of East Africa and the question of white self-government in Kenya ?

Mr. G. S. Bajpai : (*a*) and (*c*). Yes.

(*b*) I would invite my Honourable friend's attention to the Press Note to which I have just now referred.

(*c*) So far as the Government of India are aware, His Majesty's Government contemplate no departure, in the matter of Closer Union, from the decision announced in July, 1932.

PERMISSION TO MR. SAILENDRA NATH GHOSE, AN EXILE, TO RETURN TO INDIA.

874. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether their attention has been drawn to the letter of Mr. Sailendra Nath Ghose, President, Indian National Congress, America, addressed to Mr. S. C. Mitra, as published in a Free Press message from Simla, dated the 27th July, 1933, requesting him and his colleagues in this House to take interest in his case so that he may, on his giving reasonable undertakings, come back to his motherland and contribute his share to her improvement under the new Constitution ?

(*b*) Have Government received any communication from the Secretary of State for India, asking for their opinion on the desirability or otherwise of allowing him to return to this country ?

(*c*) When, why and under whose orders had the exile taken place ?

The Honourable Sir Harry Haig : (*a*) I have seen a reference to this in the Press.

(*b*) The Secretary of State is not prepared to accede to Mr. Ghose's request.

(*c*) I would invite the Honourable Member's attention to the reply given by me to Mr. Gaya Prasad Singh's question No. 788 on the 20th March, 1933, to which I have nothing to add.

Mr. S. C. Mitra : Will Government allow the gentleman to come to India and then launch a prosecution under any section of the Penal Code ?

The Honourable Sir Harry Haig : His Majesty's Government do not consider it desirable to give this gentleman passport facilities for returning to India.

Mr. S. C. Mitra : Do not the Government consider that this gentleman might create troubles for Great Britain in other countries than India ? If he is really guilty, why not prosecute him and convict him in a court of law ?

The Honourable Sir Harry Haig : I do not think even the gentleman himself is anxious to come here and be prosecuted and punished, because one of his requests is for an amnesty.

Mr. S. C. Mitra : May I tell the Honourable Member that the man is anxious to come here and take the consequences under the laws of the land ? He has written to me.

The Honourable Sir Harry Haig : That is not in accordance with the letter which I saw, which was addressed either to the Prime Minister or to the British Ambassador in Washington.

Mr. S. C. Mitra : May I take it that Government have no objection if the man comes here and is willing to accept any punishment that may be inflicted upon him by a competent Court of law ?

The Honourable Sir Harry Haig : No, Sir. The decision, when this matter was last considered, was that the Government at Home are not prepared to give him facilities for returning to India.

ISSUE OF NEW TEN-RUPEE AND FIVE-RUPEE CURRENCY NOTES.

875. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state the reasons for which the new ten rupee and five rupee notes were issued ?

(*b*) Why is the paper of the new notes inferior in quality to that of the old ones ?

(*c*) Are Government aware that these notes run a greater risk of becoming mutilated and unfit for use than the previous ones ?

(*d*) What was the cost of preparation of each note previously and what will it be now ?

The Honourable Sir George Schuster : (*a*), (*b*) and (*c*). The attention of the Honourable Member is invited to the reply given to starred question No. 338 asked by Mr. Badri Lal Rastogi on the 1st of September, 1933.

(*d*) Exact figures are not available; but it is anticipated that the total saving in the cost of preparation of ten and five rupee notes will amount to at least four lakhs per annum in a normal year.

READING ROOM ASSOCIATION OF AN INDIAN RAILWAY SCHOOL AT JAMALPUR.

876. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether there is a Reading Room Association of Keshabpur M. E. East Indian Railway Behari School at Jamalpur attached to the said school ?

(*b*) If so, is it a fact that one anna is realised from each student as subscription for increasing the stock of books of the said Reading Room ?

(*c*) Is Babu Palakdhari Singh, Secretary of the Reading Room ?

(*d*) Are Government aware if :

(*i*) any account is kept of the said Reading Room by the Head Master of the School and the Secretary of the Reading Room ;

(*ii*) there is any stock book at present of the Reading Room ;

(*iii*) the stock book maintained by the Ex-Secretary, Pandit Madan Jha is preserved ;

(*iv*) it is a fact that this has been changed and alteration and interpolations have been made now and then ?

(*e*) Was any enquiry directed into the affairs of the Reading Room recently ?

(*f*) What were the remarks made by the Inspector of Schools, Bhagalpur Division, in his forwarding note to the Director of Public Instruction, Bihar and Orissa, regarding the present Honorary Secretary of the School and Babu Palakdhari Singh, teacher ?

(*g*) Was any note submitted by Babu Sambhu Prasad Singh, now a discharged teacher of the school, to the Inspector of Schools, Bhagalpur, directing attention to the mis-managed state of affairs of the Reading Room and to some important matters regarding Babu Palakdhari Singh ? If so, what action was taken on this ? Will Government be pleased to place a copy of the said note on the table ?

Mr. P. R. Rau : Government have no information but I have sent a copy of the question to the Agent, East Indian Railway, for any action he might think it necessary to take.

REJECTION OF APPLICATIONS FOR APPOINTMENTS FROM THE SONS AND RELATIVES OF POSTAL OFFICIALS OF THE CALCUTTA GENERAL POST OFFICE.

877. ***Mr. D. K. Lahiri Chaudhury** : (*a*) Is it a fact that applications for appointments from the sons and relatives of the postal officials working at the Calcutta General Post Office, who are inhabitants of the Dacca, Rajshahi or Chittagong Divisions, are rejected by the Presidency Postmaster, Calcutta, on the ground that they are not inhabitants of the revenue divisions adjoining Calcutta ?

(*b*) Is it a fact that the Director General has issued such an order ?

(*c*) If so, do Government propose to relax this order, allowing sons and relatives of the postal officials to get appointments in the Calcutta General Post Office ?

The Honourable Sir Frank Noyce : (*a*) Government have no information.

(*b*) and (*c*). The Director General has laid it down as a general principle that candidates for the subordinate postal and telegraph services must belong to the revenue divisions in which they desire to enlist. Heads of Circles are, however, empowered to exercise their discretion should local conditions make this necessary. The Honourable Member's suggestion will however be considered and suitable supplementary orders will be issued giving Heads of Circles more latitude.

RETENTION IN CALCUTTA OF BABU ASWINI KUMAR CHOWDHURY, TOWN INSPECTOR OF POST OFFICES.

878. ***Mr. D. K. Lahiri Chaudhury** : (*a*) Is it a fact that there is a standing order to the effect that Secretaries of the Postal Unions will not be transferred within one year of their election as Secretary ?

(*b*) Are Government aware that Babu Aswini Kumar Chowdhury, a Town Inspector of the Calcutta, General Post Office, has been elected as Honorary Secretary of the Calcutta Postal Union ?

(*c*) Is it a fact that he is likely to be transferred out of Calcutta due to abolition of selection grade Town Inspectors' appointments in Calcutta ?

(*d*) If so, are Government prepared to provide for him in one of the existing vacancies of the selection grade supervisors in the Calcutta General Post Office, so that he can be retained in Calcutta ?

The Honourable Sir Frank Noyce : (*a*) The order, relating to Secretaries of recognised associations, is substantially as stated by the Honourable Member, but exceptions are permitted in the interests of service.

(*b*) and (*c*). Government have no information.

(*d*) A selection grade Town Inspector has, on the abolition of his post, to be transferred to the cadre of sub-divisional Inspectors and Head Clerks to Superintendents of Post Offices and not to the selection grade cadre of the general line. Government therefore regret that they are unable to accept the Honourable Member's suggestion which would be unfair to the men in the general line.

REPLACEMENT OF SELECTION GRADE TOWN INSPECTORS OF POST OFFICES AT CALCUTTA BY TIME-SCALE MEN.

879. ***Mr. D. K. Lahiri Chaudhury** : Is it a fact that Government have decided to replace the selection grade Town Inspectors of Post Offices at Calcutta by time-scale men ?

(*b*) Is it a fact that the Calcutta Postal Union made a representation to the Presidency Postmaster, Calcutta, to appoint senior time-scale clerks as Town Inspectors ?

(*c*) Is it a fact that in spite of the representation from the Union the Presidency Postmaster has appointed some junior men as Town Inspectors ?

(*d*) Are Government prepared to see that senior clerks are appointed in these posts ?

The Honourable Sir Frank Noyce : (*a*) Yes, in common with selection grade Town Inspectors at all other places.

(*b*) to (*d*). Government have no information. The matter is entirely within the discretion of the Head of the Circle to whom a copy of the question and of this reply is being sent.

FORWARD POLICY OF GOVERNMENT ON THE NORTH-WEST FRONTIER BORDER.

880. ***Mr. M. Maswood Ahmad** : Will Government be pleased to state their policy in connection with the forward policy adopted on the North-West Frontier border ?

Mr. B. J. Glancy : The policy of the Government of India is to maintain the peace of the border and foster good relations with the tribes in the hope that in time civilisation will spread gradually through the tribal area. For further particulars regarding this policy, I would invite the attention of the Honourable Member to the speech made by Sir Denys Bray on the 5th March, 1923, in this Assembly.

REPORT OF THE TARIFF BOARD ON GLASS INDUSTRY.

881. ***Mr. A. Das** : (*a*) Is it correct that the Tariff Board submitted its report on the glass industry in the United Provinces to Government early in 1933 ? If not, when do they propose to submit it ?

(*b*) If the reply to the first part of (*a*) be in the affirmative, have Government considered the report ?

(*c*) When do they propose to publish the same ?

(*d*) Why has there been so much delay in its publication ?

The Honourable Sir Joseph Bhore: (*a*) The Report was submitted in March, 1933.

(*b*), (*c*) and (*d*). It is still under the consideration of the Government of India. In the meantime, representations have been received from the glass industry for protection under the Safeguarding of Industries Act, 1933, and these are under examination.

MOTION FOR ADJOURNMENT.

ALLEGED SCURRILOUS ARTICLE IN THE *Daily Gazette* RE MAHATMA GANDHI.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received a notice from Mr. B. R. Puri that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows : 12 NOON.

> " The unsatisfactory replies given on behalf of Government to starred question No. 787, asked by Mr. Lalchand Navalrai, relating to a scurrilous article in the *Daily Gazette*, dated the 18th August last, and the attitude and policy of Government as disclosed by those replies."

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

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I am obliged to you for informing me as to which notice I am to reply to. My Honourable friend, Mr. Puri, has, I think, given notice of a number of motions—three altogether—and I was a little uncertain as to which of these we had to deal with. Judging from the number of these notices, my Honourable friend, I think, was not sure of his ground and I venture to submit that there is some reason for his anxiety. In so far as his motion relates to the alleged unsatisfactory replies given by Government yesterday, I submit that it is, in accordance with the ruling of the Chair given recently, out of order. The question to which those replies relate must itself be related, according to your ruling, Sir, to a matter of recent occurrence. This question, Sir, has reference to the publication of an article which, I understand, saw the light of day on the 18th August. I submit, therefore, that in virtue of your own ruling this is not a matter of recent occurrence within the meaning of Rule 12. But, in whatever form my Honourable friend, may have couched his notice, what he really wants, I submit, is to discuss the alleged unsatisfactory replies which were given yesterday. In attempting to go behind the ruling of the Chair, I venture to submit that that has made his case very much worse. The urgent matter which he now suggests should be discussed is the attitude and the policy of the Government in respect of the administration of certain enactments of this Legislature. Now, that policy did not come into existence yesterday or last month or last year. It is the normal policy which has been adopted by the Government of India for a considerable time. That policy, therefore, I submit, is not a matter of recent occurrence within the meaning of Rule 12 of the Legislative Rules. What my Honourable friend really means to do is to attack the Government for not having directed the Local Government to launch a prosecution in respect of an article which was published so long ago as the 18th

August. I submit that it was open to my Honourable friend or any Member of this House to have obtained information and to have made this motion on the first day of the Session or immediately thereafter. In this connection, may I read your own ruling which, I think, is entirely relevant to the present case :

> " If Honourable Members are not in full possession of the facts with regard to a particular case and if no short notice is taken of that, what they should do is actually to ask for the leave of the House to move the adjournment motion and then ask the leave of the House for permission to waive objection on the question of urgency until full facts are available to all Honourable Members. If that course is adopted and, if the Chair is satisfied that it is a proper case, necessary permission could be given to move the motion on a later date."

Sir, for these reasons, I submit that the motion is out of order.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, after hearing the Honourable the Leader of the House in the short speech in which he has given us the benefit of his view as to the interpretation of the rule which governs the admissibility of the motions for adjournment of the House, I confess I feel quite unconvinced of the force of his objection. I am not seeking the adjournment of the House on the ground that the Government yesterday, on the floor of this House, tendered unsatisfactory replies to a certain set of questions which were put to them. Let it be very clearly understood by the Government that I am not asking the permission of the House for the adjournment of the House on that ground. Nor, Sir, am I seeking the adjournment of the House on the ground that, as far back as the 18th August, there was a particular article of a particular character which was published in Karachi in a particular paper. I am not seeking, again I submit, the adjournment of the House on that ground, because that would not be a recent event. I would be wholly out of court if I sought, at this time of the day, after the Assembly has been in Session from the 22nd of last month, to grant me permission to discuss a matter which I could have brought to the notice of the House on the very opening day of the Assembly Session. I confess that I will be wholly out of court if I asked this " adjournment " on any one of these grounds. The ground on which I am seeking the adjournment of the House is very simple and I will ask the Honourable the Leader of the House to note my words, *i.e.*,—" the attitude of Government, as disclosed by a certain set of replies which were given yesterday ". Now, the interpretation of the Honourable Member of the " policy " of the Government is that, it cannot be recent and it must be deemed to be spread over a long time and cover a very wide area both in space as well as in time. That is perhaps correct, and if I had confined the ground for my adjournment motion merely and solely to the " policy ", perhaps, I might have been out of court again. But, Sir, the " attitude " as distinguished from " policy " is a definite act and I request this House to appreciate the distinction between the " policy " and a particular " attitude ", which is a specific act and a specific incident, and which in the present case came to the light for the first time yesterday in the course of the interpellations. My Honourable friend has misconceived the identity of the word " matter " as used in the Standing Order. The confusion has arisen, because Government think that I am seeking to have a certain " matter " discussed, which in fact I am not. I am not seeking to discuss the unsatisfactory nature of the replies nor

[Mr. B. R. Puri.]

the publication as such of a certain article. What I in fact propose to discuss is the "attitude" of the Government which came to light for the first time to our great amazement and horror, namely, that the Government, under the circumstances disclosed, were not prepared to interfere in the matter and were to treat the whole incident with supreme indifference. That, Sir, is the true position and, I submit, that my motion is perfectly in order.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : My Honourable friend, Mr. Puri, has made it clear that the object of his motion for adjournment was to censure Government on their failure to exercise their powers of superintendence, direction and control in this very important matter as disclosed in the reply to the question yesterday. We all expected that when this particular matter was brought to the notice of the Government of India, they would exercise their powers of superintendence, direction and control when the Bombay Government had failed in the discharge of their duties. It is this particular attitude of the Government, as has been clearly explained, that is at issue and it is an urgent matter of public importance and, I submit, that this motion should be allowed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The first objection raised by the Honourable the Leader of the House to the motion is based upon a ruling given by the Chair not very long ago that the mere unsatisfactory nature of the reply to a question will not by itself be a sufficient ground for moving the adjournment of the House irrespective of the original subject matter with which the question was concerned. So far as that objection is concerned, the Honourable Member, Mr. Puri, has made it clear that it is not his intention to censure Government on this motion merely on the unsatisfactory reply that they gave to the question. The Chair takes it that the reference to the unsatisfactory reply in the motion is only by way of explanation to what follows in the motion itself, namely, the attitude and policy of Government as disclosed in that unsatisfactory reply. So, the Chair has now to decide as to whether an adjournment motion for the purpose of censuring Government on their attitude and policy, as disclosed in a certain reply, is in order under the rules. The Chair has to find out whether it is a definite and urgent matter of public importance. Now, the attitude of Government in this respect is certainly a matter of public importance, and it is also definite, because, the Chair takes it that it is the intention of the Honourable the Mover to censure Government for their failure to exercise their powers of superintendence and control (Hear, hear) in the matter which, in their opinion, seriously affects the peace of the country. To that extent, therefore, the question sought to be raised is definite. It is urgent, because that policy and attitude were disclosed only yesterday to this House. On a previous occasion, on the 21st March, 1929, an adjournment motion to discuss the policy of the Government in sanctioning wholesale raids and arrests in different parts of India was held to be in order. That shows that though generally the policy of the Government cannot be considered to be one of recent occurrence, occasions may arise when the policy and attitude of Government may become a matter of urgent public importance. The Honourable the Leader of the House said that this policy of Government did not come into existence yesterday and was not a matter of recent occurrence. It is quite possible that Government might have consistently followed this policy to their knowledge, but that knowledge might have come to the possession of the House only yesterday. Therefore, under those circumstances, this motion is in order. (Applause.) As objection has been taken, the Chair would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(More than 25 Members stood in their places.)

Mr. President (The Honourable Sir Shanmukham Chetty) : As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

The House will now resume discussion on the Reserve Bank Bill.

THE RESERVE BANK OF INDIA BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, when I was speaking yesterday, I was trying to develop the point that the establishment of a State Bank was conducive to the best interests of the country. As the proposed Bank will have to transact extensive business in different directions, the confidence of the people will not be secured if the Bank is a private bank with shareholders. The work of currency and exchange ought, in the fitness of things, to be the concern of the Federal Government and of the Federal Legislature. Therefore, any institution of this kind which is divorced from the control of the Federal Legislature will not be acceptable to the people of this country, and will not be conducive to their interests. With reference to this point, I should like to give the opinion of Mr. John Maynard Keynes. In his book on "Indian Currency and Finance", 1924 edition, at page 235 he says :

"At the present time the arguments in favour of a State Bank for India are very strong, far stronger than they were in 1867 or even in 1898. The Government have taken over so many of the functions of a Central Bank that they cannot wisely neglect the task. The note issue of growing importance, the management of the Government's cash balances, the regulations of the foreign exchanges, all these are controlled together and treated as a whole."

Afterwards he has summarised in the next page the arguments in favour of a State Bank. I am not going to burden my speech with any further quotations with regard to the arguments which Mr. Keynes has advanced. Recently, I understand, Mr. Keynes, in his memorandum to the Chamberlain Commission, had urged that the Central Bank for India should be a State Bank and not a Shareholders' Bank. Sir, none among the financial experts in this country seems to favour a Shareholders' Bank. Mr. C. S. Rangaswami, a financial expert of reputation, in his article which was contributed to the *Roy's Weekly*, dated 4th September, has urged the establishment of a State Bank and not a Shareholders' Bank. In the course of that article, he says :

"The first is the problem State Bank *versus* Shareholders' Bank. On this issue, to urge the virtues of a State Bank is futile and profitless as, from the beginning, the Government of India have been opposed to a State Bank and the London Committee has unanimously decided in favour of a Shareholders' Bank. However, developments, subsequent to the London discussions, are of a character as to necessitate a more careful consideration of this question. The *Financial News*, in Air Mail week, has referred to a scheme which the present Conservative Government are contemplating with a view to make the Bank of England assume a form midway between its present status as a Shareholders' institution and the dream of the Socialists of a nationalised central banking institution."

[Mr. Gaya Prasad Singh.]

Even if we assume for a moment that there are virtues in a Shareholders' Bank of this nature, I would suggest that the State should have at least a moiety of the shares in this Shareholders' Bank, or it may be free to buy up the shares when necessary at some future date. There should also be a restriction that the shareholders should not be allowed to transfer their shares to non-nationals. Such a restriction exists in similar Banks of many other countries in the world. In the Netherlands, Denmark, Czecho-Slovakia, etc., voting rights are exercised by nationals of the country, and, in the charter of the Lithuanian Central Bank, it is provided that foreigners cannot hold more than one-third of the capital. A further safeguard provided by certain charters is that only nationals are eligible to hold office in the Central Bank. There is no such restriction in the proposals made in the Bill. Then also there must be a clause that the majority of the Directors must be Indians or of Indian domicile. Sir Basil Blackett, when he introduced his Bill in 1927, conceded this point. In the official report of the Legislative Assembly, dated the 30th August, 1927, he stated as follows :

"May I say that I shall be perfectly willing to add to the draft amendments I have that no one, who is not an Indian or a British subject ordinarily resident in India, should have a vote."

So I take it, this point has been conceded by Government themselves, and I am surprised to find that there is no reference to it in the Bill presented now by the Finance Member. The other point to which I should like to refer is the agreement with the Imperial Bank. It is proposed that the Imperial Bank will act as the sole agent for the Reserve Bank. This will add to the patronage which the Imperial Bank enjoys at the hands of Government, and the position of the indigenous banks of the country will be precarious. The indigenous banks require special facilities for development, and I should think that there should be some suitable provision inserted in any agreement which might be entered into between the Reserve Bank of India and the Imperial Bank, safeguarding the legitimate interests of the indigenous banking system. I should like also to ask why it is proposed to confer this benefit only on the Imperial Bank of India. It is also proposed, Sir, that the Reserve Bank of India should have no branch of its own in London and that it should transact its business through the London branch of the Imperial Bank. This also is open to objection. The Imperial Bank is dominated by European interests, and the interests of the indigenous banking organisations in this country will not be adequately protected if the proposal for the agreement with the Imperial Bank is carried into effect.

I would next refer, Sir, to the ratio question which also finds a place in the report of the London Committee. I have no desire to dig up the buried bones of a dead controversy which raged round this question a few years back, but I must say that the suggestion not to reopen this question is one which cannot be accepted in the best interests of this country. Now, Sir, in the Mansfield Commission report which was submitted as far back as 1866, this question was dealt with at some length :

"The Commission was appointed by the Government of India on the 3rd February, 1866, with Sir William Mansfield as Chairman, and it was the first of its kind set up in India. The Commission distinguished itself by making as early as 1866 two important recommendations, *viz.*, (1) the introduction of a 'universal note', and (2) the introduction of a gold currency. The first recommendation was carried out in 1909, when, for the first time, the five-rupee note was made 'universal' for the whole of India, the second recommendation forms the subject of acute controversy and doubt at the present time."

I am referring to a very useful book, "The Monetary Problems of India" by Mr. L. C. Jain, which I would commend to Honourable Members for perusal.

The Herschell Commission in 1892 recommended the ratio to be fixed at 1*s.* 4*d.* What does the report of the London Committee state on this point ? They say as follows :

"We consider that the only sound course for India is to remain on the sterling standard. On that basis the exchange obligations incorporated in the Bill must necessarily be in accord with the rupee sterling ratio existing at the time when the Bill is introduced."

Sir, I will now refer Honourable Members to some of the proposals of the London Committee. They recommend that a minority of the Board should be nominated by the Governor General in Council under the present Constitution, and by the Governor General at his discretion under the new Constitution. Sir, the Governor General in Council at the present moment is not constitutionally responsible to this House, while the Financial Minister of the furture will be responsible to the Federal Legislature as well as to the Federal Government, and I see no reason why this discrimination has been sought to be made in this particular recommendation. The Committee also recommends that the first appointment of Directors should be made by the Governor General in Council. This also is open to very serious objection. Why should Directors be appointed by the Governor General in Council ? If this is to be a Shareholders' Bank, the shareholders themselves must have the power to appoint their own Directors.

There is also one point to which I should like to make a passing reference. It has been claimed by my Honourable friend, the Finance Member, that the proposal in the Bill that the different Indian States should fall into different geographical areas is an improvement. I submit, Sir, that it is not an improvement as it is made to appear. Formerly the Indian States were, if I remember aright, proposed to be included only in the Delhi province, where they could have exercised their influence in the selection of Directors ; but now, under the present proposal, the influence of these States can be exercised in all the five geographical areas into which this country is sought to be divided, and their influence will be exercised more or less over the whole field of those areas. In that sense also, this proposal does not seem to be an improvement. There is another proposal that the profit of the sale of gold must belong to the Reserve Bank. My opinion is that the profit of the sale of gold must belong to the State. The Reserve Bank may utilise that money by way of loan, but the proprietary right of the profit must belong to the State and not to the Reserve Bank. As to the other recommendation of the Report, as regards the appointment of the Governor and Deputy Governor or Deputy Governors, the majority of the London Committee hold that the Governor General in his discretion should be the appointing authority when the new Constitution comes into force. Here, again, the Committee have made a distinction between the Governor General in Council under the present Constitution and the Governor General alone in his discretion in the future Federal Constitution. The minority of the Committee, however, hold that these appointments should be made by the Board of Directors subject to the

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approval of the Governor General. The opinion of the minority seems to be an improvement upon the proposal set forth by the majority on this point.

There is only one little point which I should like to raise before this House. Why is this hurry for the establishment of a Reserve Bank in India far in advance of the time when the Federal Legislature is supposed to come into existence and to be functioning ? The Secretary of State for India said that central responsibility depended upon the proper functioning of the Reserve Bank. I should like to know what inherent connection there is between responsibility at the Centre and the functioning of the Reserve Bank. Sir Tej Bahadur Sapru, Mr. Jayakar and others protested against this position being assigned to the Reserve Bank with regard to the future Constitution of India. The Reserve Bank, as I stated at the outset in my speech, on proper lines would be an institution which we should all welcome ; but, framed as it is, it is open to objection on different points. I have merely tried to indicate some of the points to which objection might be raised. The Reserve Bank must be a Reserve Bank, in the proper sense. It should not be a preserve bank to preserve the vested interests of foreign capitalists. The proposal, as adumbrated in this Bill, seems to make it a sort of preserve bank and not a Reserve Bank.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, the Honourable the Finance Member, in introducing this Bill, said that he was following the precedent set up by his predecessor in the matter of the procedure he was adopting ; and, then, he moved a motion for referring this Bill to a Joint Committee of both Houses. If he proposes to follow precedent, I may also request him to have 28 Members on the Joint Committee as on the previous occasion, and not 24 as now proposed ; and I hope he will agree to this number being added.

The Honourable Sir George Schuster (Finance Member) : If that is the general view of the House in the course of this debate, speaking on behalf of the Government, we should be perfectly prepared to adopt that course, and I should ask you, Sir, in due course to allow an amendment to that effect to be moved.

Mr. T. N. Ramakrishna Reddi : I am thankful to the Government for accepting this small amendment. It is with great trepidation that I have to oppose the motion of my revered friend, Mr. Vidya Sagar Pandya, who is a doyen in the financial world, for sending out this Bill for circulation. If I differ from such a great authority, it is only on some valid and substantial grounds. My first ground is that an identical Bill which was introduced in 1927 was sent for circulation and there is already abundance of public opinion that has been expressed upon it which can be had if Members require it. Again, if it is said that much time has elapsed since then and that so many tremendous changes in monetary values have occurred in the world subsequent to that time, my reply is that it is very recently that the Government appointed the Banking Inquiry Committee, composed of very able financiers, including, Sir, yourself, which went about the country, made a thorough inquiry, examined witnesses who were experts in financial matters, and published their report ; and even that report strongly recommends the establishment of a Reserve Bank as the only panacea for all the ills to trade, commerce and agriculture this country is suffering from.

These are not my only grounds for my pressing for taking up this Bill immediately. I have got stronger grounds. I am an agriculturist, and I represent the interests of the agriculturists. Nobody will deny the fact that India is pre-eminently an agricultural country, and many millions of the people depend upon the good prices they get for their agricultural products. In such an agricultural country as India, there is a seasonal demand for the expansion of the currency. Expansion of currency is necessary only in some particular seasons, when there is abundance of crop in the hands of the farmer and the crop requires to be moved from one place to another so that the producers may get good prices for the crops. A Government which does not do banking business and which is only a currency authority is not expected to know the seasonal conditions or the seasonal demands for the expansion of the currency. It is only a bank which does credit operations that can understand the position. The bank note issue generally is based upon the business transactions, and it will expand or contract according to the seasonal needs and hence a bank, like the Reserve Bank, which is entrusted not only with credit operations, but also with the issue of currency, is very necessary, because it will be in a position to know the seasonal demand for expansion of currency. Mr. Kisch in his book on " Central Bank " says this :

" Government are not as sensitive as a bank to the conditions in the financial and commercial world."

It is the bank that is the barometer to judge the necessity for this expansion. Hence, Sir, a bank, such as is proposed to be established, is quite essential for India.

There is, again, another reason why the agriculturists want a Reserve Bank to be established at as early a date as possible. We all know that the Government collect *kists* just about the time when the agriculturists get their crops on hand. I do not know the conditions obtaining in other provinces, but, in my Presidency, the collection of *kists* begins from December and goes up to April. That is just the time when the agriculturists get their crops on hand and they have to pay their *kists*, and, therefore, they have to sell their crops at whatever price thay can get, and it is exactly the time when the creditors will also sit tight over them and collect their dues. Therefore, the poor agriculturists are forced to sell their produce at whatever prices they can get to pay up the Government dues as well as to satisfy their creditors. At present the Government are carrying on their collection work by means of treasury operations. Of course, the Imperial Bank is authorised to open branches and to undertake treasury transactions on behalf of the Government, but yet, Sir, at present there are only about 100 or 120 branches of the Imperial Bank, and they are very small in number when compared to the vast size of the country. Therefore, almost all the taxes that are being collected go to the treasuries with the result that crores of rupees have been withdrawn from circulation and locked up in these treasuries, and this money ultimately perhaps goes to the coffers of the Secretary of State and then lent out in the United Kingdom at favourable rates of interest. However, that

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may be, the net result is that so much of the currency has been locked up in these Government treasuries, and there is a contraction of the currency in the country. When there is a contraction of the currency, as every economist knows, prices of commodities will go down, and hence it is the agriculturist who suffers from this contraction. On the other hand, if all this money is placed in the hands of the Central Bank, it can again flow out of the bank and get into circulation in its transactions with the farmers with its creditors or with other banks. Thus the money will be in circulation in the country itself, and it will tend to raise the price of agricultural produce. For all these reasons, Sir, I strongly recommend that there should be a Reserve Bank established in this country as early as possible.

Then, Sir, the Honourable the Finance Member, while introducing the Bill yesterday, said that it had been agreed that the Bank, if it was to be established, should be free from political influences, and the Report of that packed Committee of London had also stated in paragraph 3 that they fully accepted the principle that the Reserve Bank should be free from any kind of political influence. But, Sir, neither the Report nor the Honourable the Finance Member has explained to us what that "political influence" means. If it means that the Assembly or its representatives or the politicians of the country, who have no knowledge of financial matters, should not interfere with the day to day working of the Reserve Bank that is to be set up, than I entirely agree with the Finance Member that such influence is not beneficial for the good of the working of the Reserve Bank ; but if it is meant that there should not be even a single representative of this House, however eminent he may be in the financial world, or as the Report wants, it should be a Shareholders' Bank and not a State Bank, then, in that case, I beg to differ. How can it be free from political influence at all ? The constitution of the Bank, as disclosed in this Report or in the Bill, clearly states that the Governor General with the help of his Ministers at present will appoint a Governor, a Deputy Governor and four Directors out of perhaps 15 Directors. So I ask, are not the Government of India a political body ? And a Governor General, while exercising the powers of nominating, has necessarily to consult his Cabinet and the Secretary of State, and the Secretary of State is responsible for the good government and also for the moral and material progress of this country to the Parliament. Sir, the future Governor General has to exercise so many powers that it is not possible for any human Governor General to exercise all those powers. It requires really a super-human Viceroy or Governor General to exercise all those powers. Unless he has two attributes out of the three that are associated with God, that is omnipotence and omniscience, it is impossible for any Governor General to exercise all these powers.

Mr. B. Das : You are forgetting the Financial Adviser.

Mr. T. N. Ramakrishna Reddi : Even with the help of his advisers, the Governor General will not be able to exercise all these powers properly. Therefore, it is no use saying that the future Bank should be free from political influence. There will certainly be political influence exercised in one way or the other.

Then, Sir, one point was not made quite clear by the Honourable the Finance Member yesterday in his speech. He merely said that the Reserve Bank should be free from political influence, and this Report attempts a sort of definition of what kind of that political influence is. In the second sentence of the third para. of the Report, it is said :

"The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders ; and we recommend that this plan should be adopted as in the case of India."

Putting these two statements together, one will come to the conclusion that a bank to be free from political influence should be only a Shareholders' Bank, and not a State Bank. So, if we accept this motion for reference to a Joint Select Committee, then it might be understood that we have accepted the principle of a Shareholders' Bank, and not a State Bank...

Some Honourable Members : No, no.

Mr. T. N. Ramakrishna Reddi : If that is not so, I should be very glad, but I should like the Government Member to make the point clear whether the Joint Select Committee will be allowed to discuss the principle whether it should be a State Bank or a Shareholders' Bank.

Mr. B. Das (Orissa Division : Non-Muhammadan) : It is not a principle.

Mr. T. N. Ramakrishna Reddi : That is how I understood from the speech of the Honourable Member and that is why I want to make that clear,—whether the question is open for discussion whether it should be a State Bank or a Shareholders' Bank. If it be so, then I am for the reference of this Bill to a Select Committee where the Chairman will not be in a position to tell the members of the Committee that, since they have accepted the principle, they ought not to discuss the question that it should be a State Bank. I want the Honourable the Finance Member to make that point clear, because, on that point, depends the vote of my Party. As a matter of fact, my Party has discussed this question and we have decided that we will give our vote if the Select Committee is permitted to discuss this question whether it should be a State Bank or a Shareholders' Bank.

At this time we are not called upon to discuss the detailed sections of the Bill. There are only two important questions to be discussed at this stage. It is of great interest whether the future Bank will be a State Bank or a Shareholders' Bank, because it is agitating the minds of so many people already. It does not require a great financier to discuss the question whether it should be a State Bank or a Shareholders' Bank. Every one can use his reason and his common sense and arrive at a conclusion. Applying these two tests, I find that it is monstrous that we should entrust the heavy responsibility of the destinies of this country in the matter of currency and finance into the hands of a few shareholders who will contribute a share capital of five crores of rupees though they may have to deal with many crores of rupees in daily transactions.

An Honourable Member : Shareholders do not lay down policy :

Mr. T. N. Ramakrishna Reddi : I mean the Directors who are appointed by the shareholders, and it is much worse, because it is a small body. I am not in favour of entrusting such heavy responsibilities to the

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representatives of a few shareholders who happen to purchase shares to the extent of Rs. 5 crores. From the agriculturist's point of view, I cannot look at the prospect with equanimity, of a certain number of shareholders, who form a coterie, being entrusted with the currency policy of the country. According to this Bill, the value of a share is Rs. 500, and it is only a person who purchases two shares that is entitled to exercise his vote. This means that the person must invest at least Rs. 1,000 before he can exercise his vote. As I said, the Bank will be entrusted with a heavy responsibility and will be given ample powers in the matter of dictating the policy of the currency and finance of this country. Trading and commercial interests, represented by my Honourable friends like Mr. Mody and Sir Cowasji Jehangir, would be the first to take advantage of it and to purchase as many shares as it is possible under the circumstances. Under this Bill a limit is placed upon the number of votes a person may exercise, but there is no limit fixed for the number of shares he can purchase. 6 per cent. interest on investment is a very tempting proposition for financiers like Mr. Mody and Sir Cowasji Jehangir and they would not grudge investing lakhs and lakhs of rupees in this concern.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Unless the Bank gives us overdrafts, I do not think we will be able to purchase them.

Mr. T. N. Ramakrishna Reddi : And thus, ultimately, the destinies of our country will be in the hands of a coterie. On account of the high price of shares and the ignorance that prevails amongst the agricultural community, the agriculturists will not be in a position to take advantage of it and to purchase many shares of the Bank. Hence their point of view will not be properly represented in the Directorate. I am conscious that the Governor General has got power to nominate agricultural interests to make up the deficiency. That will be only one or two, and then they will be in a minority. So, ultimately the policy of the Bank will be dictated by the Directors elected by shareholders who are mostly men from the trading and commercial interests. The interests of trade and commerce are divergent from the interests of agriculturists. The trading interests will want to purchase agricultural produce cheap, whereas the agricultural interests will want to get as much price for their produce as possible. So the interests of the trading and commercial communities are different from those of the agricultural community. If the policy of the Bank is to be entrusted to Directors, who are elected by these shareholders, then it will be dictated by those interests, and so they would withdraw currency when they want to purchase agricultural produce cheap. That is why, as an agriculturist, I view with apprehension the high price of a share of the Bank. The old Bill provided Rs. 100 per share which was more helpful to the agriculturists.

An Honourable Member : You are a lawyer.

Mr. T. N. Ramakrishna Reddi : I have given up law for the last three or four years ; I am purely an agriculturist.

There is another ground why there should be a State Bank and not a Shareholders' Bank. It is said that if it is a Shareholders' Bank, the shareholders take very great interest in the management of the Bank and it will be free from Governmental interference. Yesterday, Mr. Vidya Sagar Pandya pointed out in his speech how the shareholders took interest in the

management of the Imperial Bank of India. According to him, very few attend any meetings and their interest ceases after electing Directors of the Bank. Again, when once the Directors are elected, they hold their office in free-hold-in-perpetuity, and thus the policy will continue for ever and ever. If that is the interest which the shareholders take in a Bank, where they can expect higher and higher dividends, I wonder what kind of interest the shareholders will take in a Bank which fixes the maximum dividend that can be declared at 6 per cent. only. They are sure, that with so many privileges which the Reserve Bank enjoys as the dictator of the currency and credit system of India, they would get their own dividends and, when they are sure of that, they will not take any interest at all in the management of the Bank. So it is mere bunkum to say that the shareholders will take any interest in the Bank after they have elected the Directors. If it were a State Bank, all the interest or the dividend that this Bank earns would go to the Government Treasuries and that might lighten the burden of tax on the people. I do not want that this interest should be earned by the shareholders. They can as well invest the five crores of rupees in other industries and commerce and earn more money and thus enrich the country. On that consideration also, I want that the Bank should be a State Bank and not a Shareholders' Bank. We have got the experience of the management of railways by private companies, and the experience that we have gained does not encourage us in the belief that the future Reserve Bank, if it is to be a Shareholders' Bank, will work very satisfactorily. The representatives of the people have urged on the Government to take back the management of the railways to the hands of the State, and important lines have already been taken up by the Government and it is only on account of financial stringency that the other railways have not been purchased. With that experience, I have no belief that a Shareholders' Bank will serve the interests of India better than the State Bank. Again, it is said, that the whole idea of the establishment of a Reserve Bank is that the control of the Government should be removed and that it should be restored to the representatives of the people and that the Government of India should have no influence at all. But, Sir, as I have said, it is impossible to divest the influence of the Government of India from the working of this Bank. As I said, the Governor General will have a great voice in nominating the Governor and the Deputy Governors and others. As a matter of fact, the whole administration of the Bank will be in the hands of the Governor and the Deputy Governor who are nominees of the Governor General and, hence, it is impossible to escape the influence of the Government in the working of the Bank. I may state that we are not so much afraid of the influence of the Government of India as of the influence which the Secretary of State wields over the head of the Government of India in the management of financial and currency affairs of this country. If left to themselves, I do not think the Government, whether it is an irresponsible Government as it exists now or a Government with a semblance of responsibility in the future, will conscientiously do anything against the interests of India. We are only afraid of the influence that the Secretary of State may bring to bear on the Government of India. That is what we want to avoid. We had an experience recently when England went off the gold standard. Immediately on hearing this, the Honourable the Finance Member, with the first impulse of the dictates of the best interests of the country, promulgated an Ordinance divorcing the rupee from the sterling. The very next day, the Secretary of State for India, who has the interests

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of his own country at heart, made the Government here pass an Ordinance abrogating the previous one and also linking the rupee with the vicissitudes of the sterling. It is that influence that we want to avoid. After all, it is very difficult to divest the Government from any political influence. After all, it is the Legislature that is creating the Bank. It is the child of the Legislature and it is bound to carry some heritage of its creator. For all these reasons, I think that it should be a State Bank. I may tell you that in 1928, when this Bill was introduced and discussed, the Select Committee unanimously recommended a State Bank and the then Finance Member accepted the principle of a State Bank and the Banking Inquiry Committee also recommended a State Bank. The whole country wants it and I do not understand why the London Committee, which was a packed Committee, came to another conclusion that it should be a Shareholders' Bank, with the honourable exception of Lala Ram Saran Das.

I shall now say a few words about the constitution of the Bank. This country is peculiarly situated. Here the interests of the Britishers have been strongly established and it is impossible to eliminate any representation of the European commercial and mercantile interests in the future working of the Reserve Bank. But, though we are not opposed to a small representation, we require,—if the Government succeed in persuading us that it should be a Shareholders' Bank,—that the Directorate must be predominantly Indian and it should subserve the interests of only Indians. In this connection I would like to quote one or two lines from the speech delivered by you, Sir, when you were on these Benches. You said :

> "Unfortunately, the history of currency in this country has brought to the forefront this fact, that the interests of India, as understood by Indians, are very different from the interests of India, as understood by the European community. I would, therefore, impress the necessity for making ample provision to entrust the control of the Reserve Bank to Indian hands, people who know the interests of India best."

Sir, it is said that there should be no representation of the Legislatures on the Directorate, because that would bring in political influence. As I said, the Directorate should not be dominated by the representatives of the Legislature, but there should be some provision for some sort of representation of the Legislature if it is to redress any deficiency. Supposing there are great bankers and financiers like Mr. Vidya Sagar Pandya and Sir Purshotamdas Thakurdas in this Assembly ; then, on account of such restrictions, they would not find a place on the Directorate of the Bank. In order to restore or redress any such deficiency, there should be a provision that there should be some representation, though it may be one or two representatives, elected from the Legislature. If it is thought that their remaining in the Legislature, after being Directors, will be construed to be a political influence, then a provision might be made that they might resign the membership of the Assembly in order to become a Director. Some such provision ought to be made in the Bill.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : May I point out, Sir, that, so far as I can see, there is nothing in the proposals at present which will stop what the Honourable Member proposes to do. Any Member of the Legislative Assembly, who chooses to become a Director of the Bank and is ready to resign his seat in the Assembly, can do so under the present proposals.

Mr. T. N. Ramakrishna Reddi : From the reading of the Bill I understood that no representation should be made from the Assembly.

Sir Cowasji Jehangir : There cannot be any representation from this House as such, but any Member of this Assembly can offer himself to be appointed a Director or to be elected a Director and he can then resign immediately.

Mr. T. N. Ramakrishna Reddi : I see there is a provision to that effect. Sir, the Honourable the Finance Member, in regard to the relations between the Reserve Bank and the Imperial Bank, said that the new agreement should be made with the Imperial Bank on the lines suggested by the old Bill. He commended to our acceptance the provisions contained in the Third Schedule to this Bill which practically reproduces the provisions that were contained in the original Bill. The circumstances have since changed. At that time, when the old Bill was under discussion, the agreement between the Imperial Bank and the Government had to run three more years. Under that agreement, the Imperial Bank had to do certain functions ; they had to help the development of trade and industries of this country. They must develop the banking habits of Indians by taking in more Indians as apprentices or giving employment to more Indians and also by encouraging indigenous banks.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may resume his speech after Lunch. But before the House adjourns for Lunch, the Chair would appeal to Honourable Members that, though technically there is no time limit to speeches on a legislation, in view of the importance of the measure and the restricted time at our disposal and the great number of members of different Parties who are anxious to take part in the debate, Honourable Members will do well to impose upon themselves a reasonable time limit. The Chair does not want to unnecessarily restrict the right of any Honourable Member to speak as long as he likes, but the Chair would regretfully point out that it has already observed a tendency for very tedious repetitions of the same arguments by Honourable Members. If the Chair finds that tendency again, it will have to prevent Honourable Members from indulging in repetitions.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. T. N. Ramakrishna Reddi : Sir, after what has fallen from the Chair just when we were rising for Lunch, I would put upon myself a time limit and bring my remarks to a close. At that time I was stating that the Government expected certain things to be done by the Imperial Bank and, further, according to the terms, the Government required the Imperial Bank to do treasury business on behalf of the Bank. In return for this work to be done by the Imperial Bank, the Government were allowing large cash balances to remain with the Bank free of interest. At times, the average balance would amount to nearly 20 crores. Sometime last year, I moved a Resolution in this Assembly for the appointment of a Committee to enquire into the working of the Imperial Bank in all its branches. At that time, I dealt with, in detail, how the Imperial Bank had failed to come up to the expectations of the Government and how it

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proved to be a menace or rival to the indigenous banking system and how it brought in racial discrimination in the matter of disposing of applications for credits. At that time, the Honourable the Finance Member, in reply, stated that all these things would come up for consideration when we came to discuss the Reserve Bank Bill sometime later on. On that assurance, I withdrew my Resolution. The whole period of contract has now elapsed and now we are establishing a Reserve Bank in India and there are absolutely no grounds for extending any sort of privilege to the Imperial Bank now. According to the Bill, it is contemplated to place nearly five crores with the Imperial Bank free of interest. No valid reasons are urged by the Government why this privilege should be extended to the Imperial Bank even after the contract period has come to a close. The only reason, if at all, that the Imperial Bank would urge, is that it has opened branches to the extent of about 120 as per terms of the contract and that, on that ground, the Government should extend this privilege. But, according to their own admission, most of the branches are now paying concerns except a few branches which are lying in outlying parts ; and, hence, if this privilege is extended to the Imperial Bank, it will have a dominating position and it would be a perpetual menace to the indigenous banks in India. The Government should try to develop the indigenous banking system, and if they extend this abnormal privilege, it will not tend to the development in that direction. The Bill provides that the Imperial Bank should act as a sole agent for the Reserve Bank in all places where the branches exist. Here also there is a discrimination against indigenous banks. I should like to suggest that wherever there are indigenous banks or their branches, a sort of tender should be called for for doing the work of the Reserve Bank and no such discrimination should be made in favour of the Imperial Bank.

One point more that I should like to urge, before I conclude, is this. According to the provisions, each Bank, which comes under the Schedule of the Reserve Bank Bill, will have to deposit 10 per cent. of the cash balances with them in the Reserve Bank. That will be an unnecessary curtailment of the working of the indigenous banks which usually work on their bare margin and hence that provision also should be modified in the way of permitting each bank under the Schedule to deposit as much amount as is convenient for the bank to spare. I hope all these points will be considered by the Select Committee. If the Honourable the Finance Member is prepared to give an assurance that all these points would be dealt with in the Select Committee, then, I, for my part, and on behalf of our Party, can say that we will be in favour of accepting the motion before the House.

Mr. H. P. Mody : Mr. President, my Honourable friend, the Finance Member, expressed satisfaction at the fact that towards the close of his career, it had fallen to his lot to pilot a measure of this character.

The Honourable Sir George Schuster : No " satisfaction ".

Mr. H. P. Mody : Do I understand my Honourable friend to say that he does not feel any satisfaction in piloting this measure ? I suppose he puts it down to some of the speeches which he has heard. Anyway, I congratulate my Honourable friend that it has fallen to his lot to pilot this Bill and, if I may say so, I regard it as a fitting culmination of his five

long and anxious years of office that it should have been his good fortune to be on the way to place on the Statute-book such a very important measure. (Hear, hear.)

Mr. B. Das : How on the Statute-book ?

Mr. H. P. Mody : Yes, with such amendments as my Honourable friend succeeds in introducing.

Now, Sir, two Honourable Members, who addressed this House at considerable length, had something to say about the nature of the Committee which was appointed, and which deliberated on this measure in England. My Honourable friend, Mr. Pandya, said that he did not know what the qualifications of those gentlemen were and that they were not at any rate elected by the House ; and my friend, Mr. Reddi, also suggested that it was a packed Committee and that he did not see what its qualifications were. Considering that most of the Indian members of the Committee, members who belong to this House, happen to be Leaders or Deputy Leaders of the parties, groups and grouplets that exist in this House, I do not know whether it is the intention of my Honourable friend to suggest that their Leaders and Deputy Leaders do not possess their confidence.

Mr. Gaya Prasad Singh : And incidentally supporters of the Ottawa betrayal.

Mr. H. P. Mody : What does my Honourable friend know about Ottawa ? The only word he knows is " betrayal ". But I have a warm regard for him in spite of his idiosyncrasies and I would advise him in his own interests not to betray such crass ignorance about things. There are matters beyond my Honourable friend's ken ; to put it in a homely way, the shoemaker to his last.

Sir, I was saying that we in this House have some experience of how members get elected or selected to various committees. And I doubt very much whether the selections made by Government were any worse than this House itself might have made if the choice had been left to it. I hope, therefore, it will not lie in the mouth of any Honourable Member to suggest that we, who went to England, were not representative of this House or did not know what we were talking about.

Now, let me go on to the Bill. Let the House clearly understand that by the very fact that we are going to set up a Reserve Bank in India, the millenium is not going to be ushered in. Every important country today has got some sort of Reserve or Central Bank, and, in spite of that, currencies have tumbled down and the whole credit system has collapsed. It is only in Great Britain that the credit structure has stood and, even there, if I may venture to suggest a rather novel point of view, I would not say that it was largely or entirely due to the operations of the Bank of England, even though the Bank of England is the bedrock of finance all over the world ; I would say that it is largely due to the conservatism of the people and to the financial genius of the City that the structure of England has stood as solidly as it has done. Therefore, by the mere fact that we are setting up a Reserve Bank in India, we must not think that we are setting up a machinery which will make impossible any fluctuations of the exchange or which will bring absolute stability to the finances or the credit structure of India. But the

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Reserve Bank will do a great deal even without attempting this. Amongst the many functions of the Reserve Bank, when it is properly established, will be to increase the banking power of the country, to provide against undue rigidity or expansion of credit, to co-ordinate governmental and business finance, to assist member banks during times of crisis, to free the financial mechanism of the country, both from the control of big business and of officialdom, and to help in a sense to reduce foreign indebtedness. The Reserve Bank will do something even more, and that is, it will carry on open market operations as and when required, a matter in which Government somehow or other have never been able to take their courage in their hands. After all, what are the two weapons which Reserve Banks employ in all countries ? Rediscounting of bills and open market operations. In India, as is very well known, the bill market is in a very undeveloped condition, and the only way in which a Reserve Bank can and should function is by open market operations calculated to reduce the volume of credit or to enlarge it as and when the occasion arises. All these are very important functions, and I think that if the Reserve Bank is properly established and if it has got the right sort of directorate, its influence on the fortunes of India will be enormous. The only doubt that arises in my mind is whether this is quite an opportune time for setting up a Bank. It seems to me that if the choice had been left to us it is just possible that the Bank would not have come into existence at this particular stage. But, after all, we have no choice in the matter. It was beyond the ken of the Committee which went to England to question whether the time had arrived for setting up a Reserve Bank. Either by the Round Table Conferences or by some other body or authority it was laid down that a Reserve Bank was a condition precedent to the establishment of financial autonomy and to the establishment of Federation. It was stated that the Reserve Bank would have to be successfully functioning before financial autonomy could be conceded to India or before Federation could be brought into existence. Therefore, Sir, there was no choice, and today we find ourselves in the position of having to devise ways and means to set up a Bank on sound lines.

Now, Sir, a great deal has been said in the course of the last two days on the question whether it should be a State Bank or a Shareholders' Bank. My objection to a State Bank is that I do not want the control of the State over the Reserve Bank's operations. I do not want that rigid sort of control which would necessarily be exercised by the State if, for instance, it held all the capital. And what I should like my Honourable friends to remember is that even though this may be a Shareholders' Bank and the State may technically have nothing to do with it, it is a matter of common knowledge that the State in every country, where there is a Shareholders' Bank, has an enormous influence on the operations of the Bank. Take even such a strongly entrenched institution as the Bank of England. The Bank of England has very close relations with the Treasury, and, while the Bank of England is technically in a thoroughly independent position and can defy the Treasury if it wants to, the co-operation between the Treasury and the Bank of England is so close that it may almost be said that the State has a hand in the regulation of the affairs of the Bank of England. I

should like my Honourable friends to remember that, by merely putting up a Shareholders' Bank, we are not doing away altogether with the control of the State or the Finance Member. If he knows his business, he will have a direct influence upon the way in which the operations of the Bank are carried on. Now, Sir, I quite understand certain objections being raised to a Shareholders' Bank, but those objections have been sought to be met by us in the Bill which is the result of the report that we have put up. One of the objections which naturally arises in the mind is that if there is a Shareholders' Bank, then naturally the profits, that ought to go to the State and form part of the general revenues, are diverted to a lot of shareholders who had the good fortune to have got hold of a few shares. We have provided against that, and we have laid down the ultimate limit at 6 per cent. I may say that I would have gone a little further than my other colleagues and I would have reduced it still further, because of the prevailing money rates in the country today. As regards individual holdings, we have tried to ensure that no one section can exercise an undue influence upon the deliberations of the Directorate ; and through the medium of regional holdings and through the fact that no shareholder can have at the very outside more than ten votes, we have I think successfully secured that end. But it is just possible that our calculations may be upset, the reasoning upon which we have based them may be found to be unsound after a few years ; and, therefore, I would be prepared to concede that an opportunity should be given at some stage to determine whether a Shareholders' Bank is the right sort of bank, and, therefore, I would be inclined to favour the suggestion that after a term of years the State might have the option of buying up the shares, and at that time, of course, the composition of the Directorate would also have to be revised. That suggestion has been made and I think that there is something in it which might well be explored in the Select Committee.

The next point that I would like to deal with is the constitution of the body. It has been laid down that the Governor shall be appointed by the Governor General at his discretion under the new Constitution. I have differed from that view. I put up a suggestion before the Committee, a suggestion to which I still hold, and that is that the proper way of appointing a Governor of such an important institution is by the Directorate with the approval of the Federal Government ; and I went further and said that if these two bodies failed to come to an agreement, then the Governor General at his discretion might appoint the Governor. My reasoning was this : here is the Directorate of the Reserve Bank : before ever it is called upon to appoint a Governor, it may be a few years during which it will have quite sufficient experience. That body, I say, would have enough experience to make it possible for a right selection to be made ; but there again I impose the approval of the Federal Government, and I say if these two very competent bodies, namely, the Directorate with its experience and the Federal Government with all those larger considerations which are ever present to the mind of a Government but which may not be present to the minds of a small body or an individual, if between these two they agree upon the choice of one man, then I say that that man may be presumed to be the right sort of person. I, therefore, disagreed with what is laid down in the Committee's Report, and is to be found in the Bill, namely, that the Governor should be appointed at the discretion of the Governor General.

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Now, about the Directors : I realise too well that the mere process of selection by a number of people who have acquired shares in the concern is not the most ideal way of getting hold of the best man. I feel particularly that with the limitation which has been imposed, namely, that the Director should not belong to the Legislature, that he should not be a member of any other Bank, that it will be extremely difficult to get the right sort of man. That is my view. But I do not think it lies in the mouth of my democratic friends here to question the principle of selection at the hands of what might be called a popular body. They have always fought for the right of election and here they have got it : let them at any rate not cavil at it. So far as I am concerned, I realise that it is not the best method ; and I made a suggestion, again turned down, and which in fact did not find any supporter almost ; and that was that while you give the right of nomination to the Governor General and while you give the right of selection to a number of shareholders, you ought also to give three or four seats, or at least two, to recognised commercial bodies and associations which would at any rate ensure that the member who represented them would have the proper equipment for the task of a Director of such an important institution. I do not know whether that suggestion is going to find any more favour here than it found there ; but I do feel that it is one which requires to be explored, and which ought not to be rejected, so to say, out of hand.

I now go on to another subject, and that is the subject of the link to sterling and the ratio which I see is being vigorously ventilated in various commercial bodies and in the press.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : You said you would refer to the Finance Minister in the future Government coming into this scheme of yours : how does he come in ?

Mr. H. P. Mody : As I pointed out, the Finance Member is always in touch with the Governor and Board of the Reserve Bank : they are bound to consult him at every turn, and while it may not be statutorily laid down, if my Honourable friend will see what other countries are doing, he will come to realise that there is always a close connection between the Treasury and the Central Bank of a country. I was speaking with regard to the linking of the rupee to sterling and the ratio. So far as I am concerned, my Honourable friends know what my views are with regard to the linking of the rupee to sterling. You will remember, Sir, that in 1931, when Great Britain went off the gold standard, we tabled a Resolution which we carried by an overwhelming majority in this House, which was moved by yourself and which was seconded by me ; and we gave sufficient reasons, from our point of view, in the course of our speeches for holding that the linking to sterling was an unwise thing. I cannot say that that is not my opinion now : but I feel equally strongly at the same time that this at any rate is not the occasion for disturbing the *status quo*. I do not think that in a period of flux, when currencies and currency systems are being changed from day to day, a change of this vital character can be made without very considerable dislocation of the finance, industry and trade of the country ; and, therefore, inspite of all the criticisms that have been uttered in public, I hold very strongly that this, at any rate, is not the time for disturbing the position which exists. As regards the

ratio, I hold the same view. Nobody in this country, or at any rate only a very small section of the country, has ever had anything, but the utmost condemnation of the way in which the currency policy of the country has been managed and of the way in which the one and six ratio had been forced down our throats. I say, this ratio has brought untold harm to the country, and I do not care what other opinions are held. I think it is the considered opinion of anybody who understands anything about the trade, industry and finance of the country that this ratio has brought very great evils in its train. But, here, again, I say that we cannot sit down at a Select Committee table and say " Now this ratio is bad : let us see what ratio we are going to fix ". That is not the way in which the ratio will be altered or will have to be altered. But I do feel at the same time that it is up to the Government to watch the situation very carefully and from day to day and revise their policy the moment it is found to be necessary. It is a matter of common knowledge that the Government of India would have been forced off the ratio had it not been for the very fortuitous exports of gold. I am not sure that before the Reserve Bank comes into operation, the Government will not have occasion to revise their policy and to consider whether the ratio ought not to be altered. I say that the Government ought to keep this public feeling in this country perpetually in view. They must have the courage to retrace their steps, to see the folly of their ways, and when it is realised that the ratio cannot be held together without serious detriment to the interests of this country, then they must immediately revise it. That is the meaning of the suggestion we have made.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Is it not likely that the Reserve Bank, if it comes into existence, will prove an instrument in facilitating the revision of the ratio ?

Mr. H. P. Mody : My Honourable friend wants to know if it is not likely that the coming into existence of the Reserve Bank by itself will facilitate the reversion of the ratio. He is right in this sense, that when there is a competent body handling the credit structure of the country, if that body realises that the ratio cannot be held together without serious detriment, naturally the opinion of that body will have considerable weight with the Government. And I say, Sir, that the only meaning to be applied to the words which we have used in the Report, namely, that it is up to the Government and the Legislature to see that no undue strain is placed on the resources of the Bank,—the only meaning is that the Government must not hesitate to alter the ratio if they feel that the present ratio cannot be maintained without hurting the best interests of the country.

3 P.M.

There is another point on which, I am afraid, I am again in a minority, it is rather a technical point,—and that is with regard to the proportion of the reserves which have been laid down in the Bill as the minimum reserve to be held against the note liability of the country. According to my reading of the situation, many countries are beginning to think that the minimum reserves which have been laid down by Statute are unduly restrictive of the operations of Central Banks, and the trend of opinion now is in the direction of reducing these minimum reserves with a view to giving greater power in the hands of the Central Banks to control the credit structure of the country. We have laid down a very high minimum

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reserve. It may be that it may serve to inspire confidence in the international money markets, but, at the same time, it may also be that at a later stage it may be found that it hampers to a great extent the way in which the credit structure of the country has to be handled.

There is only one other point, and that is with regard to the proposed arrangements with the Imperial Bank. We are not hostile to the Imperial Bank, but at the same time we must see to it that no arrangement is arrived at with that institution which is at all calculated to hurt the interests of the indigenous banks. A great deal has been heard in the last few years about the way in which the Imperial Bank has brought banking at the door of a great many people. That is perfectly true, but, I say, it is also true that if the Imperial Bank had not established itself in the places where it has now got branches, the indigenous banks might have found their way there. I can say from experience of a Bank of which I happen to be a Director—I say from experience, that the competition of the Imperial Bank, where both it and the indigenous banks have branches, has very seriously affected the interests of the indigenous banks. By all means strike a fair deal with the Imperial Bank, but the country will have to see that whatever arrangement is come to with the Imperial Bank is not of such a character that the indigenous banks, which are struggling against great handicaps to minister to the needs of trade and industry in places which the Imperial Bank cannot reach, are not seriously affected. These banks, which are performing such a useful function, should have a fair play and fair field, and if the arrangement that the Government propose to make with the Imperial Bank satisfies those conditions, I for one would not grudge an arrangement whereby the Imperial Bank is properly compensated.

These are points which will have to be considered in the Select Committee. All I will say is that it is a matter of very great importance to this country, even though this may perhaps be an unseasonable time for the setting up of a Bank, that the Reserve Bank should come into existence. It will establish the confidence of the public in the financial machinery of the Government. What has happened in the past is that no matter what operation has been undertaken by the Government in the way of contracting or expanding currency, we have been apt always to put it down either to the hand of Whitehall or to the hand of the British business interests. It may be that we have done an injustice to Government ; but our experience has been so bitter that I think we may be pardoned for making that assumption which we have made in previous years. All that is going to be changed, and now the operations which the Reserve Bank will carry out for the purpose of regulating credit and currency—those operations, at any rate, will not be suspected and in the country there will be this confidence that the management of an important undertaking is in hands which may be trusted to look after the interests of India. A Reserve Bank will also be of importance from the international point of view. My Honourable friend says, and I think with legitimate pride, that the credit of India stands high today. But the credit of India will stand even higher when the Reserve Bank is established and is found to be functioning successfully.

For all these reasons, I ask my Honourable friends to consider this measure as one of great national importance. Let us all apply our minds

to the problem and regard it as one in which no party predilections or prejudices need enter, but as one in which we are all vitally and equally interested. (Cheers.)

Sir Cowasji Jehangir : Mr. President, I do not know of any Bill or any subject that has been more thoroughly discussed and considered than that of the establishment of a Reserve Bank for India. As we all know, there have been two Bills drafted, one actually considered by this Honourable House some years ago. These Bills were criticised, and were seriously considered by all interested in banking and finance in India, and today we have, let us hope at least for some years to come, the last of these Bills to bring a Reserve Bank into existence.

I think one of my Honourable friends complained that he had not had sufficient time to consider the very important proposals put forward by the Finance Member based upon the report of a Committee which sat only a few months ago in London. My answer to my Honourable friend is that he has had ample time to read, consider and digest the Bill of 1928 ; he has had ample time to do the same with the Hilton-Young Commission's Report ; he has had ample time to digest the Committee's report which was published some days ago. And, having considered and disgested all those three documents, which a man in his position ought to know by heart—I claim he has no justification for now complaining to this House that he has not had sufficient time to consider this Bill.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : 24 hours !

Sir Cowasji Jehangir : 24 hours are more than sufficient to consider a measure which he has had years to think over. What is this Bill ? It is based on the Bill of 1928. It is altered in certain respects by a Committee the report of which he has had for days in his hands.....

Mr. B. Das : The 1928 Bill was never considered by this House. It was disallowed by President Patel.

Sir Cowasji Jehangir : It was not considered perhaps by this House, but surely it was considered by my Honourable friend, Mr. B. Das.

Mr. B. Das : No.

Sir Cowasji Jehangir : It was before the public ; everybody read it ; and does my Honourable friend contend that he only read the 1928 Bill for the first time 24 hours ago ?

Mr. B. Das : Yes.

Sir Cowasji Jehangir : Then he has no right to pose as an authority on banking or on the Reserve Bank ; he has no right even to speak before this Honourable House on a Bill of this kind. If my Honourable friend means to say that he has only read the Bill of 1928, 24 hours ago, I can only say that my Honourable friend has devoted his attention to political matters, to matters with which a Reserve Bank is not connected.

Mr. B. Das : I stand by the Joint Committee's Report of 1927, which my Honourable friend has omitted to refer.

Sir Cowasji Jehangir : Well, if he has gone through the Bill of 1927 and the Bill of 1928 and if he has gone through the Committee's Report which has also been in his hands for some days, I confidently say that the Bill presented by the Finance Member need not have been read by him at all. He could have made a speech on the strength of

[Sir Cowasji Jehangir.]

those three documents which would have been perfectly relevant to the Bill presented by my Honourable friend, the Finance Member. Therefore, I do not think, Mr. President, with due deference to my Honourable friends that there can be any real justification for asking for further delay.

Now, Sir, I have been, as you all know, a signatory to this Report and, with such reservations as are contained in that Report, I stand by it, but I regret that I have not much to say in reply to the speeches I have heard up to now, because I claim that nobody has really made out any strong point or argument against any of the recommendations. Now I will come to one suggestion in this Report which has really been contested. That is the question of a State *versus* a Shareholders' Bank. You are well aware that there are only two countries in the world which have got a State Bank. One is Australia, the other is Sweden. Even those countries are considering the position of their Reserve Banks. Not till 1929 or 1930 was the question really considered seriously by economists and by the greatest authorities in the world as to which was the more preferable, a State Bank or a Shareholders' Bank. The matter really became a matter of practical politics during the regimé of the last labour Government in England, but I do not desire to go into great details as to why that subject became a matter of practical politics. To put it briefly, the late Labour Government and the Bank of England did not get on very well together and it is an open secret that perhaps the conservatism and caution of the Bank of England drove the Labour Government out of office. To put it shortly, the Government of the day in England wanted to borrow from the open market loans for purposes other than remunerative. There was uproar in the country. The Bank of England refused to help and it was only then that the question really became a matter of practical politics as to whether a State Bank or a Shareholders' Bank was the best thing for a country. I am firmly of the opinion that had England had a State Bank on that critical occasion in 1931, England, far from being in the solid position in which she is today, — top dog in the world of finance — England might have been a bankrupt country regretting that she had a State Bank bound to follow the lead given by the Government of the day.

Mr. B. Das: You are insulting Lord Snowden's memory.

Sir Cowasji Jehangir: I am not here to compliment either Mr. B. Das or Lord Snowden. I am here to relate the facts. Therefore, the question of a State Bank *versus* a Shareholders' Bank is really a question of whether you want an independent authority in this country, that can check Government when Government are liable to go wrong. I agree with my friend, Mr. Mody, when he says that perhaps some of the mistakes that Government made in this country would not have been made had there been a Reserve Bank. We do not want to try experiments again with our finances and, if there were no question of reforms in the immediate future, even if it was a question of reforms 10 or 15 years hence, I should be strongly in favour of a Reserve Bank, to be a check, to be a guide, philosopher and friend both to the Government and to the Assembly. We are in a unique position.

As many Members know, in India the Government, with the assistance of the Assembly, not only lays down the policy but Government are responsible for the management of currency and exchange. In very few countries in the world do Government perform these two functions and, considering the great responsibility that Government bear on their shoulders, is it right to ask them to perform both these functions? If they have blundered, they have done so, because they have had too much thrust upon them. You are asking them to do more than any other Government in a civilised country is asked to do. They have not got the men, the resources, the expert knowledge at their hands. The Reserve Bank is intended to supply that knowledge, that expert opinion, that experience of the world of finance which ought to be at the service of Government from day to day. A good deal of my Honourable friend's speech (Mr. Pandya), a very long speech, the first speech we heard on this Bill, consisted of an attack on the Imperial Bank of India. He gave us a most interesting history of the Directorate of the Imperial Bank. He went back to, I think, 1821 and he gave us all those facts and figures in order to show that a Shareholders' Bank is liable to fail, because the appointment of the Directors is in the hands of a clique, that members of the same firm year after year become Directors. He quoted men having been Directors for 15 years. I should have thought that in certain circumstances that was a good argument for a Shareholders' Bank. It shows that the Directorate have at their disposal at least men of experience, men who have served them for 10 or 15 years. But my Honourable friend seems to think that a constant change in the Directorate is good for a bank. I leave that to my Honourable friends to judge. Is it a good thing to have constant changes in the Directorate or in any commercial body whether it be a bank or any other industrial concern? He gave us the instance of my Honourable friend, Sir Purshotamdas Thakurdas, and complained that he was a Director of the Imperial Bank for the last 15 years and has been its President and Vice-President. I should have thought that we should be grateful to a man like Sir Purshotamdas Thakurdas for having served a public body—for, after all, the Reserve Bank will be public body—for 15 years by devoting his time and attention to the work of that public body and by becoming its President and Vice-President. My complaint is that there may be no continuity in the Directorate of the Reserve Bank. That is my fear, because the provisions of the Bill are such as to make it very difficult to get a continuity of the same Directors. The circumstances of the Imperial Bank and those of the new proposed Reserve Bank are totally different. There may be a block of shares in the hands of one individual which would give him great power. A man may hold 10 or 20 lakhs worth of shares and his proxy would be worth having. A number of such proxies in the hands of the Imperial Bank Manager is a great strength. Then, it is possible for him to say that the successor of such and such man shall be a partner in the same firm. But such a thing is impossible under these provisions. No man can have more than 10 votes, that is to say, a man who holds Rs. 10,000 worth shares will get votes equivalent to Rs. 10,000. For every share that he holds above Rs. 10,000 he gets no voting power. Therefore, if a man holds shares to the tune of ten lakhs in this Reserve Bank, he has the same voting power as a man holding shares of Rs. 10,000.

The Honourable Sir George Schuster : Rs. 5,000.

Sir Cowasji Jehangir : Yes, that is right, because a man gets vote for a share of five hundred rupees. Now, let me draw the attention of my Honourable friends here as to how it is possible for any clique, whether it be the Governor of the Bank or whether it be a clique of shareholders, to get certain Directors appointed year after year. They collect proxies and they go to the biggest shareholders. It is easy to do so when the Articles of Association enable a man to have large holdings with an equivalent voting power. In that case it is possible that a few proxies may mean the majority. Having those proxies in their pocket, they can defy all opposition from others who desire to get fresh blood into the Directorate. But that is impossible, nearly impossible, under the provisions of this Bill. I would like to see the management of the Bank or some shareholders trying to get proxies from men owning only up to a limit of Rs. 5,000 to enable them to get such a number of proxies as to make the election of A, B or C absolutely certain. Therefore, this argument that a Shareholders' Bank will make it possible to have a certain number of capitalists constantly in power is not a correct argument and, it is, in order to avoid that and to make this Bank broad-based upon the will of the people, a phrase very much abused, that this restriction has been inserted. Therefore, I think I may respectfully point out to my Honourable friend, Mr. Pandya, that his apprehensions are not valid. Now, Mr. Pandya says that they are based on his past experience. It may be so. I understand that he has been the Manager of the Hindustan Bank for 25 years and has been associated with three other Banks. If Mr. Pandya would give the names of his Directors and the number of years they have served on that Directorate, he may give us as interesting figures as he was able to read about the Imperial Bank. If that is his past experience on which he based his criticism, I maintain that the circumstances are totally different. It is possible that in his Bank a man could be a Director from the very establishment of the Bank till today. I think that is not possible in the case of the Reserve Bank unless the man is extraordinarily good and has the confidence of the people, because the shares of this Bank will be held by the people. It may have been the sad experience with my Honourable friend's Bank, the Bank of which he was the Manager, that he had to put up with old fogies, as he called them. But let me again repeat—I have repeated it three times already and now I repeat it for the fourth time—that it is not possible under the provisions of this Bill.

Now, Sir, so much for the State Bank *versus* the Shareholders' Bank. I presume I shall have the good fortune of perhaps addressing this Honourable House again on this subject. There is only one point on which I would like to refer. I am not going through this Bill, because there is little time at my disposal. We shall have further opportunities of doing so and I do not think that any point has been brought up which is of such importance that you would think it necessary for one of your members who was a member of the Committee to answer it. But there is one point I would like to bring to the notice of the House. That is the question of the ratio. Now, as we all know, there will have to be a clause in this Bill which will lay down the ratio, another as to whether we should be linked to sterling, to gold

or to the dollar. These clauses come into the Bill, because they are to be the instructions to the Reserve Bank as to what the policy of Government is with regard to exchange. Those instructions to the Reserve Bank are given through this Bill. We are not considering the policy of exchange when we consider this Bill. The main object of this Bill is to establish a Reserve Bank. It so happens that it is through this Bill that we have to give instructions to the Reserve Bank as to what the policy of exchange should be. Therefore, the only thing that we can do is to put into the Bill the ratio that may be in existence the day before the Bill comes into operation. Now, Sir, that does not mean by any means that all the signatories to the report agree with the policy of the Government with regard to exchange.

My Honourable friend, Mr. Mody, reminded you, Sir, of the Resolution which you moved when England went off the gold standard. He now says and I was rather surprised to hear it, he now says that this is not the time to make any change. Let me tell this House that so far as I can judge public opinion in India it is that 1*s.* 6*d.* ratio is wrong and that Government can with benefit to the country change that ratio. I do not say it can be reduced to 1*s.* 4*d.* or 1*s.* 3*d.* or 1*s.* 2*d.* It is not my purpose to express any opinion, but I must say that public opinion today is stronger than ever it was before, at least in my part of the country. (Hear, hear.) The public feeling is that the time has arrived when Government should give their most serious consideration to the question of ratio.

Mr. H. P. Mody : Does my Honourable friend suggest that I said that this ratio should not be changed ?

Sir Cowasji Jehangir : You did.

Mr. H. P. Mody : I only said at the Select Committee table. Surely my Honourable friend understands it.

Sir Cowasji Jehangir : Quite. When he said he had changed his opinion, I thought that he said that the present exchange should remain.

Mr. H. P. Mody : Nothing of the kind.

Sir Cowasji Jehangir : I am glad to get that contradiction. But, Mr. President, we all know that this ratio cannot be changed by legislation. There are constitutions which lay down that the policy of exchange can only be changed by Government by legislation ; that is the constitution in England today. The British Government cannot make a radical change without legislation, but what does the British Government do ? What did it do ? It took action overnight and then went to the Legislature to get it ratified. That is the only way in which the ratio can be changed in any country ; whatever the constitution may lay down, it is the Government and Government alone that can take action overnight and come before the Legislature and say " that we have taken the responsibility for doing what we thought was in the best interests of this country ; we ask you to ratify it ". But you cannot allow the Legislature to decide what the ratio should be, because speculation would be rampant and the country would be ruined long before you legislate. People would be speculating in every part of the world with your exchange. Therefore, whether it be this Government or whether it be any

[Sir Cowasji Jehangir.]

Swaraj Government in the future, the Government alone will have to take the responsibility of changing the ratio and presenting a *fait accompli* to the Legislature. Therefore, under these circumstances, it is evident that it was never intended that we, as a Legislature, should decide questions of exchange when this Bill was brought up. But it is perfectly in order, as you know, Sir, for me to discuss this question and I think it is a fitting opportunity to remind my Honourable friend opposite of the point of view of India of which perhaps he is well aware. But I do feel that we are safe in the hands of the present Finance Member and that he will give India's opinion every consideration. We cannot expect him at any time to express too definite an opinion, no Government can or dare express too definite an opinion, because speculation will become rampant.

Mr. B. Das : What about the safeguards in the White Paper about the fixity of ratio ?

Sir Cowasji Jehangir : I would only remind the House how sensitive the financial world is. A word or two from the Honourable the Finance Member is enough. Why, the Honourable Member opposite arrived in Bombay and he made a little speech or gave a little interview and Government paper leaped up two points the next day. Why ? Something escaped out of his lips which he never intended and the result was that the Goverument paper went up, but next day it came down again.

The Honourable Sir George Schuster : I do not think it came back.

Sir Cowasji Jehangir : I am very glad that the remarks of my Honourable friend have led to a couple of points rise in the Government paper, but it came back to the former level. Now, Sir, anything said by the Government Benches is taken up by the financial world in India or in other parts of the world, and people begin to speculate and, therefore, I am not going to ask my Honourable friend to give any definite opinion but I am going to request him to keep in mind public opinion on this question. Let us hope that even before the Bill comes before this Legislature again, the Honourable Member in charge of the finances of this country will have carefully considered the position. I am not going into details. The position has changed within the last two or three months as the Honourable Member well knows. It is changing every day and it may be that any big change in our ratio may have only a transitory effect. After all, it will have a beneficial effect even if it be for a short time. I will say nothing more about the ratio, Mr. President, as I do feel that although it is not absolutely out of order, it is irrelevant to the subject matter of the Bill.

Now, Sir, there is one important matter which the Committee have not really considered very carefully in England and that is what are to be the terms on which the Imperial Bank is to sever its connection with Government. I am not going into details, as these will have to be thrashed out in the Select Committee. It was deliberately left out of our deliberations in England because, at least, I felt, that India was a much better place to deal with this question than six thousand miles away. Speaking for myself, I do hope that every justice will be done to the Imperial Bank. I can only repeat what has been said so often in

England that we shall see that justice is done to our indigenous banks also and that the Imperial Bank, although I am a shareholder, shall not be a position in which it shall be able to crush all indigenous banks. Its capital is very large. I know the claims that they have put forward in connection with their capital. I am not going into details now. At least I am certain that the Select Committee will give all these points due consideration and I can only express the hope which, I am sure, will be fulfilled that the Select Committee will do justice both to the Imperial Bank and to the indigenous banks.

Mr. President, there are other reasons, as this House knows, why we should get on with this Bill and why a Reserve Bank should be established as soon as possible. There were many experts who told us last year and the year before that it would be impossible to establish a Reserve Bank for financial reasons on which I am not going to dilate. Let us thank those who have made it possible for a Reserve Bank to be established within the near future, and let us also thank all our friends who have helped us to bring this country to a position which is second to none in the world. Those pessimistic prophets who told us that it would be impossible to have a Reserve Bank have not turned out to be quite correct. Let us hope, before long Government will be able to completely prove that those prophets were wrong. I do not want to be too optimistic just now, but Honourable Members will realise that the position has considerably improved as is shown by the figures given by the Finance Member and that we shall not be building castles in the air when we express the hope that this Reserve Bank will begin to function,—shall we say,—before the Finance Member leaves this country or perhaps very soon after.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, the debate was losing an element of liveliness and interest when the Honourable Members from Bombay intervened and lent to it a certain amount of interest and flavour. We heard from the Leader of the Independent Party that the desire of our Honourable friends on this side for circulation of this Bill was wholly unjustified. He said that after reading the Bill of 1927 which had been discussed at very great length in this House and the Bill of 1928 which proved still-born and the Hilton-Young report all that was worth knowing was known and what was not known was not worth knowing ; and therefore it was wholly unnecessary to indulge in the luxury of a circulation motion. Well, Sir, may I remind my Honourable friend that between 1928 and 1933 the year 1931 intervened ? A good many economic theories and economic maxims have become heresies now.

Sir Cowasji Jehangir : I may point out that you have got the London Committee's report on the 1928 Bill which made certain amendments in the 1928 Bill and that Committee sat only a couple of months ago and the report has been in your hands for some days.

Mr. Jagan Nath Aggarwal : I was not at all forgetful of the great Committee which sat in London and of which my Honourable friend and Mr. Mody were luminaries and were signatories to the report. That fact I was duly conscious of. The point that I was making was that during this period 1928 and 1933 the great year 1931 intervened. A good many economic theories have collapsed and have become heresies and the desire of my Honourable friends who have suggested that this Bill should be

[Mr. Jagan Nath Aggarwal.]

circulated is by no means a desire merely of a dilatory kind, because, as you will notice, the only time that we have asked for circulation is up to December, 1933. If I may be pardoned for mentioning it, this Reserve Bank scheme comes before us as part of the scheme of Federation ; one of the essential preliminaries which must be satisfied before Federation is an accomplished fact in this land is that there must be a Reserve Bank. And if that is so, why should my learned and Honourable friend leading the opposition be in such a desperate hurry when we know from a telegram received today that the report of the Joint Parliamentary Committee will not be out before 1934, the Parliamentary legislation will take another year, and that one great consummation that a requisite number of States have to declare their assent to the instrument of accession to Federation is still a long way off. Why should we be in such a desperate hurry ? I refuse to believe that it is part of dilatory tactics to ask for circulation by December, 1933. Now, Sir, that the Indian public is much exercised in mind over this measure will be apparent to you from one or two considerations. You will notice that my Honourable friend pinned his faith upon the London Committee and the London Committee is supposed to have said the last word on the subject. I refuse to assent to any such proposition. Neither the Anglo-Indian commercial world nor the Indian commercial world thinks that the last word has been pronounced on the subject. My Honourable friend, Mr. Mody, may go into raptures over it ; my Honourable friend, Sir Cowasji Jehangir, may say that the last word has been pronounced on the subject ; but may I remind them that when they were taken to London and were faced with the proposition that this Reserve Bank has got to come as a preliminary to Federation and everything in London seemed as if this was the only stumbling block, would not that have weighed with the members of the Committee ? May I also point out that one Honourable Member of that Committee has appended a note of dissent, that he has given his adhesion to a State Bank rather than a Shareholders' Bank ? In this connection, Sir, I am tempted, with your permission, to read during the few minutes at my disposal the remarks of a paper which just came into my hands, the *Capital* of Calcutta. One cannot accuse this paper of any leaning towards dilatory tactics or of being anxious to cause delay in the consideration of a motion of this character. This is what it says in this connection :

"Representative British and Indian opinion feels that the implications of the Reserve Bank on the trade and industries of the country would be so great that it is desirable to give the public a full opportunity to examine in detail all the proposals, and to that end it is essential not to rush the Bill through the Assembly during the next month but to circulate it for eliciting public opinion before taking the final step."

Now, Sir, if that is what comes from the *Capital* of Calcutta, I do not see how my Honourable friend, Sir Cowasji Jehangir, could make light of such a motion. I submit with all respect that the implications of this measure are so great and the effect of it on the trade and industry of the country would be so far-reaching that it is just as well to have light from all quarters that we possibly can have, and this by no means savours of a dilatory motion. My Honourable friend, the Finance Member, was at pains to assure us that even in the Select Committee we will be seeking the help of experts and we would be prepared to consider the evidence of persons who would be called and give evidence before the Committee. If that is so, I fully share his anxiety but I certainly do not see why some people should make light of the desire on this part of the House for a circulation motion and say that it is nothing but a motion of a dilatory character.

Now, Sir on of the questions that can be examined in the short space of time at my disposal is this controversy relating to the Shareholders' Bank and the State Bank. I do not like to speak as an expert in this matter because I am in these matters a layman ; but I should like to approach this question as a layman, and what has been the policy of the Government of India in matters of this kind ? When the previous Reserve Bank Bill was before this House it was felt that because the Government of India, the Secretary of State and the Finance Department of the Government of India had made mistakes and we had recent experience of huge mistakes having been made, it was felt necessary to have an independent body who should be in control of currency and exchange and who should control the credit of the country, and by that means it was thought that we would bring into existence an independent body who would be able to control the manipulations of exchange and currency and save the credit of the country. They would provide us with an independent body, with an expert body and not be led away by the red tape either of the Finance Department or the interests of foreign capitalists directing the policy from London. That was one of the reasons that was responsible for the introduction of the previous Reserve Bank Bill. Now, there is a suspicion—I call it a suspicion and no more—that the reason why this present Bill is coming up is not that you should have an expert body, but that you should have a body who would be free from the control of the future legislature of India to whom the destinies of this country are in a certain measure to be entrusted. I say it is a suspicion : proof of it is afforded in certain quarters ; it is pointed out that you are going to have a directorate on which in the first instance the Governor General in Council will be making nominations of four Directors and the Governor and the Deputy Governor. That is as it should be : the appointment is to be made by the Governor General in Council : in other words it would mean acting as the head executive in India with the consultation of his advisers. But this report tells us that thereafter the appointments shall be by the Governor General at his discretion. I would like to put it, as one of the previous speakers was at pains to tell us, that if the Finance Minister of the country knew his business and knew what he was about he would have a profound influence on the management of the Bank and on the control of the Bank. I would like to say, does not this savour of an attempt to deprive the future Finance Minister of having anything to do with the policy of this Bank ? That is a point which cannot escape the notice of those who are looking into this measure.

The previous speaker waxed eloquent on the merits of a Shareholders' Bank and the classic example of the Bank of England was put before us. In fact my learned friend went so far as to say that the reason why England was the top dog in finance at this time and has escaped the convulsions of 1931 was because of the existence of the Bank of England. He could as well have said that it was due to the existence of the Cabinet or to the existence of the British Navy or anything of that kind. I put it to him that the real cause why England has escaped is the determined character of the British and the boldness of its Prime Minister. The Prime Minister had no hesitation in breaking up his labour cabinet if they were not prepared

[Mr. Jagan Nath Aggarwal.]

to go all the way with him : he was bold enough to take the plunge, to take the nation with him and form a national cabinet. When that thing was done, the people thought Mr. Macdonald had written his own epitaph though somebody pointed out it would be a glorious epitaph. To say that it is the Bank of England that has saved the nation may be true in a sense ; but it would be true only in the sense that the Bank of England responded to the call of the Prime Minister. But what is there in the constitution of the Bank of England to say that they should follow the advice of the Prime Minister or that they should keep in touch with the treasury ? In fact the truth leaked out when my learned friend told us that the Bank of England was at loggerheads with the labour ministry. Would it not be fair to say that if the labour ministry had their way and had a large majority they would have nationalised the bank ? What is clear is that the last word has not been said on the subject. It is too early or in fact it is the last chapter in the history of Shareholders' Banks to say that they are the only institutions that can manage the currency and exchange simply because the Bank of England has done it. That is a fortuitous circumstance. It is an accident ; the result of conventions, or one might say, the result of the British character. There are so many things as we know ; the Queen can create every one a peer or make every man a marshal ; but they are not done : it is the character of the nation ; and because the Bank of England as a Shareholders' Bank has succeeded, it is no argument to say that a Shareholders' Bank is the only thing in this world. In the few minutes at my disposal I will just examine the proposition from a layman's point of view. This Government of India, according to its previous tendency, has been going in the direction of a socialistic government in certain directions. We own forests ; I mean, the Government owns forests ; it owns mines ; and when it did not own the railways it has raised a good deal of capital and has come to own the railways : in fact it is taking power to acquire railways whenever they are built by private agency. There is a point underlying this policy, the point surely being that all objects of public utility which the State manages or in which the State has direct concern must be run for the benefit of the State also. All profits must go to the State, and in the management thereof national interests must predominate. If that is so, I will put it to you, is this management of currency and exchange and the monetary policy of the country such a trivial matter that we should mix up national policy with the policy of a private directorate ? I do not say it is wholly to be handed over to private directors : there are special redeeming features and the Honourable the Finance Member has taken good care to incorporate various suggestions in deference to the opinions expressed in this House in order to make it fairly broad based, *e.g.*, that you cannot have large accumulation of shares in certain hands, you cannot have large voting power concentrated in the hands of a few, and also the regional scheme of voting going far to make every part of the country interested in the inauguration of the Bank ; but I put it to you that taking it as a broad proposition if the affairs of the country are being managed in this manner, if in matters of supreme importance any concern is to be managed by the State, I put it to you respectfully why is it that we are afraid of having a State Bank ? This is a matter of such urgent importance that it well behoves us to discard old theories and to see if the current thought of the world is not in the direction of organising credit and finance

in various countries in the way of State management. My learned friend who preceded me told the House that there were only two places in the world where they had a State bank. I submit that this proposition is not strictly accurate. He referred to Sweden and Australia. If I may be pardoned for mentioning it, Russia has got a Central Bank which is a State institution and places like Latvia and two or three others are in that position. After the termination of the war, several banks that have been instituted are a mixture of the two schemes, of State Banks and private Shareholders' Banks. Therefore, I submit that it is certainly not a settled proposition as my learned friend took it that all that we can say at this time is that the Shareholders' Bank holds the field according to the theories of economists.

I need not say much in regard to the bank being free from political influence, because that is a topic which can keep one going for some time : the idea of this political influence seems to be to shut out political influence of a certain kind. If the Bank is broad based, all kinds of influence will be brought to bear upon it. But the point underlying this shutting out of political influence seems to be to shut out political influence of Indians as such. If that is so, I do not know whether the safeguard that has been devised by my Honourable friends at the London conference has gone any way to remove that suspicion. I submit that in a matter of this kind one has to be very careful. One has to see that all interests, agricultural and commercial and other, have to be represented and that the Bank really serves the national needs of the country. For that purpose I do not see why so much has been made of this shutting out of political influence. If it means keeping out Members of the Legislature I am happy. I do not grudge the Finance Member the credit for this policy ; if you only keep out Members of the Legislature I do not see much harm in it. But if by keeping out political influence is meant the keeping out of leaders of Indian thought, I certainly would not subscribe to that proposition. I have finished.

MOTION FOR ADJOURNMENT.

ALLEGED SCURRILOUS ARTICLE IN THE *Daily Gazette re* MAHATMA GANDHI.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, I move :

"That the House do now adjourn."

4 P.M.

In order that the House may be in a position to appreciate the nature of the question involved in the present motion, I shall have to make some introductory observations to put the House in possession of necessary data. The ultimate issue which is involved in this motion, I am sure, the House will find, to be a very simple one. A certain article appeared in an Anglo-Indian daily which is published in Karachi, in its issue of the 18th August last containing most provocative and inflammatory suggestions against Mahatma Gandhi. It appears that this gentleman who is the author of the article is an Anglo-Indian who has taken into his head, and is a great believer in, the efficacy of the flogging system of punishment. On a previous occasion too he recommended to the Government of India that all the civil disobedience offenders should be flogged in order to put an end to that movement.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Is the article here ?

Mr. B. R. Puri : That article is not here, but the fact was asserted in the question itself, which question I shall presently place before the House. The question referred to is No. 787 which was put by my Honourable friend, Mr. Lalchand Navalrai, and the reply of the Home Secretary relating to this previous article was that the Home Secretary had no information regarding that. Thus the Government are not in a position to challenge or dispute the accuracy of the statement regarding this previous article. The most vital part of the article is contained in a couple of sentences which, with the leave of the House, I shall read :

"Most people feel that Gandhiji should be well smacked on part of anatomy nature has specifically provided for the purpose."

According to him, the only use for the buttocks in human body is to be flogged and for no other purpose. Now, mark the next sentence :

"Unfortunately, he is too old for this type of treatment to prove of any use,—certainly his latest antic smacks of a silly old man entering his second childhood."

I have omitted the earlier portion of the article although perhaps, in order to show the context, it may be useful, but since the clinching part of the article, the most offensive part of it, is the one I have read, I have confined myself to these two sentences only.

The policy of the Government came out unexpectedly as the result of various interpellations yesterday in a most naked form. And what is that policy ? That policy is a policy of complete indifference, of non-interference with anything which a Local Government may choose to do or omit to do. The Government of India, according to the replies which were vouchsafed yesterday, will not worry however much a Local Government may disregard its duties with regard to certain momentous questions. One thing which has very prominently come out in the answers which were given on behalf of the Government is that the Government refused to bring their mind to bear upon this article. Time and again, effort was made to induce the Home Secretary to consider and let us know whether, in the opinion of the Government of India, they are in a position to approve of this article, or to disapprove of this article, or to condemn this article. But the answer, Sir, which was given, was couched in the following words :

"The question of the effect produced by an article of this kind is one which can best be judged by the Local Government who have power to take action against any articles that offend against the law."

We know what the powers and duties of a Local Government are. But the question is, is this a proper discharge of the obligations and duties of a Supreme Government ? That is the true position with which we are confronted. This attitude, I submit, of complete indifference is likely to lead to very mischievous results, and it is on that account that we feel constrained to move today the adjournment motion and to give a warning to the Government that, when dealing with questions of such delicate nature, the attitude of the Government should not be such as was disclosed yesterday in answers to questions. The only thing which the Government of India was prepared to do, to use the words of the Leader of the House, was that the Government of India were prepared to transmit and to despatch the questions and answers which were being put in this House to the Government of Bombay. May I know what is the point of it ? How far will that carry us ? What is the virtue of this procedure which the Government of India are so graciously pleased to follow ?

Asked in another question : "Do you condemn this article ?" "No." Asked : "Do you disapprove of the article ?" The answer was, it was either by the Leader of the House or by the Home Secretary : "The Government refuse to commit itself to any expression of opinion".

The Honourable Sir Joseph Bhore (Leader of the House) : In justice to me, I think my Honourable friend might quote my reply. When Sir Cowasji Jehangir put me a question, I replied to him that if it was suggested that the article was in questionable taste, I would have no hesitation in agreeing with him on that point.

Mr. B. R. Puri : I will quote the very words of his reply. I will presently be able to lay my finger on the particular answer.

The Honourable Sir Joseph Bhore : Does the Honourable Member dispute the correctness of the statement that I have just now made ?

Mr. B. R. Puri : All I say is, it was either the Leader of the House or the Home Secretary who vouchsafed this answer that the Government of India were not going to commit itself to any expression of opinion. I say this, and I repeat it, and I am presently going to show it to the House from the answers that I have got in my hands. If only the House will have a little patience, I will be able to lay my finger on the answer, and I will just ask my Honourable colleague to find it out for me, and in the meanwhile I will go on.

Mr. T. Sloan (Government of India : Nominated Official) : May I say that I also said that I had nothing to say in defence of the article.

Mr. B. R. Puri : That is wholly beside the point. The question before the House is whether it was not deliberately stated on behalf of the Government that the Government of India were not prepared to commit themselves to any expression of opinion and whether this answer is not consistent with the answer which the Home Secretary has already vouchsafed with reference to the last three or four paragraphs of question No. 787.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : May I ask whether this article was written by way of joke or seriously, and how Mr. Gandhi has taken it.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : The Anglo-Indian Press never means to cut jokes.

Mr. B. R. Puri : My question was :

"May I know if the Government of India are now disposed, in view of the most flagrantly indecent character of this attack upon a very revered gentleman, to transmit to the Government of Bombay their strong condemnation of the article in question and not merely to be content with despatching the questions and answers."

The reply of the Honourable Sir Joseph Bhore was :

"I cannot engage that the Government of India will commit themselves to any expression of opinion."

I hope that this would satisfy the Honourable the Leader of the House who apparently, in the stress of his duties, had overlooked that he had committed himself in so many words.

The Honourable Sir Joseph Bhore : Will the Honourable Member read my reply to Sir Cowasji Jehangir's question ?

Mr. B. R. Puri : That is perfectly immaterial again. I undertake to show you your own answer. This is what you said speaking as a responsible Minister on behalf of the Government. I take my stand on that answer. These were the identical words used by the Honourable the Leader of the House. All that the Government of India are prepared to do is, under the circumstances, to despatch these questions and answers. What would be the advantage in doing that unless the Government of India were to send along with their despatch their own views and opinions as to what they think of this article. Otherwise the mere report of the questions and answers could very well be read by the Bombay Government officials from the daily press. As to the earlier incidents, the C. I. D. Department of the Bombay Government must have known that an article of this nature was published in the *Daily Gazette* as far back as 18th August. They also must have known that, in consequence of the most inflammatory character of that article, public meetings had been actually convened in Karachi, where the article had been very strongly condemned. Can the Government of India seriously maintain that the Government of Bombay are unaware of this incident ? Their eyes would only be opened by the Honourable the Leader of the House sending these questions and answers to the Bombay Government. Sir, this sending of questions and answers is the job of a mere post office clerk. Surely that is not the way in which great political obligations are discharged by a supreme Government. Now, Sir, I will show you what the Government are not prepared to do, so that you may be able to appreciate the extent of the apathy and the indifference to which the Government stand committed. In the first place, they say.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has just two minutes more.

Mr. B. R. Puri : It is not prepared to convey its condemnation of the article to the Bombay Government. The Government will not commit themselves to any expression of opinion. It is not prepared to consult its Law Department to find out whether the case does not fall under section 153A of the Indian Penal Code and also offends the Press laws. In this connection, I would ask the House to consider the suggestion which came out from a nominated Member, the Honourable Mr. Sarma. Mr. Sarma asked : whether the Government were prepared to ask the Editor in a friendly manner to refrain from writing any more articles of a provocative character. The Government were not prepared to do even that much.

Mr. R. S. Sarma (Nominated Non-Official) : I said that the Leader of the House has already said that they are taking action in forwarding these questions and answers for necessary action.

Mr. B. R. Puri : You have as bad a memory as other Members of the Government. Here is your answer. You said :

> " In view of the fact that the Publicity Officer of the Government of India is in direct touch with newspapers all over the country, will the Government be pleased to direct him to draw the attention of the Editor of the *Daily Gazette* to this article and to ask him, if necessary, in a friendly manner, to refrain from writing any more articles of a provocative character ? "

I hope my Honourable friend stands corrected now.

Mr. R. S. Sarma : I want the reply to that.

Mr. B. R. Puri : The reply is that the Government of India are not prepared to do beyond what they have already stated, namely, that they will despatch these questions and answers.

That is the reply. Time and again, the Government gave the same reply, that they are not prepared to go beyond that. Now, Sir, the enormity of this action is open to very serious question. The hand that rules may be heavy, but we want that its pressure should be even. It would be highly mischievous if the impression got abroad that any Anglo-Indian offender or any European offender, no matter whom he may malign, is above all laws. On the other hand, any Indian, no matter how high his position may be, if he does any corresponding act, will be hauled up under the law and sent to jail. This kind of discriminatory treatment would lead, I am afraid, to violence, the consequences of which should be the aim of all parties in this House to check as far as it lies with us. Before I sit down, I would like your indulgence just for one second. I have got to skip over a good many points which I cannot now take up, but I will just deal for a moment with the point raised by my Honourable friend, Mr. James, yesterday.

Mr. President (The Honourable Sir Shanmukham Chetty) : The rules relating to the time limit on speeches of this kind are absolutely mandatory. Standing Order 24 says : " No speech during the debate shall exceed fifteen minutes in duration ". Owing to the interruptions, the Chair allowed the Honourable Member five minutes more.

Mr. B. R. Puri : I move that this House do now adjourn.

Mr. R. S. Sarma : Mr. President, my Honourable friend, Mr. Puri, is a criminal lawyer of eminence and has already won fame and wealth in his profession, but I must congratulate him really on the success that his forensic eloquence achieved on the floor of this House this morning when he was able to convince a section of this House that the matter he was raising was of urgent public importance.

An Honourable Member : Are you questioning the ruling of the Chair ?

Mr. R. S. Sarma : No ; on the other hand, I am saying that he was able to convince the Chair that the matter was of urgent public importance.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I do not think any man will be more embarrassed by the attitude taken, not by the Government, but by those who profess to be his friends than Mahatma Gandhi himself. Sir, whatever we may say about Mahatma Gandhi—many people say that he is not a good diplomatist, nor is he a statesman—he has got one characteristic which everybody has acknowledged, namely, he has got great and good sense of humour which I wish Members sitting on these Benches had possessed. There is a Tamil proverb which says that a husband thrashed his wife and the wife was weeping and, after half an hour, when the husband came back and asked her why she was weeping, she said, she was weeping not because the husband beat her, but because the husband's sister laughed at her. So, here our friends are not concerned as to what the *Daily Gazette* wrote, but what the attitude of the Government was in their replies yesterday. After all, to my mind, as a journalist, however silly the effusion may have been in the

[Mr. R. S. Sarma.]

Daily Gazette it was a funny article which ought not to have been taken seriously at all. I do admit that it is a risk job to indulge in jokes about a personality who has achieved International fame and if the Editor of the paper.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I think the Honourable Member will agree that it was a very foolish article and should be treated with contempt. It was not a humorous article.

Mr. R. S. Sarma : I am subject to correction, I say that it was a silly article and ought to have been treated like that. But we are not concerned here with the article, but the attitude of the Government in their replies. Now, what was the reply ? Not once, not twice, not thrice, but half a dozen times the Leader of the House yesterday said that he was drawing the attention of the Bombay Government to this article and he was going to forward to the Bombay Government a copy of all the interpellations. Some Members asked yesterday whether the Government of India did not exercise control, direction and supervision over the Local Government. I may say that it is because they are exercising direction and control that the Leader of the House thought it fit to communicate to the Bombay Government what the Honourable Members have thought about this matter. Having done that, I want to know what further action do they expect the Government of India to take ? Does my Honourable friend, Mr. Puri, expect the Honourable Sir Harry Haig to send a clear the line message to the Commissioner of Sind to hang the Editor on the nearest tree ? I can understand that if the Bombay Government, after going through these interpellations, do not do anything and there was still bitter feeling in this matter, it will be open to Members of this House to raise this question again on the floor of this House. Having said that much, I maintain that the attitude of the Government has been perfectly satisfactory so far.

I want to make one appeal which I should have liked to make to the President and now I make it to the Deputy President. We are having so many motions for adjournment in this House, the object of which is to ascertion whether this House really censures the Government on these issue or approves of the action of the Government. But when these motions are only talked out, it is not fair either to the outside public or to the constituencies whose Members are in this House.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order : The Honourable Member cannot question the decision of the Chair.

Mr. R. S. Sarma : I am not questioning the decision of the Chair. I am only appealing to the Chair that at least in this matter the House should divide and record its votes.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Why don't you challenge a division ? You have not the courage to challenge a division.

Mr. Lalchand Navalrai : Sir, we have heard the Honourable Mr. Sarma many a time in this House and I do not think I can take it that he was speaking not seriously. My submissions to this House on this question are three in number. The first question is whether the Government of India can plead that they have no jurisdiction in a matter like this when it concerns the whole of India as I will presently show. The second question is whether the article in question, for which I am responsible for

bringing it into this House, is not such an insulting and libellous one as to create bad blood if the Government of India do not interfere. I must say that the leader that appeared in the *Daily Gazette* was not read by me in any paper of Sind. My attention was first drawn to it when it was reproduced here and I saw it in Simla in the *National Call* only a day before I sent in the question. The third question is as to the attitude of the representative of the Government of India on this article as well as its interpretation and that of the replies given to the supplementary questions by the representative of the Government who was on that day the Honourable the Joint Secretary in the Home Department. I was sorry that the Honourable the Home Member was unavoidably absent, as, I am sure, his replies would have been given with more tact and would have been more satisfactory. Of course, I do not in the least condemn or say anything in condemnation of the Honourable the Joint Secretary. I know he was sincere in what he said, though he was mistaken. Perhaps it was due to the fact that it was the first time that he opened his mouth in this House when he gave answers which were absolutely unreasonable and unsatisfactory. As the time at my disposal is limited, I will run over these three questions. The first question is with regard to the jurisdiction. This article has not been published only in Sind and does not affect the people of Sind only. This article is not of such a character that it can be taken notice of only by the people of Sind or Bombay, but it is an article which is likely to be taken notice of by the whole of India. The *Daily Gazette* claims to be a paper which has got a large circulation.

An Honourable Member : Has it ?

Mr. Lalchand Navalrai : At any rate, it has the Government support. So, if I may be permitted to say so, the Government have been more or less negligent in taking action against these Anglo-Indian papers in order to bring them to their proper senses. I say that as this is a question of all-India importance, it will cause bad blood if this article is allowed to go to every nook and corner of India unchallenged. Therefore, it is certainly an all-India question on which the Government of India cannot come forward and give an unsatisfactory reply to the effect that they will act as a channel or as a post office only to send these questions to the Bombay Government. I submit, this is one phase of the question of jurisdiction. Coming to the second, it is a legal point. In my questions, I asked whether the Government of India were going to take legal action against this paper for this article which, according to some Honourable Members of the House, is at least foolish or childish. If you read the article closely and if you know the career of this paper in having published previously an article of this nature, I submit, it is the duty of Government to take notice of it. According to law, there is a section in the Code of Criminal Procedure which says that if there is any offence which is continuing, or continues over other areas, any Government of any area will have jurisdiction to take cognisance of it. As this article has appeared also in Delhi and in Simla and also elsewhere, why should not the Government of India take action against the paper under section 153A of the Penal Code.

Section 182, Code of Criminal Procedure, says :

"Where an offence is a continuing one, and continues to be committed in more local areas than one, or where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas."

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The commentary on this section says :

"If a defamatory letter is posted in Madras with a view to its being read in Tinnevelly, the offence of defamation is triable either in Madras or in Tinnevelly under section 179 or 182."

Similarly, the editor of an offensive article can be prosecuted at any place where his paper is circulated.

I need not pursue this point further. But I must say that it is certain that the Government of India, under their several functions, could take cognisance of this article and consider it for themselves. Different interpretations are sought to be put on this article and it is the duty of the Government to come forward and consult their own legal officers and come to a definite conclusion. It is up to the Government of India themselves to take action in the matter and not direct the Government of Bombay to enquire into the matter. If this cannot be done, the Government of India can send a peremptory order to the Government of Bombay to enquire into the matter. Apart from the power of superintendence and the power of revision that the Government of India have, they have generally all-India power and, I submit, that according to law, they must take action. The reply that they have given is absolutely unsatisfactory and, by this reply, the Government have shown that they are taking a partial attitude towards the Anglo-Indian press. I am sure, if an Indian paper had done something like this and had attacked a European in this way, I do not know whether the matter will have stood only with the Government of India. Action would have been taken even by the Secretary of State for India. On this point I must say further that the position of Government in the answers that they have given is rather inconsistent. Sir, as my Honourable friend, Mr. Puri, has made it plain that the Government of India have given certain replies in which they say that they have got nothing more to do than to send the papers to the Bombay Government. I submit, that is not a fair position as disclosed in the answers that they have given. I will presently show that, on the interpretation of the article, the Honourable the Joint Secretary of the Home Department has given more or less a definite opinion, and, having given a definite opinion, was it right to say only that the papers would be sent to the Bombay Government ? It would mean that they prejudice the case with regard to the article itself and then say that they would send the papers to the Bombay Government. On that point I put a specific question to the Honourable the Leader of the House who happened to intervene on behalf of the Home Department. I put the following question :

"May I know, Sir, whether the Honourable the Leader of the House agrees with a reply given by the Home Secretary, because it appears to me that he is prejudicing the case by giving his opinion for the consideration of the Local Government ?"

The reply was very unsatisfactory. Then, having shown the passage in the *Daily Gazette*, I asked the Home Secretary the following question :

"May I know, with this explanation, of the *Daily Gazette*, whether the Honourable Member would think it necessary to call the attention of the Bombay Government that the answer is only childish and the allegation is admitted, and that action should, therefore, be taken against the *Daily Gazette* ?"

What was the reply ? It will show how the Government of India tried to prejudice the case. The reply was :

"No, Sir. The Government of India do not propose to call the attention of the Government of Bombay to a reply which explains the obvious meaning of the article."

Then, Sir, the Government of India more or less agree with the *Daily Gazette* that the obvious explanation is the one given by that paper. So I put another question to the Home Secretary which runs :

"May I know, therefore, whether Government are accepting this explanation which will not be acceptable even to a child ?"

The reply was :

"The explanation given is an obvious one to any one who has a good knowledge of the English language."

May I say here, without any disrespect to anyone, that this reply has been taken *verbatim* from the explanation of the Editor of the *Daily Gazette* ? With regard to the article, which I brought to the notice of the Government, from the *Daily Gazette*, the reply then given by Government was that the meaning was clear only to those who had a good knowledge of English. I submit that this explanation has been inspired plainly by the explanation given in the *Daily Gazette* and then the Honourable Member came forward and said that those who had a good knowledge of English would only appreciate its meaning. Then, again, I put another pointed question which runs :

"May I know if the Honourable Member is aware that there have been so many criticisms over this article which has been called childish and whether those who have criticised also do not know the English language well ?"

The reply was :

"I have not seen any criticisms, Sir, except the Honourable Member's."

Where did the Honourable Member read my criticism ? I did not write in any newspaper. When he referred to me, there was, I must say, in some quarters a suspicion that the Honourable Member was referring to my own knowledge of English. But I was quite charitable on this point and took it that he could not have possibly meant that my knowledge of English was defective. To be fair to him on this point, I must say that he made it clear to me yesterday in the lobby that he never meant to say that my knowledge of English was bad. On the other hand, he said to the contrary. Therefore, I have no complaint on that point. So far as the answers are concerned, I must say positively that the Joint Secretary of the Home Department has prejudiced the case if it should go to Court. He said that the explanation was obvious. I still repeat that it is not an explanation which will be acceptable even to a child. Anyway, here it is considered by some to be foolish and such as no responsible paper should publish. Why should a responsible paper like the *Daily Gazette* come forward and make jokes at a man who is so revered and on whose account the whole of India will resent. After this article was published, the *Daily Gazette*, in its issue, dated the 30th August, has pointed out how this matter in fact led to a stir amongst the people of Karachi that they met in the Khalikdino hall and gave expression to their views condemning this article. Further on, it is said in the paper that it was even given out that if such an article had been written in Bengal, they would have seen how to meet with the writer.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member has got one minute more.

Mr. Lalchand Navalrai : What I am submitting with regard to this article is that it is really inflammatory, I may almost call it libellous. Coming then, to the third question, the attitude of Government, I have,

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while giving my arguments on the other two questions, referred to that also. Sir, Government have not taken this attitude on this occasion only. We talk often of the Government of India's powers of superintendence and control. For instance, when we talk of the Railway Department, we are told that the questions are being sent to the Agent ; when we talk of the Government of India, we are told that the question is being sent to the Provincial Governments to be dealt with. Is this an attitude which the House will accept ? Those days are gone when the House was more or less helpless on this side at least, but now the days are different.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member's time is up.

Mr. Lalchand Navalrai : I was saying that we are now more wide awake, and I support this motion.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I support the motion of my Honourable friend, Mr. Puri. I do not like to discuss the newspaper article in question in detail, because I know every sensible man will treat with contempt such inelegant and indecent articles and appraise the worth of the author. But what I regret is the attitude of Government. Personally, I think that had the Honourable the Home Member been present yesterday, we would not have been compelled to drag the discussion to this extent. I know the Leader of the House wanted to mitigate the situation by saying that he would refer the questions and answers to the Bombay Government. I wish he had been bold enough to say that the Government of India did not approve of such articles and that they did not think that these ugly sentiments should have been indulged in.

The Honourable Sir Joseph Bhore : I did say that. I said that I entirely agreed with Sir Cowasji Jehangir that it was in very questionable taste indeed.

Mr. S. C. Mitra : The Joint Secretary of the Home Department perhaps, being new to this House, did not gauge the depth of feeling amongst the Indians that such scurrilous remarks were made against one of their greatest leaders. There is no doubt a general impression in the country that Anglo-Indian papers are immune from all the sections of the Penal Code. We have tried, times without number, to bring to the notice of the House during the Kashmir disturbances the objectionable nature of the articles from the *Statesman*, which should have been suppressed, and also, on many other occasions, and it is really a very deplorable thing that this impression should be confirmed by such callous attitude of the Government of India in this particular matter. I do not know what is the standard of sense of decorum or decency, prevailing in the western civilised world ; but I can tell the Honourable the Home Member and the Government Benches that we, oriental people, may be very backward in everything else, but, according to our sense of honour and decency, such inelegant and indecent expressions from educated men is never tolerated in any decent society. I do not know the ideas of humour of my friend, Mr. Sarma, but I think he will agree that this sort of writing is neither humorous nor will be accepted as witty by any civilised people ; if he thinks over it closely and not be anxious to support Government in every way whenever there is an occasion, he will be ashamed to support such a conduct.

I think Government most certainly realise that Mahatma Gandhi's name is one to be conjured with throughout the length and breadth of India, and, no man, particularly an Englishman, with a decent education, and the editor of a newspaper should indulge in this sort of writing. If they do so, they will only be widening the great gulf of difference between the two races, and certainly it was the duty of the Government of Bombay at least to warn such persons to be more careful. What we desired was that the Government of India, having the power of superintendence, direction and control over the Provincial Governments, should have taken steps, when their attention was drawn to this matter by Mr. Lalchand Navalrai, to draw the attention of the Bombay Government, and that would have consoled the feelings of the Members of this House. I think it was not fair to consider this matter as merely provincial, particularly when the attention of Government was drawn specially to it by my friend, Mr. Lalchand Navalrai. I have my own views as to whether on these small matters the attention of Government should at all be drawn, as it is very insignificant, but once it is brought to the notice of Government, I think it is incumbent on the Government of India to do their best and satisfy public opinion in these matters. With these remarks, I support the motion.

Mr. F. E. James (Madras : European) : Sir, if ever it is my misfortune to get ensnared in the toils of litigation, I shall endeavour to engage Mr. Puri on my behalf as there is no doubt that there is no one who can make a better speech on a hopeless case. I should like, first of all, to say, in regard to the remarks which are quoted from this particular article, that none of us on this side of the House would wish to give the impression that we think they are in any way justifiable. My own personal view is that they are in bad taste, they are foolish and they are petulant ; and when anything is said in a widely circulated press which is either petulant or foolish or in bad taste, and specially when those remarks are addressed to a person who is held in great veneration by the whole of India, then obviously they are very unfortunate and nobody in his normal senses would justify their publication in any responsible journal. But when that is said, I do beg of Members of the House to preserve a sense of proportion in dealing with this matter. Many foolish things are said from time to time almost every day in almost every paper. Honourable Members of Government have, in a paper which is published not very far from here, been caricatured in the most scandalous terms by a very well-known caricaturist. The last caricature I saw was of the Honourable Member for Industries and Labour, and I should certainly think that, from the description of the Honourable Member, he had an extremely good case for complaint, and an extremely good case for intervention by the Government of India. I wonder why he did not ask the Government of India to exercise their powers of superintendence, direction and control over the Local Government. I once more appeal to the House, in view of what I have said and of what I think should be the attitude of every reasonably-minded man, to preserve a sense of proportion in this matter. I would remind the Members of this House of the meaning of this adjournment motion. An adjournment motion is directed against the Government. If it is carried, it means that the Government of the day is censured. On what basis is this motion going to be carried through the House ? As

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far as I could understand the speech of my Honourable friend, Mr. Puri, he had two complaints : the first was that the Government of India, as a Government, were not prepared to express an opinion about these particular words. I put it to my Honourable friend, that we are living in very anxious times : there are many important matters before the House : we have just interrupted a discussion on the Reserve Bank Bill which, according to many Members of the Opposition, is the most important measure yet placed before this House. Therefore, the Government of India's time is fully occupied. Does my Honourable friend really suggest that the Government of India should, as a Government, seriously consider these particular words or any similar words made in any publication in India and come to a considered and careful opinion as to whether they are or are not proper ? I do suggest that my Honourable friend's sense of humour and sense of proportion have deserted him on this occasion.

I gather that the second ground for the adjournment motion is that if the Government of India did not express an official opinion, at least they should exercise their great powers of superintendence, direction and control over the Bombay Government so that that Government should take action in regard to this article. Now, those of us who have been in close touch with Provincial Governments, and who have served on Provincial Legislatures well know that the provinces are very jealous of the exercise of these great powers by the Government of India, and resent any interference very much. Therefore, it is not unnatural that the Government of India should not, as a rule, use these powers in respect of Local Governments unless there is some very grave emergency, unless there is some very compelling circumstance which will make the use of those powers justified. I would ask Honourable Members in this House frankly to face the issue and answer the question—are the circumstances so compelling as to make it justifiable for the Government of India to use these powers ? Is the emergency so grave ? This article was published, I believe, some time in August. I understand one meeting of protest has been held in Karachi. I have not heard of other meetings ; I have not heard of any breach of the peace in Karachi itself. I quite admit that articles of this kind are foolish and they do breed ill feeling between one community and another ; but, at the same time, let us preserve a sense of proportion in these matters and realise that there is no justification whatsoever for the exercise of these great and extraordinary powers of direction, superintendence and control by the Government of India.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : May I ask whether the Honourable Member knows that superintendence, apart from the law of the country itself, gives such a power to the Governor General in Council to prosecute such persons ? If he knows that, I have no more to say.

Mr. F. E. James : I did not hear my Honourable friend, but, in any case, it is immaterial. I understood from the Commerce Member, as from the Joint Secretary to the Home Department, who, on this his first appearance, has had to answer questions and has been placed in a very difficult position (which, I am sure, Members of this House will

realise)—I understood that they were prepared to send the proceedings of this House at question time to the Bombay Government. I consider that that is a very sympathetic step for the Government of India to have agreed to take ; and I do suggest that if Honourable Members of this House, in view of all the circumstances, in view of the important business which is before the House, in view of the foolishness of the words which are complained of, in view of all these things, I do suggest that Members of this House should be content with what the Government have agreed to do and should throw out the motion for adjournment which is in effect a motion of censure. The real question which we shall have shortly to face is this : on this issue, are Members genuinely and honestly prepared to censure the Government of India ? If they are and if the censure motion is really carried against the Government of India, then I am not at all sure that the Governor General will not be justified in ordering a speedy dissolution of this Assembly so that fresh elections can be held !

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : We Chetty) resumed the Chair.]

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. President, I am afraid, this is a most unfortunate debate, because it is founded, I am sure, on a misunderstanding. I cannot, for one moment, believe that any Member of this House, whether he be on the Government Benches or on these Benches here or on those Benches further down, would for one minute try to justify such a leader in a responsible newspaper—and I believe it is a responsible newspaper—at least I have never heard of it before—talking of a man, with whom we may disagree, with whose methods we may disagree, but about whom there can be no two opinions that he is a man of international reputation, a man admired by millions in this country. To talk about a man like that, especially of a man of his years—he is 65—about spanking him in a leader, not even in a note, is really the most absurd thing I have ever heard of ; and I do not think that any of those replies that came from the opposite Benches tried to justify the remarks made in that leader. But my Honourable friends opposite, perhaps in the absence of the Honourable the Home Member, who, however strong his replies may be, however clear they may be and however much he may disagree with us, has always got such a pleasant smile on his face and who tells us exactly what he thinks and what he is going to do, were at a disadvantage.

Now, Sir, notwithstanding the very able assistance given by my Honourable friend, the Leader of the House, to a new Member on the Government Benches, I do believe that a misunderstanding did take place, and I can realise how this misunderstanding did take place. My Honourable friend, I believe he is the Joint Secretary in the Home Department, is here for the first time, and although he was answering questions, it was a maiden effort for all I know. I do not know whether he has addressed the House before, it was a maiden speech, and in attempting to give answers perhaps he was not quite what the Home Member might have

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been. Perhaps he fully realises from this incident that it is not so easy for Government Members to give replies as he imagined. It is a difficult thing ; it is an art that has to be acquired, and my Honourable friend, the Home Member, and my Honourable friend, the Leader of the House, have acquired the art really to perfection, and it will be many years perhaps before my Honourable friend, the Joint Secretary, will acquire the art in the same manner as my two Honourable friends who sit on the front Benches. But that misunderstanding need not lead to a vote with regard to the adjournment motion.

The real point is this, and it is a constitutional point. Have the Government of India supervision, direction and control over Provincial Governments ? They have today ; they may not have two or three years hence. And we have got to consider the constitutional position as it stands today. My Honourable friend, Mr. James, who now sits so far away that I can hardly hear—I believe he was talking about the sensitiveness of Local Governments about the interference from the Central Government. I was just as sensitive in days gone by, but the fact remains that the Central Government are responsible. They are responsible to this House in a way, not completely, but in a way ; at least they are responsible to the extent that they have to answer our questions. I do not think that the Treasury Benches opposite can on certain occasions take the responsibility of certain actions of the Local Governments, and, on other occasions, say : " We shall have nothing to do with the Local Government, it is their business, and we will allow them to do what they like ". This is inconsistent. I can understand their saying : " We shall not go on enquiring every day about certain matters from the Local Government, we are not going to bother them ". But when a question is asked of them : " What about this article in the papers ? ", the only answer that Government can give is that they will consider the matter, that they will refer it to the Local Government, that they will get the views of the Local Government, but that they will give it their consideration. I cannot see, under the present Constitution, how they can refuse this side of the House consideration of any matter that they may bring to their attention. They may reject it, but consideration of the matter they must give. But, unfortunately, and that is where the misunderstanding took place,—unfortunately, the reply led us to believe that Government refused to give the matter consideration although half a dozen Members on this side of the House demanded that Government must give consideration to this matter. That is where the constitutional position comes in. I think that this side of the House can, under the present constitution, demand that the Government must consider the matter. The consideration of the matter may consist of the Home Member glancing through the article and saying : " Gentlemen, I do not think this requires any further consideration ". That means he has already given it consideration and he has come to the conclusion that he cannot give it any further consideration. But to tell us : " We will refer it to the Local Government, and we will not interfere with the Local Government whatever they may do ",—that is not the constitutional position and cannot be the constitutional position of the Government of India. If that were the constitutional position, then Local Governments could turn round and tell the Honourable Members opposite that they would do whatever they liked with Mr. Gandhi and that the Government of India could please themselves. That is not the constitutional position. When we ask questions about Mr. Gandhi, the Honourable Member takes full responsibility for actions taken and says : " These are our actions ". That may have been the result of consultation with the Local Government ; it may be that the Local Government disagreed with them and they had to submit to the Government of India ; but they do not tell us that. We have nothing to do with what the Central Government do with the Local Government, or what weight they give to the opinion of the Local Government. We are not concerned with that. What we are concerned with is, what do the Government of India think about a matter over which they have superintendence, direction and control. It is our constitutional right that we shall get an answer. That is the question and, I feel certain, that there was a misunderstanding. I have never seen any Government yet, Local or Central, who will shirk their responsibility in that way, and I have not the slightest doubt that Honourable Members opposite do not want to shirk any responsibility. But, as I say, the answers were unfortunate and it became all the more unfortunate, because it was connected with an article which will give offence to millions in this country. Honourable Members opposite may not agree with me, but it is a fact that this article will give the greatest offence, will hurt the feelings of millions in this country. We may disagree with Mr. Gandhi, and no one has disagreed with Mr. Gandhi more than I have, openly and privately. No one perhaps has told Mr. Gandhi his mind more clearly, and no one has been less afraid to say what he thinks publicly. But Mr. Gandhi is a great man, and if articles of this stupid character are written and if they are resented by millions of people in this country, although they may not fall within the four corners of the law, we do demand that the Government of India shall be responsible to us and shall tell us that they have considered this matter, that it falls or does not fall within the four corners of the law and that they do not desire to take any further action in the matter, or they cannot or they will not. Some sort of reply we must get from the Government of India, and we cannot be told that the matter has been referred to the Local Government who will do what they choose and we shall not get a reply. That is the position and that is all that the trouble is about.

Now, Mr. President, I do think that the matter can be solved in five minutes. The constitutional position has only to be placed before the House by the Home Member and the thing is over. I do feel that the Government of India cannot and will not take up the position that they refuse under any circumstances, with or without consultation with the Local Government, to say what they propose to do with regard to an article like that. I do not think they can take up that position, and, I am sure, no Government can take up that constitutional position so long as the present Constitution lasts.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up.

Sir Cowasji Jehangir : In two minutes more I shall finish. I do not think anybody would like to be told in a leading article " You ought to be spanked ", and if the same was written of any of us, or any of those gentlemen opposite, I do not think we would be very pleased. And if this is encouraged, tomorrow you will get leaders saying : " I should be spanked, my Honourable friend, the Leader of the House, my Honourable

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friend, the Home Member, every one of us should be spanked ", and, then, my Honourable friends will have to grin and bear it if they express no resentment now at such stupid and vindictive articles. I trust that this misunderstanding will be removed within the first two or three minutes of the speech of my Honourable friend, the Home Member. (Applause.)

The Honourable Sir Harry Haig (Home Member) : I must, in the first place, express my regret that I was not in the House yesterday at question time, but I was engaged on work which I considered to be of great importance and I did not expect for a moment that any storm would develop in consequence of this question, and, I am afraid, even if I had known that the storm was going to develop, I should still have felt that the work on which I was engaged was more important than the work of answering this question. Now, Sir, I am very grateful to the Honourable Members opposite who have paid me the compliment of suggesting that anything that I might have said yesterday might possibly have avoided some of the trouble, but I must confess, after reading the questions and answers, I feel that in a way I am very glad that I was not in the House yesterday. I am perfectly certain that I should not have been able to deal with the situation any more effectively than my friend, who sits behind me, and my friend, the Honourable the Leader of the House. They were subjected, Sir, to a very intense bombardment and I think the position they developed before the House was a perfectly reasonable one.

Now, Sir, with reference to what fell from my Honourable friend, Mr. Mitra, and my Honourable friend, Sir Cowasji Jehangir, about the nature of the article, let there be no misunderstanding about that, and, I do not think, if the answers of my Honourable friends are regarded with some fairness, that there could be any misunderstanding. One knows that the tendency of modern journalism all over the world is in the effort to be bright, too often to pass the bounds of good or even reasonable taste, and occasionally I fear, I do not want to insult any of my journalist friends and there are very many honourable exceptions, to lapse into vulgarity. Well, Sir, I think this was one of those cases, and when such lapses occur, they must certainly be deplored. But, Sir, the point of attack on the Government is not the nature of this article, for which the Government are not responsible, but the attitude of the Government in regard to the demand put forward yesterday by the House. I must say, I am very much surprised that we should be asked to take an attitude different from the attitude that was taken up yesterday. Our general policy in regard to the administration of the reserved Provincial subjects is, I think, pretty well appreciated by the House. We are constantly being pressed by certain Honourable Members, particularly, if I may say so, by my Honourable friend, Mr. Lalchand Navalrai, to take an active part in the Provincial administration and that is a tendency which we, in the Home Department, invariably resist. I cannot accept the view put forward by my Honourable friend, Sir Cowasji Jehangir. It is perfectly true that constitutionally the Government of India have the power of superintendence, direction and control in regard to Provincial reserved subjects, but it is perfectly obvious that the administration of this enormous country could not go on if the Government of India were continually interfering in the administration of Provincial subjects.

Sir Cowasji Jehangir : I never said that.

The Honourable Sir Harry Haig : Provincial Governments are, after all, very responsible bodies. They have their Legislative Councils which are very vigilant watchdogs of what they are doing. It is only in the major matters of policy—questions of the treatment of Mr. Gandhi admittedly—questions of that sort—that we have to take an active part. Now, Sir, when these questions arise which we consider fall within the normal administrative powers of a Local Government, so far as I am concerned, I have always refused to take any definite action in the way of interfering with the discretion of a Local Government, and the utmost that we in the Home Department ever care to do is precisely what my Honourable friend, the Leader of the House, agreed to yesterday, and I think it was a very reasonable offer, namely, to communicate the opinions of this House to the Local Government. That is what my Honourable friend, the Leader of the House, agreed to do yesterday and that is precisely what I should have done had I been in my place. It is really a question of the degree of importance that is attached to this article. My Honourable friend, Mr. James, said that he felt there was a certain lack of proportion. I must say the same idea crossed my mind. My Honourable friend, in moving this motion, referred to this as a momentous question. Well, Sir, if I regarded this in any way as a momentous question, I should certainly have referred the matter to the Bombay Government and made some inquiries.

Mr. B. R. Puri : I hope the Honourable Member will pardon me if I interrupt him. I never said that the article itself constituted a momentous question. I said that the momentous question was the indifference of the Government of India.

The Honourable Sir Harry Haig : I am sorry, if I misunderstood the Honourable Member, but even the indifference of the Government of India does not appear to me to be in this case a very momentous question. The point at issue really is whether this is a normal matter of administration. In regard to the control of the Press, our deliberate policy has been for many years to leave these matters to the Local Governments and I would just remind the House that when the Indian Press Act of 1931—I hope my reference to it will not in any way annoy the House—was passed, the powers for dealing with the Press were quite definitely placed in the hands of Local Governments and the intention was that those powers should remain where the Legislature had placed them, and only in very exceptional and unusual cases would the Government of India dream of questioning the discretion of the Local Government. In this particular case, I think, we can safely leave the matter to the Government of Bombay. After all, what was this article ? An article published in a paper in Karachi, an article which would probably never have been noticed in this part of the world at any rate, if it had not been disseminated to some extent by a Delhi newspaper, and had not received the tremendous advertisement which has been given to it by my Honourable friend's question and by this motion in the House this evening. I think, Sir, if the House had been content to leave this article in the obscurity which it deserved, it would have been very much better for all concerned, including, if I may venture to say so, Mr. Gandhi. No one wants any insults to be directed against him ; no one wants writings of this sort to multiply ; but the

[Sir Harry Haig.]

question of taking legal action is quite a different matter. I am certainly not prepared to make any suggestion to the Bombay Government that any kind of legal action should be taken. I do not think, Sir, there is anything more I need say except to make it quite clear that on the general point which is at issue here as to whether the Government are right in the attitude they have taken towards this question, I have not the smallest doubt that the Government are right and I hope that the House will support us in that decision.

Mr. C. S. Ranga Iyer : Sir, before I proceed with my speech, I should like to put one direct question to the Honourable the Home Member and that is this : whether he will be prepared to convey to the Government of Bombay the debate on this adjournment motion along with the questions and supplementary questions which the Honourable the Leader of the House was prepared to convey with a note that great feeling prevailed on this side of the House ?

The Honourable Sir Harry Haig : I am perfectly prepared to convey the proceedings of the House, but I do not propose to comment on them.

Mr. C. S. Ranga Iyer : My purpose will be served, because, after all, I do not attach so much importance to the Home Member's comment as to the feeling actually exhibited on this side of the House. I admit that not only the Editor of the *Daily Gazette* ought to be grateful to Mr. Puri for having given him great advertisement by this adjournment motion, but also the Opposition ought to be grateful to the Home Member for having condemned the editorial comments in unmistakable language, which condemnation it was not possible to secure for this side of the House naturally in a series of supplementary questions, because supplementary questions are not exactly a satisfactory method of getting an adequate condemnation from the Government. As the Honourable the Home Member has himself admitted, even if he were present with all the cleverness of a magician that he possesses, he could not have manipulated the situation better than the Honourable gentleman seated behind him. As the Honourable the Leader of the Independent Party has generously pointed out and I associate myself with those observations in the spirit in which he made them, it was a maiden effort on the part of the Honourable Mr. Sloan. But, situated as he is, backing the Home Department of the Government of India, which is, naturally in these political days of upheaval, the widest target for the Opposition Benches, and the manner in which he answered questions for the Department whose mind he is best entitled to interpret in the absence of his Chief, the Opposition obviously felt that it had no other alternative but to go for him in the manner in which it did. Sir, this House is like a tennis court. One side hits as hard as it can the other. Having watched as I did for several months in England, especially in 1929 and 1927 in the stormy days of the House of Commons, I sympathised with the Home Secretary surrounded as he was by angry waves marching from this side of the House until the Leader of the House, out of sheer sportsmanship and sympathy, himself took charge of the situation. I remember a similar occasion in the House of Commons. The Opposition would not permit the President of the Board of Trade to speak and Mr. Baldwin would not go to

his rescue for a long time. Ultimately he was compelled. Mr. Sloan's was certainly a maiden effort which reminded me of the maiden speech of Lord Birkenhead in the House of Commons. When Lord Birkenhead made a maiden speech and invited trouble, he was most interrupted. Unfortunately, the Honourable the Home Secretary did not make a maiden speech. It was a maiden endeavour to give a series of answers to unmaiden questions or unready-made answers to unpremeditated supplementary questions. Sir, I congratulate him for having hit back the Opposition without the blushes of a maid. (Laughter.)

Now, I am very grateful to the Honourable the Home Member to have said that no one wants insults to be directed against Mahatma Gandhi as the Karachi newspaper directed. Much as I value the liberty of the Press, I hope newspapers in this country will use that liberty in terms of wholesome restraint. As for the actual aspersion itself, it is fortunate to notice that Mahatma Gandhi has not taken notice of it. It is fortunate also to notice that his numerous admirers in Sind, in Bombay and all over the country have treated the wretched fulmination of an unworthy scribe with the contempt with which the fulmination deserved to be treated. I hope, after hearing the Home Member, we will follow the example of the great Mahatma and his loyal followers out in the country, and, instead of voting upon this issue or pressing it to a division, withdraw the motion and proclaim to the country that we propose to treat this indecent effusion of an irresponsible writer with utter contempt. (*Cries of* "Hear, hear".) The Opposition Benches cannot always take notice of unworthy effusions in a corner of India.....

Mr. Lalchand Navalrai : It is not a corner of India ; it is proposed to be a separate province of India.

Mr. C. S. Ranga Iyer : I apologise to my friend. (Laughter.) A separate young province, almost coming into existence, has treated this contemptible effusion with contempt. We will follow Mahatmaji's silent lead which may be summed up in these words :

"Aspersion is the babbler's trade
To listen is to lend him aid."

No more shall we listen to this aspersion, but dismiss it with the scorn which it deserves. My friend, Mr. Puri, has no intention to kill a fly with a Nasmith hammer, but only to raise certain issues and especially to get the condemnation of that kind of article in the Anglo-Indian Press, who seem to have a charter as wide as the wind to blow on whom they like. His object was to get the condemnation of the article in question from the Government and that object has been achieved. I do not think, therefore, that he will proceed, with his great sense of humour and responsibility, to kill a fly with a Nasmith hammer. (Applause.)

Several Honourable Members : The question may now be put.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I rise to say that I agree with the words which the Honourable Sir Cowasji Jehangir just now spoke in connection with this motion. I had thought that we would have some satisfactory reply from the Honourable the Home Member on this point. I do not find that there is any

[Maulvi Muhammad Shafee Daoodi.]

justification for the attitude which the Government have taken now after the appeal which was so eloquently made by Sir Cowasji Jehangir.

As the Honourable the Home Member has himself admitted, the paper had indulged in vulgarity. There is no doubt about it. Everybody here or outside this House, who has read the article, would admit it in the most unequivocal language. But what is the remedy ? Does the remedy lie in merely condemning it here and allowing such vulgarities to pervade this country. I feel very strongly that it is provocative language like this which has created bad blood in India between one community and another. It is the language which sets one community against another. I feel that Government would be well advised in taking serious action against the paper which has committed this wrong. I also feel that if this is not done, it might create bad blood in the country which, I think, the Honourable the Home Member will deplore more than I do. It is not a matter which should be dealt with in a light-hearted way as it is suggested. I would strongly advise the Treasury Benches to ponder over this question and find out some means by which the wrong should be redressed and not allow the paper to go scot-free. Otherwise, it might create serious situation. It is not a matter which should be lightly treated. With these words, I support the motion.

Mr. K. C. Neogy : I am sure, Honourable Members on this side of the House are deeply grateful to the Honourable the Home Member for the statement that he has made, namely, that, in the midst of his multifarious duties of a most onerous kind, he has had time to go through the answers that were given in this House yesterday on this subject. But, I am sure, he has not had time sufficiently at his disposal to go through the questions carefully, because, if he had done so, he would have found that his statement that he agrees with those answers has practically cast a kind of doubt upon the character of the knowledge of English possessed by his colleague, the Leader of the House ; because Sir, the Honourable the Joint Secretary of the Home Department, in one of his replies, stated—I am giving the substance of his reply—that this article would not convey any very serious meaning to anybody who had a good knowledge of English. And it was after that that the Honourable the Leader of the House got up and expressed himself in the manner that he did stating that this was a scurrilous kind of article and that he was going to take the responsibility on behalf of Government, of sending down the questions and the answers to the Bombay Government.

Mr. T. Sloan : May I, in defence of myself, explain that when I answered the question to which Mr. Neogy has referred, I was dealing with the interpretation placed upon the original article, namely, that it meant that the judicial punishment of flogging should be used. It was with reference to that, I explained that the article could not bear that interpretation.

Mr. K. C. Neogy : I am very glad to hear that my Honourable friend is not in disagreement with the Leader of the House, but this is what he said :

> " The Government of India do not propose to call the attention of the Government of Bombay to a reply which explains the obvious meaning of the article."

He thought that it was a satisfactory explanation which the Editor of the *Daily Gazette* had given in a subsequent issue and nothing need be done. That, seemed to be his attitude. However, Sir, addressing myself to the constitutional issue that has been raised in this House, I am again very much doubtful as to whether the Honourable the Home Member has gone carefully through the answers that were given in the House yesterday, because if he had done so, he would have found that there was a question put to the Joint Secretary of the Home Department as to whether any action was contemplated against the *National Call* which is published in Delhi and which admittedly gave the widest publicity to this particular article. The Honourable the Joint Secretary stated :

> " Whether the *Daily Gazette* of Karachi reaches Delhi or not, I cannot say, but the article was substantially reproduced in the *National Call* which, I understand ",

—well, Sir, as the representative of the Home Department, he is under some doubt about it,—

> " which I understand is published in Delhi ".

The next question from me was :

> " Was any action contemplated against the *National Call* by the Government of India ? "

The answer was :

> " No, Sir."

Now, Sir, as regards this particular point, I am addressing the Local Government for the Delhi Province today in this House which is the Local Legislature for the Delhi Province. I want to know from the Honourable the Home Member as to whether it is not quite incumbent upon the Government of the Delhi Province, for which he is himself directly responsible, to take the necessary legal action in matters of this kind. What did we find ? The Government said that they had not taken care to obtain even legal opinion in the matter although the Joint Secretary of the Home Department stated that this had been published in a paper which has got a wide circulation in the Delhi Province.

The Honourable Sir Harry Haig : The Honourable Member seems to be under some misapprehension as to the relations between the Government of India and the Chief Commissioner of Delhi. We do not directly administer the Province of Delhi, the primary administration is carried on by the Chief Commissioner. I admit, Sir, that we answer questions in this House and keep a much closer watch on the affairs of the Delhi Province than we do on those provinces which have their own Legislatures ; but with regard to the *National Call*, I do not understand why we should take any action. Our general position is that we do not attach any particular importance to this article and it is entirely in accordance with that that we do not consider it necessary to initiate any action with regard to the *National Call*.

Mr. K. C. Neogy : The Honourable the Home Member has not obliged this House with an explanation as to the nature of relation that subsists between the Government of India and the Delhi Province beyond stating that the Chief Commissioner is primarily responsible. But I want the Honourable Member to tell this House as to whether the administration of Delhi is on the same constitutional footing as the Government of any provincial administration in India.

The Honourable Sir Harry Haig : I have just explained to the House and I do not want to weary the House by saying it again that that is not so.

Mr. K. C. Neogy : I take it that it is not merely courtesy that prompts my Honourable friend to answer questions that are put by Honourable Members on this side of the House regarding the administration of Delhi. There is something constitutional about it which gives this House the right to discuss affairs of the Delhi Province.

The Honourable Sir Harry Haig : I have just explained that the reason is that the Delhi Province has no Legislature of its own.

Mr. K. C. Neogy : Therefore, I say, this is the Local Legislature for the Delhi Province, and, I take it, the Government of India is the Local Government of the Delhi Province, the only Government which we can address in regard to matters concerning the Delhi Province and the only Government which is responsible for replying to our questions and our criticisms in regard to the Delhi Province. Now, Sir, the Delhi Province is described as a centrally administered area and my Honourable friend would perhaps care to explain what that means. However, Sir, that is rather a minor point. I am very much interested to hear from my Honourable friend that the reason why the Government of India did not think of taking any legal action or even taking any legal opinion, let alone any legal action, was that they did not attach any weight to this article. Now, Sir, it is a very serious question. We, I claim, are the people who can say what effect such an article is likely to produce upon the Indian people, and not the Government of India, not even the Home Member.

The Honourable Sir Harry Haig : Then, I hope, Sir, the Honourable Member will agree to put this matter to the vote of the House.

Mr. K. C. Neogy : The Honourable Member's strength in making that statement lies in the knowledge of the extent to which his Government has succeeded in demoralising this House.

Now, Sir, I turn to another gentleman who spoke of this constitutional issue. My Honourable friend, Mr. James, from Madras, thinks that this is such a trivial matter or perhaps that this is so peculiarly a provincial matter that we are not justified in bringing this up for discussion in this House. May I remind.....

Mr. F. E. James : I did not say anything of the kind. I merely said that I thought there was no justification for the exercise by the Government of India of their power of superintendence, direction and control. This is a very different thing.

Mr. K. C. Neogy : My Honourable friend referred to the sensitiveness of the Provincial Governments, and, I take it, his point was that that sensitiveness would be hurt if this Legislature were to say anything with regard to the indifference of the Bombay Government in this matter. Sir, may I remind my Honourable friend that it was exactly a year ago that he was responsible for moving an adjournment of this House and that was for drawing attention to the attempted assassination of the Editor of the *Statesman* in Calcutta ?

Mr. F. E. James : May I again rise to interrupt my Honourable friend ? I am sorry to interrupt him, but that adjournment motion was moved by my Honourable friend, Mr. George Morgan, with reference to an attack on the life of Sir Alfred Watson following on a dastardly outrage at Chittagong where several people lost their lives. I suggest to my Honourable friend, as he has raised this question, that looking at the two things from their proper standpoint and perspective, there is a great deal of difference between the one and the other.

Mr. K. C. Neogy : My Honourable friend will at once see my point if he will permit me to proceed, I am glad to be corrected that it was not he who moved the motion, but that it was my Honourable friend from Bengal. But he spoke in support of that motion as far as I remember.

Now, Sir, my point is this. Supposing, as a result of this provocation, a similarly dastardly outrage,—God forbid,—were to happen and a hot-headed youth were to take similar action in Karachi, my Honourable friend would be the first to move this House by way of an adjournment motion. That certainly would be in order according to my Honourable friend and his friends sitting on those Benches. What we are doing is to try and seek the aid of Government to prevent such a contingency arising ; we are anxious to prevent bad blood being created. There is enough of it already and more bad blood.....

Mr. F. E. James : I am sorry to interrupt my Honourable friend, but may I ask him a direct question ? Why did he not make that attempt two years ago ? It might have prevented many of the outrages happening in Bengal ?

Why did not my friend take the same attitude with regard to the Press in Bengal as he is now taking with regard to a stupid article in a very small paper ?

Mr. K. C. Neogy : Why did not my friend himself suggest action to be taken against the *Statesman* for inciting a reign of Black and Tan in Bengal which directly led to certain outrages on Indians in Chittagong ? My Honourable friend should, before he gets up to interrupt me, examine the strength of his own case.

Now, Sir, as I was saying, our attempt is to prevent bad blood being increased between the two communities and we want the assistance of Government in this matter, so that, by any effective action taken in cases of this character, they may demonstrate to the country that they were not sleeping over such matters merely because they relate to the Anglo-Indian Press and not to the Indian Press. Sir, I do hope the object of this adjournment motion will not be misunderstood on the other side. What we say is that Government should take the necessary action in this matter after consulting their legal advisers so that more bad blood may not be created and outrages may be prevented of the character that took place unfortunately in Calcutta only a year ago.

Mr. F. E. James : You are a bit late in the day.

Mr. K. C. Neogy : Sir, I do not think I need deal with any other point referred to by the Honourable the Home Member. After more or less half-heartedly condemning the article, he said that the question of taking legal action was a quite different matter. I should like the Honourable Member to get up and say as to why it is quite a different matter. Why is mere half-hearted condemnation considered by Government to be sufficient in this matter, and why is not legal action contemplated ? Why should not legal action be taken, for instance, against the newspaper which is published in Delhi and which gave the widest publicity to this scurrilous article ?

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I am very sorry to say that now-a-days the attitude of Government is very unsatisfactory and condemnable. What we find now-a-days in replies to our questions is that the Government Members do not show us even the courtesy of reading the articles referred to in our questions. Even when letters referred to in our questions are with their subordinates, they do not take the trouble of reading them. What happens is that the Railway Department acts like Sir Thomas Ryan's Department, *i.e.*, the Postal Department and my Honourable friend, Mr. Rau, says that he will send the question to the Agent and then he writes to the Agent that there is no need of any reply from him and he may take any action he likes. Then there is the Education, Health and Lands Department which does not want to do the duties of the Postal Department and does not take even the trouble to send these questions to the Local Governments. The Honourable the Finance Member and the Army Secretary are in reserved compartments, while the Political Department is a secret society. In the Home Department, Sir, there is perfect home rule. This is the attitude of Government now-a-days. I want to warn Government that this is the attitude which is responsible for all these terrorist activities (Applause) in the country as proved by what happened a year or two ago in Calcutta. Then an attempt was made on the life of an editor. This attitude works in the minds of the young men, but this side has always condemned these ideas. But when it is a case of Anglo-Indian papers, Government do not want to take any action against them.

I want to ask them, what is the harm if you bring a case against the Anglo-Indian papers ? They will be punished with a fine of Rs. 500 or Rs. 1,000. You can repay them those thousand rupees by way of advertisements. (Laughter.) You are always giving those advertisements to those papers and, so, what is the harm ? You will get something from them from one pocket and put it back in another in another way. (Hear, hear.) What is the harm in bringing cases against these papers ?

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : That is a nice way of balancing the budget.

Mr. M. Maswood Ahmad : That is a homely affair of the Home Department.

This is an all-India question. I have great respect for Mahatmaji. I put a question yesterday to my Honourable friend, sitting just behind the Home Member, and it was " I want to know whether Government are aware that these articles have injured the feelings of people who live in the area administered by the Central Government ". It was a very simple question ; and what was the reply to it ? It should merely have been that the Government are aware that those feelings had been injured. But, no. The same attitude, which the Government took in replying to Mahatmaji, in reply to his telegram—no—was shown : the Joint Secretary said : " The Government are not aware of the feelings of all the people who have read this article." It is quite strange that, after so many supplementary questions, which were put here, they should say that they were not aware of this fact. When he was asked by Sir Cowasji Jehangir whether the Government were now prepared to consider this question, what was the harm in saying : " Yes ; Government are prepared now, after seeing the feelings of the House, to consult the Law Member." But, no. Government do not propose even to consult the Law Member. Certainly this is an attitude of the Government which we should all censure. We cannot encourage this sort of reply. Sir, had this article been issued only in those areas, which were under Local Governments, they would have been right in saying that they were sending this article and these questions and answers to the Local Governments. But that is not the case. That article was published in Delhi as well and the attention of the Government was drawn to this fact as well. When this article had been published in areas administered by the Central Government and there is no Council there, the people of those areas cannot bring those facts to the notice of the Home Member ; and so we brought this matter to his notice ; but even then the Government did not propose to take any action. I ask Government, if they are not even prepared to show this much courtesy that such articles, which injure the feelings of thousands and millions in India, and which may endanger the peace of the country, should be placed before the Court ; are they not prepared to place it even before the Law Member and to consult him ? The reply is that they are not prepared to do anything. They always say : " Trust us ; we will do everything ". Take the case of the Reserve Bank Bill. They say " Trust us "; " We are doing this, that and the other ". But mere promises cannot do anything. When I see their practice, how they work these things, I find that everything is quite different. They do not even care for our feelings.

Sir, certainly I hope my Honourable friend will remember the words expressed by Lord Irwin and by other great men of Great Britain about Mahatmaji. With all the differences with Mahatmaji, I do not hesitate in saying that he is a great man ; he is respected not only by Hindus, he is respected by all in India. He is not respected by Indians only : rather the world respects him. He is an old man. He is a religious man. When for such articles written against such a man the Government are not prepared to take any action, their case is indefensible. Certainly this attitude of the Government is shameful and condemnable. (Applause.)

Apart from the attitude of the Government, I will ask my friend that so far as the attitude of my Honourable friend, the Joint Secretary, is concerned, we must consider that after all he was a new man here and he had opened his lips, as far as I remember, for the first time in this Assembly ; and, so anything which would have been said loosely by him, we should not take it very seriously. (Laughter.) But so far as the attitude of Government is concerned, certainly the attitude of Government is condemnable. Today also I found a speech from my Honourable friend, Mr. Sarma. He is the habitual supporter of the Government (Laughter), and so we should not take any notice of him. (Laughter.) There are men amongst us as well who sit on the opposite side and who have voted against the question of the mosque in Delhi. The mosque was called the Kucha Rahman Mosque. As those Members who are Nominated Members, we should not take them seriously. (Laughter.) After all, we represent here our constituencies and they represent their constituencies. (Loud Laughter.) They also have got, after all, a constituency which nominate them. Certainly it is their duty to satisfy their constituency. If I do not satisfy my constituency, certainly when I go out, they will come down upon me and say : " You did not represent us well ". The same is the case with Mr. Sarma : if he had not made this speech, the Department which has nominated him can ask him : " Why did you not support us when we have nominated you ? " (Loud Laughter.)

[Mr. M. Maswood Ahmad.]

Just now, I heard my Honourable friend, the Home Member, say that votes should be taken on this subject. For the first time in the tenure of his office, I am sorry to see that he has lost his temper. I have never before seen him losing it. He always gives replies, some time laugbing and some time with a smiling face. He always attempts to satisfy the House ; but I am surprised to see what forced him to stand and say : " Very well, come and decide this question by vote ". (Laughter.).....

The Honourable Sir Harry Haig : Why are we debating ? What is the object of our debate ?

Mr. M. Maswood Ahmad : It means that my Honourable friend also wanted to satisfy his constituency. (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House now stands adjourned till Eleven O'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 13th September, 1933.

LEGISLATIVE ASSEMBLY.

Wednesday, 13th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

MUSLIMS APPOINTED IN THE MUSSOORIE HEAD AND SUB-POST OFFICES IN THE INFERIOR CADRE.

882. ***Lieut. Nawab Muhammad Ibrahim Ali Khan :** With reference to the reply to my question No. 7, dated the 22nd August last, will Government be pleased to let the House have the information regarding the number of Muslims appointed in the Mussoorie Head and Sub-Post-Offices in the inferior cadre, during the years 1931, 1932 and 1933, in officiating and permanent vacancies ? If the information be not available as yet, when may it be expected ?

The Honourable Sir Frank Noyce : No permanent appointment was made in the Head Post Office and the Sub-Post Offices at Mussoorie in the inferior cadre, during the years 1931, 1932 and 1933. Nine Muslims were engaged in seasonal appointments during the period, two in 1932 and seven in 1933.

COMMITTEES FORMED IN CONNECTION WITH CONSTITUTIONAL REFORMS.

883. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the names of the Committees which were formed in connection with the constitutional reforms and in which not a single non-Muslim was appointed and the names of the Committees in which not a single Muslim was appointed ?

The Honourable Sir Joseph Bhore : Since 1930 there have been three Committees to which no representative of the Muslim Community was appointed, namely

(1) Sind Financial Enquiry Committee (1931).
(2) Orissa Committee (1931-1932).
(3) Orissa Committee (1933).

No. (1) was purely an expert official Committee to which no Indian, Muslim or non-Muslim, was appointed.

Mr. M. Maswood Ahmad : What is the reply to the second part of the question, Sir, in which it is stated that not a single non-Muslim was appointed to any of these Committees.

The Honourable Sir Joseph Bhore : The Sind Financial Inquiry Committee, Sir.

Mr. M. Maswood Ahmad : Was that Committee composed of Muslims only ?

The Honourable Sir Joseph Bhore : Sir, I have just now stated that that was a Committee to which neither Muslims nor non-Muslims (I mean Indians) were appointed. It was a purely official Committee.

Mr. M. Maswood Ahmad : If these officials were neither Muslims nor non-Muslims, then what they were ?

HOURS OF DUTY OF RAILWAY MAIL SERVICE SORTERS.

884. ***Mr. B. N. Misra** : (*a*) Will Government be pleased to state the weekly hours of duty worked by the Railway Mail Service sorters working (*i*) in Mail Offices, (*ii*) in Sections (running trains) during :

(*A*) day time, (*B*) combined day and night time and (*C*) night time ?

(*b*) Is the attendance of the sorters on the platform or in the mail van before the departure of the train from a railway station counted as duty ?

(*c*) Is any provision made for the time spent by the sorters in handing over charge to a mail agent or other set at a terminal or changing station ?

(*d*) Is the time spent by the sorters working in sections at Record Offices in order to prepare the work-papers for the next trip and on other duties counted in their weekly hours of duty ?

(*e*) If the reply to parts (*b*) to (*d*) be in the negative, will Government please state why the time of the sorters which is spent in performing official duties mentioned above is ignored ?

(*f*) Do Government propose to take these duties into consideration in calculating the duty hours of sorters ?

The Honourable Sir Frank Noyce : (*a*) Though Government have not definitely fixed the weekly working hours of sorters in the Railway Mail Service Mail offices, the following standards are usually followed as a rough guide in actual practice :

For wholly day work—not exceeding 56 hours.

For wholly night work—not exceeding 42 hours.

For work partly by day and partly by night—varying between 42 and 56 hours.

As regards the weekly working hours of the sorters of Railway Mail Service working in running sections, the Honourable Member's attention is invited to the reply to part (*c*) of Pandit Satyendra Nath Sen's starred question No. 1211 in this House on the 10th April, 1933.

(*b*), (*c*) and (*d*). No. The weekly working hours referred to in the latter part of the reply to (*a*) above are exclusively for work done by sorters in the running van.

(*e*) and (*f*). The standards laid down for the weekly working hours of sorters in running sections are so liberal that Government do not consider it necessary to make any separate allowance for the duties referred to by the Honourable Member.

INTERNATIONAL POSTAL CONFERENCE TO BE HELD AT CAIRO.

885. ***Mr. B. N. Misra** : (*a*) Is it a fact that an International Postal Conference will be held shortly at Cairo (Egypt) and that some Postal officers from India will represent Government at that Conference ?

(*b*) Is it a fact that the proceedings of the Conference will be conducted in the French language and that for that purpose the knowledge of the French language is essential for the Indian delegates who will attend the Conference ?

(*c*) If the replies to parts (*a*) and (*b*) be in the affirmative, will Government be pleased to state the names of the Postal officers selected for the Conference from India, stating whether each and every member of the delegation is fully qualified in the French language to take proper part in the deliberations of the Conference ?

(*d*) Do Government propose to select suitable officers having knowledge of French and Foreign Postal Work ?

(*e*) Will Government please state what will be the approximate expenditure on account of the delegation ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) At previous International Postal Conferences the formal proceedings were conducted in French. At the last International Telegraph and Radio Telegraph Conference, however, it was decided that the proceedings should be conducted both in French and English, and it is possible that the same procedure will be followed at the forthcoming Postal Conference also. In any case, much of the discussion in which delegates take part is conducted in English, and an expert knowledge of French can hardly be regarded as essential, though knowledge of that language is very desirable.

(*c*) and (*d*). The names of the officers selected are :

(1) Rai Bahadur P. N. Mukerji, C.B.E., M.A.,

(2) Rai Bahadur S. C. Gupta, M.A.,

(3) Mr. Mohamed Al Hasan, B.A.

Rai Bahadur P. N. Mukerji has already attended two previous International Postal Congresses. Rai Bahadur S. C. Gupta has been doing the preliminary work in connection with the forthcoming Congress. Both these officers are familiar with foreign post work and possess a working knowledge of French.

Mr. Mohamed Al Hasan is an experienced postal officer, who, it is believed will also prove a valuable member of the delegation though he has not specialised in foreign post work. He is expected to have a sufficient knowledge of French by the time he attends the Conference.

All three officers are considered quite suitable to represent India at the Congress.

(*e*) About Rs. 45,600.

Dr. Ziauddin Ahmad : Can we not insist on the Conference to follow the example of the League of Nations, where the speeches are permitted to be made in English or in French, and they are immediately translated. May I, therefore, request the Government to consider this fact ; and

I may further point out that a person who has a little knowledge if French will never be able to acquire sufficient command over French language so as to be able to take part in proceedings and make speeches. It is not an easy matter to understand speeches in French when they are made by Frenchmen and then to reply to those speeches in French ; and it is exceedingly difficult for any Indian to acquire such a thorough knowledge of French, and I would, therefore, request the Honourable Member in charge to consider this fact carefully and to press that the example of the League of Nations should be followed in all these Conferences and the proceedings should be conducted both in English and in French. We should press that this should be made a necessary condition for our participation.

The Honourable Sir Frank Noyce : I am very glad the point has been raised by the Honourable Member, but I would point out to him that this is a Congress of all the nations of the world, and I very much doubt whether a single Government is in a position to influence the authorities concerned as to the way in which the proceedings of the Congress should be conducted.

Dr. Ziauddin Ahmad : But the League of Nations is just in the same position. They represent 57 nations, and the only languages recognised there are French and English. That is a good example and we ought to insist on all Congresses and Conferences to follow the example of the League of Nations.

(No reply.)

DUTIES OF THE HEAD CLERK TO A SUPERINTENDENT OF POST OFFICES.

886. ***Mr. B. N. Misra** : (*a*) Is the Head Clerk to a Superintendent of Post Offices an investigating officer ?

(*b*) Is it any part of his duties to conduct enquiries into any case of the Department ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Although the Head Clerk of a Superintendent of Post Offices is not usually regarded as an investigating officer, he may, in certain conditions, be required to make inquiries into departmental cases.

OFFICE BEARERS OF POSTAL UNIONS.

887. ***Mr. B. N. Misra** : (*a*) Will Government please state whether there are any orders forbidding Postal Officials to become members and office bearers of their Unions ?

(*b*) Are Government aware of the impression that such office-bearers of Unions are penalized by transfer and other means for their holding such appointments ?

(*c*) If the replies to parts (*a*) and (*b*) above be in the negative, do Government propose to enquire into the case of the transfer of the Secretary, Bahawalpur Posts and Telegraphs Hindu Union (Mr. Dharam Chand) from Bahawalpur to Jampur in the Dera Ghazi Khan District ?

The Honourable Sir Frank Noyce : (*a*) There are no orders forbidding postal officials to join or become office bearers of any Union, membership of which is not opposed to the Government Servants' Conduct Rules. The question is however under consideration whether gazetted officers should be allowed to be office bearers in associations composed mainly of subordinate staff.

(*b*) No.

(*c*) Government do not propose to make enquiries as the matter is within the competence of the Head of the Postal Circle concerned to whom a copy of the question is being sent.

RESERVATION OF SEATS FOR SOLDIERS IN THE ARMY HEADQUARTERS.

888. ***Mr. Muhammad Azhar Ali** : (*a*) Will Government please state whether it is a fact that a Home Department circular laid down " that it has now been decided in consultation with the Army Department that 25 per cent. of the clerical staff in the Army and Royal Air Force Headquarters, hitherto reserved for soldiers and *ex*-soldiers, should in future include lady clerks as well " ?

(*b*) Is it open under that circular for any branch of the Army Headquarters to interpret the circular to mean that the 25 per cent. posts reserved for soldiers and *ex*-soldiers shall be confined to the upper grade and not spread over the entire clerical staff ?

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) The 25 per cent. applies to Army Headquarters as a whole and not to any particular grade in any particular Branch. In practice however the men are divided between the first and second Divisions.

SOLDIERS HOLDING UPPER DIVISION APPOINTMENTS IN THE ARMY HEADQUARTERS.

889. ***Mr. Muhammad Azhar Ali** : (*a*) Will Government please lay on the table a statement showing the percentage of soldiers or *ex*-soldiers holding upper grade appointments in the various branches of the Army Headquarters ?

(*b*) Is it a fact that in the Adjutant General's Branch an Office Order has been issued reserving 25 out of 36 upper grade appointments for soldiers and *ex*-soldiers ? If so, how do Government reconcile this order with their circular that 25 per cent. of the reservation shall be in respect of all clerical appointments ?

Mr. G. R. F. Tottenham : (*a*) A statement is laid on the table.

(*b*) The reply to the first portion of the question is in the affirmative.

As explained in the answer to the previous question, there is no order laying down the percentage of soldiers, *ex*-soldiers and lady clerks to be employed in each Branch or grade. They are employed in accordance with the administrative requirements subject to the condition that their number does not exceed 25 per cent. of the total clerical strength of Army and Royal Air Force Headquarters as a whole.

Statement.

Office.	Percentage of upper grade appointments held by soldiers or *ex*-soldiers.
1	2
G. S. Branch	45·9
A. G.'s Branch	66·6
Q. M. G.'s Branch	24·4
M. G. O. Branch [excluding offices of Director of Contracts and Assistant Director of Ordnance Services (Provision)].	32
M. S. Branch	25
E.-in-C.'s Branch	4·5
Medical Directorate	40
J. A. G.	*Nil.*
Contracts Directorate	5·9
A. D. O. S. (P.)	41
R. A. F. Headquarters	53

NOTES:—1. The Upper grades in the Office of the A. D. O. S. (Provision) are recruited from arsenals.

2. An *ex*-soldier holds the only Upper Grade appointment in the Office of the Assistant Military Secretary (Personal), to H. E. the Commander-in-Chief.

UNQUALIFIED PERSONS PROMOTED TO UPPER DIVISION IN THE ARMY HEADQUARTERS.

890. ***Mr. Muhammad Azhar Ali**: (*a*) Will Government please lay on the table a statement showing the number of unqualified persons promoted to the Upper Division since the Public Service Commission authorised the Departments to make such promotions?

(*b*) How many of such promotions were made in respect of soldiers and *ex*-soldiers and how many in respect of Indian employees?

The Honourable Sir Harry Haig: The information asked for is being collected and will be laid on the table in due course.

APPLICATIONS RECEIVED FROM ASSESSEES IN SIND FOR TRANSFER OF THEIR ASSESSMENT.

891. ***Mr. Lalchand Navalrai**: Will Government be pleased to lay on the table a statement showing for each of the three years 1930-31, 1931-32 and 1932-33 the number of applications received from assessees in Sind for transfer of their assessments under the provisions of section 64 of the Income-tax Act and the number in which transfers were refused?

The Honourable Sir George Schuster: A statement is laid on the table.

Statement showing the number of applications received from Assessees in Sind for transfer of their Assessments under section 64 and the number in which transfers were refused during the years 1930-31, 1931-32 and 1932-33.

	No. of applications received from assessees for transfer of assessments under section 64.	No. of applications in which transfer was refused.
1930-31	28	*Nil.*
1931-32	31	1
1932-33	72	4

AMENDMENT OF SECTION 64 OF THE INDIAN INCOME-TAX ACT.

892. ***Mr. Lalchand Navalrai**: (*a*) Will Government be pleased to state if they have received any representations for amending section 64 of the Income-tax Act?

(*b*) If so, will Government be pleased to state the nature of the representations so far made and the action so far taken or proposed to be taken in response to such representations?

The Honourable Sir George Schuster: The Government have received one such representation. It suggested that provision should be made that a party concerned should be given a hearing before the Commissioner gives a decision under the section. As in practice an applicant can always have a hearing and as in the case mentioned by the person who made the representation it was clear that he had put his case to the Commissioner before orders were passed, the Government saw no occasion for any action.

INCOME-TAX AND ASSISTANT INCOME-TAX OFFICERS APPOINTED IN BENGAL.

893. ***Pandit Satyendra Nath Sen**: Will Government be pleased to lay on the table a statement showing the total number of Income-tax Officers and Assistant Income-tax Officers appointed since April, 1922, to date in the Income-tax Department of Bengal?

The Honourable Sir George Schuster: Twelve Income-tax Officers and fifteen Assistant Income-tax Officers have been appointed in the Income-tax Department, Bengal, since April, 1922.

OFFICERS DISCHARGED FOR FAILURE TO PASS DEPARTMENTAL EXAMINATION IN THE INCOME-TAX DEPARTMENT IN BENGAL.

894. ***Pandit Satyendra Nath Sen :** (*a*) Will Government be pleased to lay a statement on the table showing the total number of officers (gazetted) discharged for failure to pass the departmental examination from April, 1922, upto date and the total amount of salary paid to the discharged officers during the tenure of their service, in the Income-tax Department, Bengal ?

(*b*) Has any officer been confirmed during the said period, though he could not pass completely the departmental examination ?

(*c*) How many Examiners of Accounts have been confirmed after having passed the Departmental Examination in due course within two years during the said period ?

(*d*) How many Examiners of Accounts have been confirmed with grace chances after two years and how many have been confirmed, though they could not pass the departmental examination completely, in spite of grace chances having been allowed to them ?

(*e*) How many Examiners of Accounts have been discharged for failure to pass the departmental examination during the said period ?

The Honourable Sir George Schuster : (*a*) and (*c*). About six gazetted officers have been so discharged in the period named but the exact figure cannot be given without going through the records. As for the amounts of salary paid to them while in service, the answer to this, as also to part (*c*) of this question, is that the compilation of the information asked for would involve an expenditure of time and labour which would be incommensurate with the value of the results secured.

(*b*) No.

(*d*) Exact particulars could only be given at the cost of excessive labour, but the number is approximately six.

(*e*) None.

INCOME-TAX DEPARTMENT IN BENGAL.

895. ***Pandit Satyendra Nath Sen :** (*a*) Will Government be pleased to lay on the table a complete list showing the names of officers (gazetted) in the Income-tax Department in Bengal, who died in active service, and their respective age and lengths of service in this Department at the time of their death from April, 1922, till now ?

(*b*) Will Government be pleased to lay on the table a statement showing the percentage of discharged officers, and the percentage of death rate of officers separately, compared with the total sanctioned strength of Income-tax Officers in Bengal during this period ?

(*c*) Will Government be pleased to lay on the table a list showing the names and length of service of officers who have recently been retrenched on the ground of economy in the Income-tax Department of Bengal ?

(*d*) Is it a fact that the very same Government of India letter of June, 1933, which conveyed the sanction for retrenchment of seven officers, also conveyed the sanction for appointment of seven Examiners of Accounts to replace the seven retrenched officers with a view to curtailment of expenditure ?

(*e*) Will Government be pleased to lay on the table a detailed statement showing the total amount of annual saving that they have in mind to effect by replacing the seven retrenched officers by seven newly appointed Examiners of Accounts after paying bonus, pension and earned leave pay for the retrenched officers ?

(*f*) Will Government be pleased to state the estimated additional expenditure that Government have to meet monthly from May, 1933, as a result of the reduction of ten per cent. cut to 5 per cent. in the pay of the whole force of the Income-tax Department of Bengal ?

The Honourable Sir George Schuster : (*a*) and (*c*). Two statements are laid on the table.

(*b*) The number of discharged gazetted officers was seven, (four Income-tax Officers and three Assistant Income-tax Officers). At the time, the sanctioned strength of Income-tax Officers was 35 ; the total number of gazetted officers was 62, out of a sanctioned strength of 66, two posts being vacant and two having been surrendered to correspond with an increase by two in the number of Examiners, in accordance with the programme of gradual absorption adopted in 1927. The total number of deaths of gazetted officers of all grades has already been given and may be compared with the sanctioned strength already given.

(*d*) Yes.

(*e*) Exact figures as to bonus, pension and leave pay of the retrenched officers are not yet available, but the approximate figures are—for pension, Rs. 915 monthly and for gratuities, Rs. 18,750. The annual saving in pay on account of replacement of the seven retrenched officers by Examiners of Accounts is Rs. 23,332 on average cost basis.

(*f*) Rs. 53,000 approximately.

Statement showing the names of officers (gazetted) in the Income-tax Department, Bengal, who died in active service and their respective age and lengths of service in this Department at the time of their death from April, 1922, till now.

Name of deceased officer.	Age years.	Length of service in the Department from 1922 at the time of death.
1. Mr. J. N. Chatterjee	36	2 years and 4 months.
2. „ W. B. Kirkwood..	Not known	4 years (approximately).
3. „ S. N. Roy	48	7 „ „
4. „ K. H. Mazumdar	37	7 „ „
5. „ N. Roy..	46	6 „ „
6. „ P. L. Adhikari	33	10 „ „
7. „ N. C. Shaha	40	11 „ „

Statement showing the names and length of service of Officers retrenched in the Income-tax Department, Bengal.

1. Mr. R. Ghatak	..	Income-tax Officer	23 years.
2. Mr. F. C. Chopra	..	„ „	13 „
3. Mr. P. L. Bhattacharji	..	„ „	13 „
4. Mr. S. K. Datta	..	„ „	13 „
5. Mr. Nefazuddih	..	Assistant Income-tax Officer	9 „
6. Mr. Abdul Majid	..	„ „	8 „
7. Mr. B. B. Basu	..	„ „	7 „

SAVING EFFECTED BY THE RETRENCHMENT OF SEVEN OFFICERS IN THE INCOME-TAX DEPARTMENT, BENGAL.

896. ***Pandit Satyendra Nath Sen**: Will Government be pleased to place on the table a statement showing :

(*i*) the total receipts in 1932-33 ;

(*ii*) the total expenditure in 1932-33 ;

(*iii*) the ratio of expenditure to receipts in 1932-33 ; and

(*iv*) the ratio of savings to total expenditure that Government have in mind to effect by the retrenchment of the above-noted seven officers in the Income-tax Department, Bengal ?

The Honourable Sir George Schuster: I presume the question refers to the Bengal Income-tax Department. If so, the answers are :

(*i*) Rs. 428½ lakhs.

(*ii*) Rs. 11½ lakhs.

(*iii*) 2.6 per cent.

(*iv*) The saving due to the abolition of seven posts of Income-tax Officers referred to in the previous question will be on the average cost basis, 2.5 per cent. of the total expenditure in the Bengal Income-tax Department.

RETRENCHMENT IN THE INCOME-TAX DEPARTMENT, BENGAL.

897. ***Pandit Satyendra Nath Sen**: (*a*) Is it a fact that the General Purposes Sub-Committee of the Retrenchment Advisory Committee recommended (*vide* page 12 of Part I of the Report) the abolition of the two highly paid posts of Assistant Commissioners of Income-tax in Calcutta ? If so, have they been abolished ? If not, why not ?

(*b*) Will Government be pleased to state the number of additional Income-tax Officers who have been working or who have worked after confirmation in the Department without any powers like examiners on account of their inefficiency and the period during which they are having no such powers ?

(*c*) Has any of these additional Income-tax Officers, who have been working or who have worked without powers been retrenched on account of their incompetency and inefficiency ?

The Honourable Sir George Schuster: (*a*) Yes. The posts have not been abolished. The pay of the posts was reduced to Rs. 1,000—100—1,500 with a special pay of Rs. 250 in 1927, but as the present incumbents were holding the posts before 1927, they are drawing the old scale of Rs. 1,500—100—2,000. The revised scale will be introduced as they retire. It is not part of the Government policy of retrenchment to discharge officers and replace them by officers of the same grade but on lower rates of pay.

(*b*) No additional Income-tax Officers are working without statutory powers on grounds of inefficiency. Certain officers are working without powers for reasons of departmental convenience.

(*c*) Does not arise.

RELEASE OF PERSONS DETAINED IN JAILS FOR INDEFINITE PERIODS.

898. ***Shaikh Sadiq Hasan**: Are Government aware that a peaceful atmosphere prevails at present throughout the country, and if so, are they prepared to consider the possibilities of releasing those persons who have been detained in jails for indefinite long periods ?

The Honourable Sir Harry Haig: With regard to the first part of the question I should prefer not to generalise. With regard to the second part, I presume the Honourable Member refers to State Prisoners detained under Regulation III of 1818. Their cases are reviewed from time to time in order to determine whether the orders for detention should continue in force or be modified.

REPRESENTATIONS TO GOVERNMENT OF MR. AZIZ HINDI, A STATE PRISONER.

899. ***Shaikh Sadiq Hasan**: (*a*) Is it a fact that a State Prisoner has often to wait for a considerable period of three to four months for a reply from Government to his representations ?

(*b*) Is it a fact that Mr. Aziz Hindi, a State Prisoner, does not often get a reply to his representations made to Government ?

(*c*) Will Government be pleased to state what avenues are open to a State Prisoner if he feels that he is not being treated fairly and squarely at the hands of the authorities ?

The Honourable Sir Harry Haig: (*a*) and (*b*). I am not aware of any avoidable delays in disposing of representations by a State Prisoner, or of any instance in which a reply has not been sent to Mr. Aziz Hindi's representations.

(*c*) I would draw the Honourable Member's attention to the provisions of section 5 of Regulation III of 1818 from which he will observe that every representation which a State Prisoner may be desirous of making is forwarded to and dealt with by the Governor General in Council.

WELFARE SCHEME ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

900 ***Mr. E. H. M. Bower**: (*a*) Is it a fact that there are welfare schemes on the East Indian and Eastern Bengal Railways for the benefit of the subordinate staff ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government please state whether the staff of the Accounts Department of these Railways participate in the benefits of these welfare schemes ?

(*c*) If the reply to part (*b*) be in the negative, will Government please state what provisions there are for the staff of the Accounts Department to receive welfare relief in accordance with the policy operating on those Railways ?

Mr. P. R. Rau : I presume the Honourable Member is referring to the Staff Benefit Fund. If so, the reply to part (*a*) is in the affirmative. As regards part (*b*), I am not aware of any rule which prevents the Accounts Department from sharing in the benefits of the schemes. Part (*c*) does not arise.

SUSPENSION OF EMPLOYEES OF THE EAST INDIAN RAILWAY, ACCUSED OF AN OFFENCE UNDER THE INDIAN PENAL CODE BUT RELEASED ON BAIL.

901. ***Mr. E. H. M. Bower :** (*a*) Is there any rule that when a subordinate employee on the East Indian Railway is accused of an offence against the Indian Penal Code and is released on bail pending trial, the accused employee is placed under suspension till such time as a competent court pronounces judgment ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government please state whether the same procedure is applied in the case of the gazetted officers of the East Indian Railway ?

Mr. P. R. Rau : (*a*) The rule is that any person whose conduct is undergoing investigation on a serious charge shall be placed under suspension until his case has been decided by the competent authority.

(*b*) I am not aware of any case in which this rule has been disregarded in the case of gazetted officers by the East Indian Railway.

CERTAIN POSTS IN THE RATES AND CLAIMS OFFICES OF THE COMMERCIAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

902. ***Mr. E. H. M. Bower :** (*a*) Is it a fact that the Rates and Claims offices of the Commercial Department of the East Indian Railway are considered as one unit for the demotion of subordinate staff ?

(*b*) Are they also considered as one unit for the promotion of the subordinate staff ?

(*c*) Are the subordinate posts in these offices inter-changeable, *e.g.*, can the services of a Rates Clerk be utilised as a Claims Clerk and *vice versa* ?

(*d*) Is it a fact that there are five subordinate posts in these two offices of the Commercial Department in the cadre of Rs. 400—500 ?

(*e*) Will Government please state :

(*i*) the names of the five substantive incumbents of these five posts ;

(*ii*) the dates on which they were appointed to these posts ;

(*iii*) their substantive salaries ;

(*iv*) whether they are actually performing the specific duties of their posts ;

(*v*) whether any of these five posts are at present filled by officiating incumbents ; and

(*vi*) the names and substantive salaries of such officiating incumbents ?

Mr. P. R. Rau : (*a*) to (*e*). Government have no information. These questions are all within the competence of the Agent to decide.

RULES FOR DETERMINATION OF SENIORITY OF THE SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

903. ***Mr. E. H. M. Bower :** (*a*) Is it a fact :

(*i*) that the Agent of the East Indian Railway has circularised rules for determining the seniority of the subordinate staff ;

(*ii*) that no definite rules have been framed regarding the seniority of officiating Transportation Inspectors ?

(*b*) Will Government be pleased to state how seniority is to be decided in the case of subordinates who officiate in the Transportation Inspectors' grade ?

Mr. P. R. Rau : Government have no information, but have sent a copy of this question to the Agent, East Indian Railway, for any action necessary.

PROVISION OF FACILITIES TO ACCUSED SUBORDINATES IN DEPARTMENTAL ENQUIRIES ON THE EAST INDIAN RAILWAY.

904. ***Mr. E. H. M. Bower :** (*a*) Is it a fact that the rules governing departmental enquiries on the East Indian Railway do not make any provision

(*i*) for the recording of the evidence of witnesses by the accused subordinates,

(*ii*) for copies of the evidence and the findings of the enquiry being supplied to the accused subordinate ?

(*b*) Do Government propose either to grant facilities to the accused subordinate to record the evidence or supply him with copies of the same and the finding of the enquiry ? If not, why not ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 904, 905 and 906, together. Rules were issued in 1930 under the authority of the Government of India regulating the discharge and dismissal of State Railway non-gazetted Government servants. These apply to all State-managed Railways : they provide for a departmental enquiry when it is considered that the offence with which an employee is charged is likely to lead to his dismissal. At this enquiry it is laid down that a definite charge in writing shall be framed in respect of each offence and explained to the employee, and the evidence in support of it, as well as his defence, along with any evidence which he may adduce in his defence, shall be recorded in his presence, provided that, for special reasons to be recorded, the evidence of any witness may be taken and recorded otherwise than in the presence of the employee. Copies of relevant documents, which in the opinion of the officer or the committee making an enquiry will be of assistance to the employee in the conduct of his defence, should be supplied

at his request. The Agents are empowered to make subsidiary rules for the purpose of giving effect to the provisions of these rules, but not to alter the main provisions and Government have no reason to believe that they are disregarded on the two Railways mentioned by the Honourable Member.

PROVISION OF FACILITIES TO ACCUSED SUBORDINATES IN DEPARTMENTAL ENQUIRIES ON THE EASTERN BENGAL RAILWAY.

†905. ***Mr. E. H. M. Bower :** (*a*) Will Government be pleased to state whether rules exist on the Eastern Bengal Railway for the conduct and procedure of departmental enquiries in which a subordinate employee is the accused ?

(*b*) Is the accused subordinate at such enquiries permitted to cross-examine witnesses ?

(*c*) Is he permitted to record the evidence of witnesses ?

(*d*) If the answer to part (*c*) be in the negative, is the accused provided with copies of the evidence and the finding of the enquiry ?

(*e*) Do Government propose to issue orders to the Railway authorities concerned to provide facilities to accused subordinates ? If not, why not ?

RULES GOVERNING DEPARTMENTAL ENQUIRIES ON STATE RAILWAYS.

†906. ***Mr. E. H. M. Bower :** (*a*) Will Government be pleased to state whether there is a common set of rules governing departmental enquiries on State Railways ?

(*b*) If so, are those rules followed by all the five State Railways ?

(*c*) If the answer to part (*b*) be in the negative, do Government propose to issue instructions tc Agents of Railways to adhere to these rules in all such cases ?

PROCESSION ON THE EKADASI DAY IN SHAHDARA, DELHI.

907. ***Bhai Parma Nand :** (*a*) Will Government be pleased to state if it is not a fact that the Hindus of Shahdara (Delhi) have been holding a procession on the Ekadasi day every year from very ancient times ?

(*b*) Is it not a fact that up till this year, no restriction was placed on that procession ?

(*c*) Is it a fact that this year, the local authorities have laid down a condition, forbidding the Hindus to play music before the mosques ?

(*d*) Is it also a fact that as a protest the Hindus of Shahdara have given up the holding of the procession and as a result great discontent prevails among them ? If so, who is responsible for this innovation and consequent discontent ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*), (*c*) and (*d*). In 1932 the Muhammadans of Shahdara objected to the procession playing a band in front of the Saraiwala Mosque because it interfered with their evening prayers. The Magistrate of Shahdara issued a written order forbidding the procession to play music before the mosque at the time of evening prayers. This condition was not entered

†For answer to this question, see answer to question No. 904.

in the licence as the licence had been prepared and delivered before the issue of the order. The condition was, however, observed by the licencees. This year an application for the taking out of the procession was made to the Magistrate of Shahdara who sanctioned the application but in accordance with the precedent of 1932 ordered that the procession should not play music before the Saraiwala Mosque during the evening prayer time and this condition was inserted in the licence. The licencees, however, refused to accept it and the procession was not taken out. A meeting was held by the Hindus of Shahdara protesting against the condition inserted in the licence.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether any objection was taken by the Muhammadans during this last occasion when permission was applied for ?

The Honourable Sir Harry Haig : I think we may assume that that was the case from the facts that I have stated to the House.

Rai Bahadur Kunwar Raghubir Singh : Is the mosque on the road ?

The Honourable Sir Harry Haig : I should require notice of that question. I am not acquainted myself with the locality.

Mr. B. V. Jadhav : May I know what was the necessity of inserting the condition in the licence when, on a former occasion, the insertion was not necessary and the Hindus had not broken that condition ?

The Honourable Sir Harry Haig : The point is that in 1932 the question arose at the last moment and it was not possible to insert the condition in the licence. It was a question of time. On this occasion the matter was taken into consideration sufficiently early and the condition was inserted in the licence.

Mr. M. Maswood Ahmad : Is it a fact that playing of music is not a part of religion ?

The Honourable Sir Harry Haig : That is a general question which it seems unnecessary to go into now.

Mr. Lalchand Navalrai : May I know if the licence was given for this year only or for the future also ?

The Honourable Sir Harry Haig : The licences are given annually as the occasion arises.

Dr. Ziauddin Ahmad : May I suggest that we may discuss this question outside the Assembly, and let us not discuss it on the floor of the House.

Mr. Lalchand Navalrai : Bhai Parma Nand will be prepared for it I think.

Bhai Parma Nand : May I know, if some three or four people or one go and raise an objection, should Government at once introduce a new condition altogether and ignore the tradition that had been going on for a century or more ?

The Honourable Sir Harry Haig : I have no doubt that all the circumstances of the case were carefully considered by the Magistrate before he came to his conclusion.

Bhai Parma Nand : Is it a fact that after that procession another procession by the Jain community was started and that no such condition was laid down for them ?

The Honourable Sir Harry Haig : I am afraid I have no information on that point.

CIRCULATION OF A PROPOSAL FOR PURCHASE OF DERBY SWEEP TICKETS BY THE DIVISIONAL SUPERINTENDENT, MORADABAD DIVISION, EAST INDIAN RAILWAY.

908. ***Bhai Parma Nand** : (*a*) Will Government please state if it is a fact that the Divisional Superintendent, Moradabad Division, East Indian Railway, on April 3, 1933, under No. 12|199|32-E., circulated a proposal for purchase of Derby Sweep Tickets through the Chief Operating Superintendent, Calcutta ? If so, what was the initial expenditure incurred in respect of this printed circular, postage stamps, remittance charges, etc., and was it justified ?

(*b*) Is it a fact that the money collected for Derby Sweep, 1933 (approximately Rs. 500) in the Moradabad Division was sent through a special messenger to Calcutta, who travelled to and from Moradabad on a duty pass and was allowed the usual travelling expenses ? If so, how far is it justified in the public interests ?

Mr. P. R. Rau : I have called for the information and will place a reply on the table in due course.

Pandit Satyendra Nath Sen : May I know from the Honourable the Home Member whether the Derby Sweep is an institution recognised by the Government ?

The Honourable Sir Harry Haig : I do not think it is a matter which comes within the jurisdiction of Government. Government have nothing to do with the Derby Sweep.

Dr. Ziauddin Ahmad : Does it come under the Gambling Act ?

Pandit Satyendra Nath Sen : Are Government aware that the Derby Sweep has an extensive operation in India ?

The Honourable Sir Harry Haig : The Honourable Member is referring to the Derby Sweep. I suppose he means the Sweep organised by the Calcutta Turf Club which is a private institution.

Pandit Satyendra Nath Sen : Yes.

The Honourable Sir Harry Haig : On that point I think I am right in saying that the provisions of the Indian Penal Code do not apply to that particular Sweep.

Pandit Satyendra Nath Sen : Is it a fact that, although the Derby Sweep is not a recognised institution, still Government do not take exception to the operations of that Sweep, while the operations of other raffle Sweeps are very vehemently opposed by Government ?

The Honourable Sir Harry Haig : I understand that the legal position is that the Sweep organised by the Calcutta Turf Club does not offend against the law.

Pandit Satyendra Nath Sen : Is it the same with other Sweeps, as well, for instance, the Irish Hospital Sweep ?

The Honourable Sir Harry Haig : It depends on the nature of the Sweep. I dare say if my Honourable friend wishes to pursue the legal question, my Honourable friend, the Law Member, would be able to throw further light on the subject.

Pandit Satyendra Nath Sen : Are Government aware that one Rabindra Nath Dhar was prosecuted and convicted last year for selling tickets for the Irish Hospital Sweep ?

The Honourable Sir Harry Haig : No, Sir. I was not aware of that fact.

Mr. Lalchand Navalrai : Might I know from the Honourable Member if special sanction has been given for carrying on this Sweep ?

The Honourable Sir Harry Haig : No special sanction has been given. It is merely a question of whether a particular transaction offends against the law or not.

Pandit Satyendra Nath Sen : Is it a fact that a large number of Government servants holding very responsible positions are members of the Derby Sweep ?

The Honourable Sir Harry Haig : I do not quite understand what the Honourable Member means by saying " members of a Derby Sweep ".

Pandit Satyendra Nath Sen : I mean the Derby Sweep Committee.

Mr. Lalchand Navalrai : Might I know if the Honourable Member has ever considered the legal aspect of this question as distinguished from other Sweeps ?

The Honourable Sir Harry Haig : The question asked did not appear to affect my Department and I must confess that I have not recently looked into these legal questions on which my Honourable friends opposite ply me with so many inquiries.

Mr. Lalchand Navalrai : Will the Honourable Member go into that question and find out why this Derby Sweep does not come within the purview of the Penal Code.

The Honourable Sir Harry Haig : If the Honourable Member wishes to put down a question, I shall be very happy to give him an answer.

Pandit Satyendra Nath Sen : I gave notice of several questons which have been disallowed.

The Honourable Sir Harry Haig : I am afraid I cannot take the responsibility for that.

Mr. S. C. Sen : Is it a fact that these tickets are sold privately and confidentially through members only ?

The Honourable Sir Harry Haig : That is the position.

Mr. S. C. Sen : Is that the reason why it does not come within the purview of the Penal Code ?

ISSUE OF DUTY PASSES FOR HIS PRIVATE SERVANT BY THE SUPERINTENDENT, RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

909. ***Bhai Parma Nand** : Will Government be pleased to state if it is a fact that the Superintendent, Railway School of Transportation, East Indian Railway, Chandausi, issued duty passes for his private servants and for carrying his personal things ? If not, for what purposes were duty passes for third class, No. 006204, dated the 27th January, 1933, No. 006208, dated the 22nd February, 1933, *ex*-Chandausi to Cawnpore

Central, No. 006203, dated the 6th January, 1933, for 32 menials *ex*-Chandausi to Moradabad and for second class, No. 005286, dated the 6th January, 1933, for eight subordinates *ex*-Chandausi to Moradabad, issued and whether the Audit Department made any objection to such use of the passes ?

Mr. P. R. Rau : Government have no information but are enquiring into the matter.

USE OF AN OFFICER'S CARRIAGE FOR JOY RIDES UNDER ORDERS OF THE DIVISIONAL SUPERINTENDENT, MORADABAD DIVISION, EAST INDIAN RAILWAY.

910 ***Bhai Parma Nand** : Is it a fact that an officer's carriage, No. 4883, under orders of the Divisional Superintendent, Moradabad Division, East Indian Railway, has frequently been used for joy rides ? If not, on which dates the said carriage was booked to Hardwar and onwards upto Dehra Dun during the period from December, 1932 to August, 1933 and for what purposes ?

Mr. P. R. Rau : I have called for a report from the Agent, East Indian Railway, and will lay a reply on the table in due course.

DUTIES PERFORMED BY THE RAILWAY STAFF DURING MELAS AT GARHMUKTESAR, HARDWAR AND ROORKEE.

911. ***Bhai Parma Nand** : (*a*) Will Government be pleased to state the nature of the duties performed by the Mela Officer, Mela Supervisor and the staff deputed from Travelling Ticket Examiners (Mr. A. M. Alvi) and Junior Guards (Messrs. Ahmed Nabi and Jagdesh Narain) during the Melas at Garhmuktesar, Hardwar and Roorkee in the years of 1932 and 1933 ?

(*b*) From what appointments or cadre were the Mela Officer and Mela Supervisor drawn ?

(*c*) Did Government consider whether the appointment of the Mela Supervisor could be avoided in view of the Station Masters at these stations holding the supervising duties as their ordinary routine ?

(*d*) What was the necessity of having two officers (Mela Officer and Mela Supervisor) functioning at the same time for the Mela at the same station ?

(*e*) What was the extra expenditure incurred in respect of these appointments ?

(*f*) Is it a fact that the Mela Supervisor was provided with a first class four-wheel carriage ? If so, was he entitled to it and for how many days was it utilized by him ? Could he not be accommodated in a tent which was specially hired during the Melas ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to this and the next question together. Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, for consideration in connection with future Melas.

ARRANGEMENTS FOR THE ADH-KUMB MELA 1933 AT HARDWAR.

†912. ***Bhai Parma Nand** : (*a*) Will Government be pleased to state who was directly responsible for the arrangements of the Adh-Kumb Mela 1933 at Hardwar ?

(*b*) Were the working rules of Hardwar Railway Station during Adh-Kumb Mela 1933 workable and approved by the Senior Government Inspector in accordance with the General Rules of the Open Line Working ? If so, will Government please lay on the table a copy of the said rules, together with a statement showing detentions of regular trains and details of derailments and accidents, if any ?

(*c*) Will Government please state how it was justified :

(*i*) to open a Control Office at Hardwar ;

(*ii*) to suspend the goods traffic between Moradabad and Saharanpur ;

(*iii*) to lay an avoiding line off Lhaksar and erect and work cabins or flag stations at both ends ;

(*iv*) to erect a cabin at Hardwar and work the same as a line clear station ;

(*v*) to provide high power arc lamps in addition to the electric installation done for the Mela ;

(*vi*) to purchase kerosine oil for the arc lamps ;

(*vii*) to suspend the stoppage of light trains at Hardwar Tunnel (City Booking Office) and Bhimgoda and the booking of passengers therefrom in spite of the fact that every train stops there under a caution order of Engineering Department ;

(*viii*) to suspend the booking of passengers to and from Jawalapur and Raiwala stations ;

(*ix*) to post nine Assistant Station Masters, three Platform Inspectors and such other extra staff ;

(*x*) to lay out extra lines and erection of temporary platforms out of capital outlay ;

(*xi*) to keep engines on steam for a longer period than required in absence of any anticipation of running of a special ?

ARREARS IN FOREIGN SEA-BORNE TRADE STATISTICS FOR KATHIAWAR PORTS.

913. ***Mr. J. Ramsay Scott** : (*a*) Are Government aware that foreign sea-borne trade monthly statistics for British India for July, 1933, have just been published ?

(*b*) Are Government aware that foreign sea-borne trade statistics for Kathiawar Ports for November, 1932, have just been published ?

(*c*) Are Government aware that the Kathiawar statistics are nine months in arrears ?

The Honourable Sir Joseph Bhore : (*a*), (*b*) and (*c*). Yes, Sir.

† For answer to this question, *see* answer to question No. 911.

IMPORT OF SUGAR THROUGH KATHIAWAR PORTS.

914. *Mr. J. Ramsay Scott : Will Government please lay on the table a statement giving the total imports of sugar imported through Kathiawar ports for the year 1932-33 ?

The Honourable Sir Joseph Bhore : With your permission, Sir, I will reply to questions Nos. 914 and 915 together.

I lay on the table two statements furnishing the information required.

STATEMENT I.

Total imports of sugar into Kathiawar ports during 1932-33.

1932-33.	Quantity (tons).	Value (R).
Sugar	63,793	76,53,491

STATEMENT II.

Imports of cotton textiles and yarns into Kathiawar ports during 1932-33.

Cotton manufactures.		Total imports.		Japan's share.	
		Quantity.	Value (R).	Quantity.	Value (R).
Twist and yarn	lb.	20,333	20,792	1,400	765
Blankets	lb.	448	3,408	..	..
Canvas (a)	yd.	7,115	3,271	..	..
Handkerchiefs (a)	No.	3,600	220	3,600	220
Hosiery (a)	Value	..	26,305	..	2,593
Lace and patent net (a)	yd.	459,896	14,042	..	..
Piecegoods (a)	yd.	6,256,256	12,27,745	2,992,532	4,12,025
Thread, sewing	lb.	13,257	40,351	100	297
Other sorts (a)	Value	..	40,247	..	5,340

(a) Weight not recorded.

IMPORT OF COTTON TEXTILE AND YARN, ETC., THROUGH KATHIAWAR PORTS.

†915. *Mr. J. Ramsay Scott : Will Government please lay on the table a statement giving the imports through Kathiawar ports for the year 1932-33 of :

(a) cotton textiles and yarn in weight and value ;

(b) the Japanese share of such imports in weight and value ?

† For answer to this question, see answer to question No. 914.

INCLUSION IN THE SEA-BORNE TRADE VOLUME OF STATISTICS OF IMPORTS THROUGH KATHIAWAR PORTS.

916. *Mr. J. Ramsay Scott : (a) Are Government aware that the yearly volume of sea-borne trade of 1931-32 does not give the full picture of imports into India, as Kathiawar figures are not included ?

(b) Are Government prepared to take steps, in view of the great increase of imports through Kathiawar ports, to have these statistics included in the sea-borne trade volume for 1932-33 ?

The Honourable Sir Joseph Bhore : (a) Government are aware that Kathiawar figures are not included in the annual volume of Sea-borne Trade for 1931-32.

(b) Government will consider the suggestion made by the Honourable Member.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

917. *Sardar Sant Singh : (a) With reference to the reply to part (d) of the starred question No. 136, dated the 29th August, 1933, will Government be pleased to state the number of Army Headquarters technical clerks who are entitled to free conveyance under the military rules for living at a place more than half a mile distant from the office, and will they be pleased to place a copy of the said rules on the table of this House ?

(b) Will Government be pleased to state the total cost of giving the respective class of monthly ticket fares to only such clerks of the Army Headquarters who are entitled under the military rules to free conveyance for themselves and their school-going children reading in Simla schools ?

Mr. G. R. F. Tottenham : The information asked for by the Honourable Member is being collected, and will be laid on the table of the House in due course.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

918. *Sardar Sant Singh : (a) With reference to the reply to part (c) of the starred question No. 137, dated the 29th August, 1933, denying the fact stated in the said part of the question, will Government be pleased to state whether the following persons, who travel daily by the clerks' special, hold Army Headquarters passes for such free conveyance between Summer Hill and Simla in accordance with the Army Department instructions to the Quartermaster General, regarding the issue of such passes ?

(i) Mr. C. Allan of the M. G. O. Branch, living in Summer Hill in a private house ;

(ii) Staff Sergeant Gill of the office of the A. D. O. S. P. (M. G. O.) living in Summer Hill in a private house ;

(iii) Mr. Edwards, a pensioner of Army Headquarters and at present employed in a private office but living in Government quarters by sufferance ;

(iv) Mrs. Augustine of the M. G. O. living in a private house in Summer Hill ;

(v) Miss Gidson of the M. G. O. living in a private house in Summer Hill ;

(vi) Mr. S. E. Souza of the M. A. G. which is not included in the Army Department instructions regarding issue of passes ;

(vii) Mr. Wade of Indian State Forces who has not been allotted any Government quarters in Summer Hill ;

(viii) Mr. Rutter of A. G.'s Branch and who has not been allotted any Government quarters ;

(ix) Mr. Dannett of the office of the A. M. S. P. living in a private house in Summer Hill ;

(x) Mr. C. Soisa of A. G.'s Branch living in a private house in Summer Hill ?

If not, do Government propose to enquire from the North Western Railway Administration whether any monthly tickets have been issued by the Assistant Operating Officer, Simla, in the name of those persons and if so, have those or any of those been issued after the notice of the previous questions were received by Government in the beginning of July ?

(b) If no Army Headquarters passes have been issued, nor monthly tickets have been purchased by those mentioned above, are Government aware that they are allowed to travel by the three bogies of the clerks' special paid from military estimates in contravention of the Army Department instruction to the Quartermaster-General ? If so, why ?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state what steps they propose to take against the North Western Railway for denying the facts stated in part (c) of starred question No. 137 ?

(d) With reference to the reply to part (d) of the starred question No. 137, dated the 29th August, 1933, denying the facts stated in part (a) above, do Government propose to ask the North Western Railway whether such facts were brought to the notice of the Assistant Station Masters, Simla, especially Harbanslal and others who generally used to travel in the clerks' special as Guards in charge of the train about such distinctions, by a large number of the public utilising the train, and are Government aware that they always replied that they are not authorised to check the tickets or passes of the Army Headquarters' European clerks ? If not, do Government propose to ask the North Western Railway to enquire from the public ? If not, why not ?

(e) Will Government be pleased to state further how such a large number of European clerks as mentioned in part (a) were travelling and are still travelling in the bogies paid for from military estimates ?

Mr. P. R. Rau : (a) I am informed that of the ten persons mentioned in this question, only two namely Messrs. Rutter and Dannett hold Army Headquarters passes, at present.

It appears that since July, monthly season tickets have been issued to two of the persons named, namely Mrs. Augustine for August and September, 1933, and Miss Gidson for September, 1933.

(b) I understand that persons found travelling without tickets or passes are charged excess fares by the Railway Administration, and no person is permitted to travel without a ticket or a pass.

The entrainment and detrainment is supervised by the Camp Sergeant and a certificate is forwarded to the Assistant Operating Officer, Simla, that only those entitled to travel in these couches actually have travelled.

(c) I cannot see in what respect the Honourable Member contends that the information given previously was incorrect.

(d) I am informed that all the three Assistant Station Masters report that no such facts were brought to their notice by anybody. They also deny having stated that they are not authorised to check the tickets or passes of Army Headquarters European Clerks.

Government do not consider that a public enquiry is called for.

(e) In view of the reply to parts (a) and (b), this question does not arise.

PROVISION OF A CLUB FOR INDIAN CLERKS LIVING IN SUMMER HILL QUARTERS.

919. ***Sardar Sant Singh :** (a) With reference to the reply to starred question No. 138, dated the 29th August, 1933, will Government be pleased to state the reasons why the Club House built at Government expense is only reserved for a particular community of Government servants, namely Europeans and Anglo-Indians, living in Summer Hill Government quarters ?

(b) Will Government be pleased to state further the reasons why the Europeans and Anglo-Indians, working in the civil departments and offices as well are allowed to utilise the Club and why Indians who have adopted European style of living are not allowed to enjoy the Club House ?

(c) Do Government propose to remove this racial bar and allow the Indian tenants of Summer Hill Government quarters who have been allotted those quarters on the declaration that they have adopted European style of living ? If not, why not ?

(d) With reference to the reply to the starred question No. 138, dated the 29th August, 1933, will Government be pleased to state the number of European and Anglo-Indian allottees of Summer Hill Government quarters in the year of construction of the said Club House for whom Government did provide the said Club House, and will they be pleased to state the number of Indian allottees of Summer Hill Government quarters in the summer of 1933 and the summer of 1934 for whom no Club House has been provided ?

Mr. G. R. F. Tottenham : (a), (b) and (c). The Club House, Summer Hill, was provided for Europeans and Anglo-Indians at a time when there were very few, if any, Indians living in Government quarters in that neighbourhood. If there is any general desire on the part of Indian clerks residing in Summer Hill to become eligible for membership, they can always make that desire known to Government through their Associations. A representation on the subject from any of these Associations would receive the consideration of Government in consultation with the Committee of the Club.

(d) The Club House referred to was constructed in 1926, and in that year 63 European and Anglo-Indian clerks were allotted quarters in Summer Hill. The number of Indian allottees of these quarters in 1933 and 1934 is 28 and 31, respectively.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

920. *Sardar Sant Singh : (a) With reference to the reply to part (a) of the starred question No. 139, dated the 29th August, 1933, will Government be pleased to state whether cases of eviction of Indian ladies and school boys from intermediate class compartments attached to the clerks' Special by Army Headquarters clerks were ever reported to the North Western Railway staff and if so, how often ?

(b) Did the North Western Railway staff take any action on such reports ; if so, why did they take those steps for removing the aforesaid grievances ?

Mr. P. R. Rau : I understand no such reports were ever made to the North Western Railway staff.

ARMY HEADQUARTERS SPECIAL TRAIN BETWEEN SUMMER HILL AND SIMLA.

921. *Sardar Sant Singh : (a) With reference to the reply to part (b) of the starred question No. 139, dated the 29th August, 1933, will Government be pleased to state whether on the 28th August last, Lieutenant Whitmars and other European clerks and several school-going children were occupying first and second class compartments by the 4-20 train which is not the clerks' Special ?

(b) Is it a fact that the said Europeans forced a small Indian boy of about eight years' age to get down from a compartment of the train on the ground that the boy held an intermediate class monthly ticket ?

(c) Is it a fact that the said European clerks and children travelling by the Bombay mail with Army Headquarters' passes in first and second class compartments were asked by the North Western Railway staff, on the intervention of other Indian passengers, to leave the compartments, and is it a fact that they refused to do so unless the North Western Railway staff brought the railway police ?

(d) If the answers to parts (a), (b) and (c) be in the affirmative, do Government propose to make a thorough investigation for verifying whether the facts stated in part (b) of the starred question No. 139, dated the 29th August, 1933, are correct ? If not, why not ?

Mr. P. R. Rau : (a) and (c). On the 28th August, 1933, I understand some European gentlemen and several school boys and children, who did not possess tickets but were in possession of Army Headquarter passes, were prevented from travelling by the 16-20 train. They were accommodated in the Soldier Clerks Special leaving Simla at 16-29 hours. This action on the part of the Railway staff was not prompted either by the public or by the police.

(b) The Railway Administration is unaware of this.

(d) Government do not consider that any special investigation is necessary.

PROVISION OF FACILITIES FOR FREE CONVEYANCE TO THE CIVILIAN CLERKS LIVING IN SUMMER HILL QUARTERS.

922. *Sardar Sant Singh : (a) With reference to parts (b) and (c) of the starred question No. 140, dated the 29th August, 1933, will Government be pleased to state whether the civilian clerks of Army Headquarters living in Summer Hill Government quarters form the bulk of the Army

Headquarters pass-holders for free conveyance by the clerks' special train ?

(b) If so, is it a fact that such civilian clerks living in Summer Hill are not entitled to free conveyance under the military rules ? If so, will Government be pleased to state the reasons why other civilian clerks employed in other civil departments and offices of the Government of India other than the Army Headquarters are not allowed free conveyance by the said clerks' Special ?

(c) Do Government propose to remove this preferential treatment of one class of Government of India servants over another class ?

The Honourable Sir Harry Haig : With your permission I shall answer questions Nos. 922, 924 and 925 together.

The number of clerks of the Army Headquarters who travel free by the special train running between Summer Hill and Simla is as follows :

(a)	Military clerks	24
	and their children (entitled to free conveyance under military rules)	12
(b)	Civilian clerks not entitled to free conveyance under military rules	44

The question of free train service for the clerks of Civil Departments in occupation of Government quarters at Summer Hill was examined in 1924. The Imperial Secretariat Association who were consulted in the matter stated that there was no pressing demand for free conveyance. The matter was dropped and Government do not propose to reopen it.

It is within the discretion of various Civil Departments to allow such of their clerks as may reside at Summer Hill and who arrive in office by 9-45 A.M. to leave office at 4 P.M. to take advantage of the special train which is run between Summer Hill and Simla.

GRANT OF HOUSE RENT TO CLERKS UNWILLING TO OCCUPY SUMMER HILL QUARTERS.

923. *Sardar Sant Singh : With reference to the reply to part (a) of the starred question No. 143, dated the 29th August, 1933, will Government be pleased to state whether it is a fact that those who are liable to be allotted Summer Hill quarters are being compelled to occupy them on pain of forfeiting their house rent allowance in Simla ? If not, will Government be pleased to state whether men governed by the new house rent rules and declaring to have adopted European style of living but not willing to occupy Summer Hill quarters will be entitled to house rent allowance admissible under the Simla Allowance Code ?

The Honourable Sir Frank Noyce : Those Government servants, who are governed by the new rates of Simla house-rent allowance and who have claimed to be considered eligible for the European style of living quarters,

cannot draw the allowance if they refuse to accept the offer of quarters at Summer Hill.

PROVISION OF FACILITIES FOR FREE CONVEYANCE TO THE CIVILIAN CLERKS LIVING IN SUMMER HILL QUARTERS.

†924. ***Sardar Sant Singh :** With reference to the reply to part (*b*) of the starred question No. 144, dated the 29th August, 1933, stating that the special train was sanctioned and free passes granted to all Army Headquarters clerks allotted Summer Hill quarters, majority of whom do not enjoy military status, to ensure that they should reach office punctually in the mornings and return to their quarters at a reasonably early hour in the afternoons without being compelled to walk the comparatively long distance to and from Summer Hill, will Government be pleased to state the reasons why the same consideration is not shown to Government servants belonging to civil departments and offices living in Summer Hill Government quarters and whose office hours are from 10-30 A.M. to 4-30 P.M. and do not coincide with the office hours of the Army Headquarters offices which are from 10 A.M. to 4 P.M. ?

CHANGE OF TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN OR OF OFFICE HOURS OF GOVERNMENT OFFICES IN SIMLA.

†925. ***Sardar Sant Singh :** Do Government propose to change the timing of the clerks' special or change the office hours of the Government offices in Simla in such a way as to make the timing of the clerks' special from Summer Hill to Simla and *vice versa* suitable to all clerks living in Summer Hill quarters irrespective of whether they belong to civil offices or Army Headquarters offices ? If not, why not ?

SUITS INSTITUTED BY GOVERNMENT FOR THE DECLARATION OF THEIR PROPRIETARY RIGHTS IN RESPECT OF CERTAIN SITES AND BUNGALOWS IN THE RAWALPINDI CANTONMENT.

926. ***Sardar Sant Singh :** Is it a fact that Government have instituted law suits for the declaration of their proprietary rights in respect of certain sites and bungalows in the Rawalpindi Cantonment ? If so, will Government be pleased to state the names of the owners of such sites and bungalows against whom such cases were instituted this year and last year in Rawalpindi Cantonment ?

Mr. G. R. F. Tottenham : With your permission, Sir, I will answer questions Nos. 926 and 927 together.

In 1932 Government filed one suit in Rawalpindi Cantonment ; this was against Sardar Sohan Singh for a declaration of their proprietary rights in the site of bungalow No. 193.

Judgment was delivered on the 10th July, 1933, upholding Government's claim.

† For answer to this question, *see* answer to question No. 922.

SUITS INSTITUTED BY GOVERNMENT FOR THE DECLARATION OF THEIR PROPRIETARY RIGHTS IN RESPECT OF CERTAIN SITES AND BUNGALOWS IN THE RAWALPINDI CANTONMENT.

†927. ***Sardar Sant Singh :** (*a*) Is it a fact that a law suit was instituted by Government for the declaration of proprietary rights for certain sites and bungalows in the Rawalpindi Cantonment recently ?

(*b*) Is it a fact that the judgment of the said case was delivered by the judge in favour of Government on the 10th July ? If not, when was the judgment actually delivered ?

ABUSE OF DISCRETIONARY POWERS VESTED IN THE INCOME-TAX OFFICERS AT CALCUTTA.

928. ***Mr. D. K. Lahiri Chaudhury :** (*a*) Are Government aware that the discretionary powers vested in the Income-tax Officers at Calcutta are highly abused ?

(*b*) Are Government aware that the Income-tax Officers at Calcutta do not give any reasonable opportunity to the assessees to enable them to comply with the notices under sections 22 (4) and 23 (2) and that efforts are generally made to make heavy assessments under section 23 (4) of the Indian Income-tax Act, depriving the assessees of their rights of appeal on merits ?

The Honourable Sir George Schuster : With your permission, Sir, I shall answer questions Nos. 928 and 932 together. Enquiries are being made and the results will be laid on the table in due course.

PETITIONS FILED UNDER SECTION 27 OF THE INDIAN INCOME-TAX ACT IN CALCUTTA.

929. ***Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state how many petitions under section 27 of the Indian Income-tax Act were filed during the years 1930-31, 1931-32 and 1932-33 ? How many out of them were accepted and what were the amounts of tax refunded to the assessees by such acceptance ?

The Honourable Sir George Schuster : As regards the first part of the question, a statement is laid on the table. As regards the second part, the information desired is not on record and could not be compiled without the expenditure of time and labour disproportionate to the value of the results.

Statement showing the number of applications filed under Section 27 of the Indian Income-tax Act, 1922, and those accepted during the years 1930-31, 1931-32 and 1932-33.

	No. of applications filed under section 27.	No. of applications accepted under section 27.
1930-31	9,733	2,331
1931-32	9,545	2,397
1932-33	12,613	3,056

† For answer to this question, *see* answer to question No. 926.

AMOUNT OF INCOME-TAX COLLECTED IN CALCUTTA.

930. *Mr. D. K. Lahiri Chaudhury : Will Government be pleased to state what was the amount of income-tax collected under section 23 (4) of the Indian Income-tax Act, during 1930-31, 1931-32 and 1932-33 in cases where returns were filed ? And what should have been the amount of tax if they had been accepted as correct ?

The Honourable Sir George Schuster : The information is not on record and could not be compiled without an expenditure of time and labour disproportionate to the value of the results.

INCOME-TAX CIRCULARS ISSUED BY THE CENTRAL BOARD OF REVENUE.

931. *Mr. D. K. Lahiri Chaudhury : Will Government be pleased to state whether the income-tax circulars issued by the Central Board of Revenue from time to time to the Income-tax Department are not made accessible to the assessees ? If not, why not ?

The Honourable Sir George Schuster : Income-tax circulars issued by the Central Board of Revenue that are of general public interest are incorporated in the Income-tax Manual to which the public have access.

ASSESSMENT OF INCOME-TAX IN CALCUTTA.

†932. *Mr. D. K. Lahiri Chaudhury : Are Government aware that the Income-tax Officers at Calcutta while making assessments to the best of their judgment or while exercising their discretion under section 13 of the Indian Income-tax Act, generally place reliance on the reports furnished by their secret informers and give absolutely no opportunity to the assessees to rebut them ?

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT OF MEMBERS OF MINORITY COMMUNITIES IN THE POST OFFICES AND RAILWAY MAIL SERVICE IN THE BOMBAY PRESIDENCY.

55. **Mr. N. M. Joshi :** Will Government be pleased to state :

(*a*) whether the recruitment rules, regarding the communal composition of clerical staff in the Post Offices and Railway Mail Service in the Bombay Presidency, require every third vacancy to be reserved for communal preponderance ;

(*b*) whether the minority community for the purpose of recruitment in Bombay Circle includes Parsis, Christians, Muslims and the backward and depressed classes, or refers exclusively to Muslim community alone ;

(*c*) what are the supplementary instructions, if any, in connection with recruitment laid down by the Postmaster-General, Bombay, and whether they have the approval of the Government of India ?

† For answer to this question, *see* answer to question No. 928.

The Honourable Sir Frank Noyce : (*a*) The fact is not exactly as stated by the Honourable Member but to prevent the undue preponderance of any one class or community, Government have laid down that one-third of all permanent vacancies to be filled by direct recruitment should be reserved for the redress of communal inequalities.

(*b*) The one-third reservation is not for Muslims alone but for the minority communities taken together.

(*c*) Government are not aware that any supplementary instructions are in force in the Bombay Postal Circle, but if the Honourable Member will give me particulars of any such instructions, I shall be glad to inquire into the matter.

OVERSEER AND SORTING POSTMEN UNDER THE CONTROL OF THE PRESIDENCY POSTMASTER, BOMBAY.

56. **Mr. N. M. Joshi :** Will Government be pleased to state :

(*a*) the total number of overseer postmen and sorting postmen, since termed as Lower Division clerks, under the control of the Presidency Postmaster, Bombay, on 1st June, 1933 ;

(*b*) the total number of Lower and Upper Division clerks under his control ;

(*c*) the total number of reserve staff for the combined cadre of Upper and Lower Division clerks in accordance with 17 per cent. holding appointments in Bombay ;

(*d*) if the full percentage of leave reserve has not yet been sanctioned, and, if so, when it would be sanctioned and what instructions have been issued so that the leave to the staff for want of reserve may not be refused ?

The Honourable Sir Frank Noyce : (*a*) to (*c*). Government regret that the information required for purposes of parts (*a*) to (*c*) of the question is not readily available.

(*d*) Government are not aware that a leave reserve of the full strength has not been sanctioned and that for this reason there has been any difficulty in granting leave to the staff. Should the facts be as reported by the Honourable Member it is for the Head of the Circle to represent the matter to the Director General ; a copy of this question is being sent to that officer.

FRAUDS COMMITTED BY THE DEPARTMENTAL AND EXTRA-DEPARTMENTAL STAFF IN THE BOMBAY POSTAL CIRCLE.

57. **Mr. N. M. Joshi :** Will Government be pleased to state :

(*a*) the number of frauds committed by the (*i*) departmental, and (*ii*) extra-departmental postal staff in Bombay Circle during the period of six months from the 1st January, 1930 to the 30th June, 1930 ;

(*b*) the number of frauds proved and under enquiry committed by (*i*) departmental branch postmasters, (*ii*) extra-departmental branch postmasters, (*iii*) postmen, and (*iv*) gratuity agents, from the 1st January, 1933 to the 30th June, 1933 ?

The Honourable Sir Frank Noyce : I regret that the information asked for is not readily available and it would involve undue labour to collect it.

ALLEGED MISMANAGEMENT OF THE CENTRAL PUBLICATION BRANCH.

58. **Mr. S. C. Mitra :** (*a*) Has the attention of Government been drawn to the report in the Delhi edition of the *Statesman*, dated the 27th August, 1933, under the caption " Rush to Buy Book on reforms—Busy Delhi Office " ?

(*b*) If so, will Government be pleased to state the amount earned by sale of publications of the Reforms Office from July to the 27th of August ?

(*c*) How many complaints against the Central Publication Branch were received during the last financial year from the Members of the Legislature, as stated by Mr. D'Eca, Officiating Manager, to the Press representative ?

(*d*) Will Government be pleased to state the circumstances of the complaints ?

(*e*) Who are those Members from whom complaints had been received ?

(*f*) What is the total number of indents received during the last financial year ?

(*g*) Did Mr. D'Eca invite the Press representative ?

(*h*) Is the present building, where the Central Publication Branch is located, four times as large as the one the Branch had occupied in Calcutta, as reported by Mr. D'Eca ?

(*i*) Is it a fact that lots of publications are lying in closed boxes in the verandahs ?

(*j*) If so, is it due to paucity of racks and space ?

(*k*) Is it a fact that the rains of late have done considerable damage to these publications ?

(*l*) Is it a fact that many publications are being damaged by white ants ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) Rs. 454.

(*c*) The statement did not refer to the last financial year ; there are no records in my Department of any complaints being received from Members during that period.

(*d*) and (*e*). Do not arise.

(*f*) 64,359.

(*g*) No.

(*h*) On the basis of such information as it has been possible to obtain at short notice, rather over three times would have been more accurate.

(*i*) Yes.

(*j*), (*k*) and (*l*). No.

CENTRAL BOOK DEPOT, CALCUTTA.

59. **Mr. S. C. Mitra :** (*a*) How long has the Central Book Depot, Calcutta, been in existence ?

(*b*) Was it opened during the time of Messrs. Letton and D'Eca ?

(*c*) What is the average sale-proceeds at present at that Book Depot ?

(*d*) What is the oldest Government of India publication in stock in the Central Publication Branch ?

(*e*) Is it a fact that from sale point of view Calcutta was better than Delhi ?

(*f*) If so, was this fact given due consideration before the transfer was given effect to ?

The Honourable Sir Frank Noyce : (*a*) About 9½ years.

(*b*) No.

(*c*) The average for the last 5 months is Rs. 2,568.

(*d*) Act No. II of 1834.

(*e*) Yes.

(*f*) Yes ; the Retail Book Shop was not transferred.

USE OF OFFICE LORRY BY THE MANAGER, CENTRAL PUBLICATION BRANCH.

60. **Mr. S. C. Mitra :** (*a*) What is the monthly expenditure on account of petrol consumption of the lorry of the Central Publication Branch ?

(*b*) Is it a fact that the lorry goes daily to the Officiating Manager's bungalow in New Delhi to bring his lunch ?

(*c*) If so, is the Manager competent to use the lorry for his personal use ?

The Honourable Sir Frank Noyce : (*a*) About Rs. 144 a month.

(*b*) I am informed that this is not the case but that the lorry has brought the Manager's lunch from other places in New Delhi where it happened to be at the time.

(*c*) No.

INSOLVENCY OF MR. JAMES ROWLAND HOPPER, AN EMPLOYEE OF THE CENTRAL PUBLICATION BRANCH.

61. **Mr. S. C. Mitra :** (*a*) With reference to the issue of the Gazette of India, dated the 26th September, 1931, Part II, page 1134, will Government please state whether Mr. James Rowland Hopper, adjudged insolvent, is still an employee of the Central Publication Branch ?

(*b*) If so, did the employee obtain previous sanction of the Department concerned before filing the insolvency petition ? If so, when ?

(*c*) What are the rules that govern public servants in respect of filing insolvency petitions ?

(*d*) If the answer to part (*b*) above, be in the negative, what actio do Government propose to take in the light of part (*c*) above ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) and (*c*). There are no rules requiring a Government servant t obtain the previous sanction of the Department in which he is servin before filing an insolvency petition, and so far as I am aware, no sanctio was sought in this case.

(*d*) Does not arise.

SCHEME OF REORGANISATION OF THE CENTRAL PUBLICATION BRANCH.

62. **Mr. S. C. Mitra :** Is it a fact that the Controller of Printing and Stationery has submitted a scheme of reorganisation of the Central Publication Branch ? If so, on what lines is the reorganisation proposed to be effected ?

The Honourable Sir Frank Noyce : The answer to the first part is in the negative ; the second part does not arise.

RECRUITMENTS MADE IN THE CENTRAL PUBLICATION BRANCH.

63. **Mr. S. C. Mitra :** (*a*) Is it a fact that some new men have been recruited by the Officiating Manager, Central Publication Branch, in the grade of Rs. 45—140 ?

(*b*) If so, was any sanction for the appointments obtained ?

(*c*) Were the vacant posts advertised in any newspaper ?

(*d*) Did the men employed apply for the job ? If so, will Government please state the dates of the receipt of their applications ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) Yes, in cases where sanction is necessary.

(*c*) No.

(*d*) A formal application dated the 17th July, 1933, was received from one candidate. Others presented themselves personally for employment.

POSITION OF TEMPORARY CLERKS IN THE CENTRAL PUBLICATION BRANCH.

64. **Mr. S. C. Mitra :** (*a*) Is it a fact that a large number of temporary clerks employed in Calcutta in the Central Publication Branch, having considerable length of service, have been drawing Rs. 35 per mensem on being re-appointed at Delhi ?

(*b*) If so, will Government please state why these temporary clerks were not given preference over the new men ?

(*c*) Are Government aware that about 35 extra daily-paid men, in addition to the permanent strength, are doing clerical duties in the Central Publication Branch, Delhi ?

(*d*) Have Government received any report of paucity of staff in that office ?

(*e*) Did Government receive a report from the Controller of Printing and Stationery that with the removal of the Central Publication Branch to Delhi the office could be run with less staff and at less cost ?

The Honourable Sir Frank Noyce : (*a*) No. The number of men so appointed is four only.

(*b*) Because they were not considered suitable for the posts to which the newcomers were appointed in an officiating capacity.

(*c*) Yes.

(*d*) Yes, in 1931.

(*e*) No.

CLERICAL DUTIES DONE BY THE RECORD SUPPLIERS IN THE CENTRAL PUBLICATION BRANCH.

65. **Mr. S. C. Mitra :** (*a*) Are Government aware that in the Central Publication Branch office permanent Record Suppliers, possessing minimum qualification for clerical appointments are deputed to carry on clerical duties ?

(*b*) Is it a fact that the claims of these are ignored at the time when chances of promotion to clerical grades occur ?

(*c*) Is it a fact that two Record Suppliers are now maintaining Ledger Books of the Central Publication Branch ?

The Honourable Sir Frank Noyce : (*a*), (*b*) and (*c*). Government have no information on any of the points referred to by the Honourable Member which relate to matters of detail within the competence of the Head of the Department. It is open to any employee who considers that he has a grievance in the matter of promotion to make a representation to the proper authority in the ordinary way.

POLICY OF GOVERNMENT TOWARDS COMPANY-MANAGED RAILWAY SCHOOLS.

66. **Mr. S. C. Mitra :** (*a*) Will the Honourable Member in charge of Railways be pleased to state the policy adopted by Government towards the Railway schools under Company management ?

(*b*) Is it a fact that the whole question of education of the children of Railway employees is under the consideration of the Railway Board since 1926 and that no definite policy has been laid down as yet ?

(*c*) Is the Honourable Member aware that in the absence of a definite policy on the part of Government, the Railway authorities have been precluded from making any building grants to the Indian Schools ?

Mr. P. R. Rau : (*a*) I would refer the Honourable Member to the memorandum placed before the Central Advisory Council for Railways on this subject on the 30th June, 1930, copies of which are available in the Library of the House.

(*b*) The Honourable Member is correct in the assumption that the question was first brought up for consideration in 1926 ; since then Government have been in correspondence with Local Governments and came to preliminary decisions in 1930 after consulting the Central Advisory Council for Railways. An officer of the Education Department was then

deputed to investigate the cost of giving assistance to railway employees on the North Western, East Indian, Eastern Bengal and Great Indian Peninsula Railways towards the education of their children and to make recommendations for the introduction of improvements in the methods of administration. His report was received in 1932 and is still under the consideration of the Government of India.

(*c*) The instructions of Government to Railways are to the effect that no new railway schools should be opened except when it is clearly necessary to do so, for instance where the establishment of a school would cost less than the parental assistance or where the educational facilities of the requisite standard are lacking and the Local Government or local body is not prepared to provide the school or schools necessary.

AMOUNTS CONTRIBUTED BY THE BENGAL NAGPUR RAILWAY FOR THE CONSTRUCTION OF THE BUILDINGS OF CERTAIN INDIAN SCHOOLS.

67. **Mr. S. C. Mitra**: (*a*) Will Government please state the amounts so far contributed by the Bengal Nagpur Railway towards the construction of Indian, (*i*) H. E., (*ii*) Boys' Primary and (*iii*) Girls' School buildings at Khargpur, Adra and Chakradharpur ?

(*b*) Is it a fact that no school buildings have been provided by the Bengal Nagpur Railway for the Girls' and Boys' Primary Schools at Adra, though the schools were started in 1926 and 1928 respectively ?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 67 and 69 together.

Information is being obtained from the Railway Administration and a reply will be laid on the table in due course.

POSITION OF TEACHERS IN COMPANY-MANAGED RAILWAY SCHOOLS.

68. **Mr. S. C. Mitra**: (*a*) Will Government please define the position, in relation to the Railway Board, of teachers in Railway Schools under Company management ?

(*b*) Are they treated as regular Railway employees or employees under the local Fund as in the Bengal-Nagpur Railway, or as teachers of aided schools only ?

(*c*) Are they admitted to all the privileges to which a regular Railway employee is entitled ?

(*d*) Do the Railway Board exercise any control over these school teachers and regulate in any way their pay, grades, leave, promotion, etc. ?

(*e*) Will Government please state if they ever did, or do, contemplate placing the Railway schools under Company management on the same footing as those under State management ?

(*f*) In view of the centralised control of Railways, are Government prepared to consider the advisability of introducing one uniform system of control and the same scales of salaries for the teachers of both the State and Company-managed Railway schools ?

(*g*) Will Government please state the reason for introducing the percentage cut in the salaries of teachers in the Railway schools under Company management ?

(*h*) Will Government please state if they propose to direct the Railway authorities to refund the amount of the cut in their salaries to the teachers in schools under Company-managed Railway ?

Mr. P. R. Rau: (*a*) The Railway Board does not intervene in the relations between the Company-managed Railways and their servants.

(*b*) and (*c*). Government have no information.

(*d*) No.

(*e*) It is not possible for Government to take over the management of schools of Company-managed Railways.

(*f*) Government consider this unnecessary.

(*g*) The reason was the same as that for introducing a percentage cut in the salaries of railway staff in general, *viz.*, the financial position of Railways and the Government of India.

(*h*) No.

CONSTRUCTION OF QUARTERS FOR TEACHERS OF BENGAL NAGPUR RAILWAY SCHOOLS.

†69. **Mr. S. C. Mitra**: (*a*) Will Government please state if teachers in Railway schools are entitled to free quarters ?

(*b*) Will Government please state the number of school teachers at Khargpur, Adra and Chakradharpur and the number of quarters built or made available for school teachers ?

(*c*) Are Government aware that no rented houses are available at Khargpur and Adra, specially at the latter place ?

(*d*) Are Government prepared to consider the necessity of providing immediate funds for the construction of quarters for the teachers in the Bengal Nagpur Railway schools ?

DEMOTION OF CERTAIN DRIVERS OF THE GREAT INDIAN PENINSULA RAILWAY.

70. **Mr. S. G. Jog**: (*a*) Will Government be pleased to state whether it is a fact that the following drivers of the Great Indian Peninsula Railway, Bombay were demoted from A. and B. Grades to C. Grades in April, 1931 :

Messrs. T. W. Kelly, H. V. Douter, E. O. Harper, L. George, H. B. Kirk, H. S. Leader, J. C. Ellis, W. H. Terry, E. Turner, F. Rustamjee, H. Dinshaw, and J. Jacobs ?

If so, have they been re-instated in their former grades in accordance with the recommendation of the Murphy Enquiry, *viz.*, retrenchment was not warranted and the persons should be taken back in the same order as they were retrenched ?

(*b*) Is it a fact that the orders contained in Railway Board letter No. 683-E. G., of the 3rd March, 1932, regarding promotion of demoted hands are not acted upon by the Agent, Great Indian Peninsula Railway, in respect of these drivers ? If so, why ?

†For answer to this question, *see* answer to question No. 67.

(*c*) Is it a fact that junior drivers from the multiple units at Bombay were transferred to up-country Divisions where they were promoted and the said demoted drivers' claims remained unattended ? If so, will Government please state whether the Railway Board letter No. 381-L. of the 19th August, 1932, is not applicable to the Agent, Great Indian Peninsula Railway, in respect of these demoted drivers ?

(*d*) Do Government propose to inquire into and rectify the error, if any ?

Mr. P. R. Rau : Government have no information, but I have sent a copy of the question to the Agent, Great Indian Peninsula Railway, for such action as he may deem fit to take.

RETRENCHMENT OF ANGLO-INDIANS BY THE SUPERINTENDENT, RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

71. **Mr. S. G. Jog :** Is it a fact that the Agent, East Indian Railway, in one of his letters, No. A.E.-2427|3, dated the 13th July, 1933, stated that " there are at present no European or Anglo-Indian staff on the list of those to be retrenched " ? If so, when was this list compiled and how many Anglo-Indians are discharged under terms of retrenchment by the present Superintendent, Railway School of Transportation, Chandausi ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, for any action necessary.

UNIFORMS SUPPLIED TO TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

72. **Mr. S. G. Jog :** (*a*) Is it a fact that Anglo-Indian Travelling Ticket Examiners under the Watch and Ward Department have been provided with decent white uniforms as compared with others under the Traffic Department ? If so, why ? Will Government please state whether the gaberdine grey purchased for the uniforms of the Travelling Ticket Examiners under the Traffic Department has by now been used up as stated in reply to question No. 1133 in the Legislative Assembly on the 2nd October, 1931 ?

(*b*) Was any indent for gaberdine grey placed after the 2nd October, 1931 ; if so, why ?

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

NUMBER OF CERTAIN INDIAN OFFICERS ON THE NORTH WESTERN RAILWAY.

73. **Mr. S. C. Mitra :** (*a*) Will Government please state how many Indians are Loco. Foremen, Station Superintendents, Station Masters grade 6, 7, 8, Deputy Chief Controllers and Chief Controllers, etc., etc., on the North Western Railway ?

(*b*) What is the total strength of the above mentioned officials on the North Western Railway, and how many out of them have qualified from the Walton Training School ?

(*c*) Is there any exception to the rules that the existing incumbents, holding posts referred to in part (*a*) above can continue to work as such without qualifying from the Walton Training School ?

Mr. P. R. Rau : (*a*) and (*b*). I would invite the attention of the Honourable Member to the statement contained on page 51 of the report by the Railway Board on Indian Railways for 1931-32, Volume I, which gives information regarding the total number of subordinates on scales rising to Rs. 250 per mensem and over on the North Western Railway on the 1st April, 1932. There were 1,005 Indians out of a total of 1,348. Government are not aware how many of these have qualified from the Walton Training School.

(*c*) An enquiry is being made and a further reply will be placed on the table of the House in due course.

RECKONING OF SENIORITY ON THE NORTH WESTERN RAILWAY.

74. **Mr. S. C. Mitra :** Will Government please state if the Europeans, Anglo-Indians, Christians and Parsees are reckoned as seniors to their Indian colleagues on the North Western Railway on account of the former's high start in pay, and will now give way to the latter for higher appointments ?

Mr. P. R. Rau : Government have no information, but I have sent a copy of the question to the Agent, North Western Railway, for consideration.

CONFIRMATIONS IN THE GRADE OF ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

75. **Mr. S. C. Mitra :** (*a*) Will Government kindly state how many men of the Station Staff have been confirmed in grade 5 of Assistant Station Masters on the North Western Railway ?

(*b*) What is the total strength of these officials of each community on the said Railway ?

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

DISCRIMINATION IN THE DISTRIBUTION OF QUARTERS ON THE NORTH WESTERN RAILWAY.

76. **Mr. S. C. Mitra :** (*a*) Is it a fact that the Agent, North Western Railway, under his letter No. 961-E.|95, dated the 21st September, 1932, addressed to the General Secretary, North Western Railway Union, Lahore, had declared the policy for distribution of the Railway quarters to the subordinate employees in the following order :

(*i*) staff eligible for free quarters or house allowance in lieu thereof ;

(*ii*) staff not eligible for free quarters but who, it is considered desirable, should live close to their work ;

(*iii*) staff not covered by (*i*) and (*ii*) above ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government please state whether some Railway Controllers, who are eligible for the

privilege of free quarters, are living at Delhi in houses which are below their cadres, while their colleagues paying house rent have been given a superior class of quarters for residential purposes by the North Western Railway authorities? If so, under what rules?

(c) Are Government prepared to order the Agent, North Western Railway, to abolish this sort of discrimination in theory as well as in practice?

Mr. P. R. Rau: The required information is being obtained from the Railway Administration, and will be laid on the table in due course.

PASSES FOR DEPENDENTS OF EMPLOYEES OF THE NORTH WESTERN RAILWAY.

77. **Mr. S. C. Mitra:** (a) Is it a fact that free passes to dependent relatives of the employees on the North Western Railway under rule 25 of Pass Rule Book of 1928 are admissible to an employee's widow, mother, sisters and step-sisters, unmarried or widowed, and not to the employee's son or sons of 18 years and above, who may be more dependent on their fathers on account of the present universal unemployment and trade depression?

(b) Are Government prepared to see that these pass rules are modified so that the son or sons of the employees are made eligible for free passes upto the age of 25 years?

Mr. P. R. Rau: (a) Yes.

(b) Government consider that the concession of free passes and the conditions attaching thereto are already sufficiently generous, and do not see reason to extend it further.

FORMATION OF AN INDIAN FORCE WING OF THE ROYAL AIR FORCE.

78. **Mr. S. C. Mitra:** (a) Is it a fact that it has been decided to form an Indian Air Force wing of the Royal Air Force? If so, when was the decision arrived at and what progress has been made towards it since then?

(b) Has the First Squadron of Indian Air Force been formed? If so, when was it formed and how many of its personnel are Indians at present and how many are eventually to be Indians in each of the various trades?

(c) When is the Second Squadron of the Indian Air Force to be formed and what will be the strength of Indians in its subordinate combatant ranks in the various trades separately?

(d) When were the rules, etc., for recruitment of subordinate ranks for Indian Air Force issued by Government, and when is it proposed to issue similar rules, etc., for the recruitment of Warrant Officers for the Force?

Mr. G. R. F. Tottenham: (a) and (b) The decision to form an Indian Air Force was arrived at some years ago, and after the necessary legislation had been passed, the Force, which does not form a part or wing of the Royal Air Force, was constituted on the 8th October, 1932. The present intention is to build up one squadron, consisting of three Flights, the first of which was formed on the 1st April, 1933.

The following statement shows the establishment of this flight and the number of Indians who belong to it:

General Duties Officers	9
Stores Officer	1
Other ranks	53

NOTE.—Six officers have completed their training in England, two of whom were killed in a recent flying accident. One was diverted to Stores duties and is serving in India as a Stores Officer. Eight cadets are at present under training at the Royal Air Force College and one has recently passed out of the College and is undergoing further training in a Royal Air Force unit in England.

Twenty-two other ranks have been enrolled. Seventeen of these are still being trained in India and five have completed their training.

It is intended that the Flight should eventually consist entirely of Indians.

(c) The question of forming a second squadron has not yet been considered, and must depend on the progress made by the first.

(d) Rules for the recruitment of subordinate ranks were issued in 1931. There is no directly recruitment of Warrant Officers. Vacancies in Warrant ranks will be filled by the promotion of men from the lower ranks.

SELECTION OF PERSONNEL FOR ENROLMENT IN THE COMBATANT RANKS OF THE INDIAN AIR FORCE.

79. **Mr. S. C. Mitra:** (a) When is the next selection of personnel for enrolment in the combatant ranks of Indian Air Force to be made and what is the number of applications so far received and the number of persons to be selected for each trade?

(b) Are any technical qualifications or workshop training essential for (i) trades involving apprenticeship and (ii) trades not involving apprenticeship? If so, what particular training or previous qualifications, in addition to general education and knowledge of English, are necessary for each trade?

(c) Can a candidate be enrolled direct for any of the "trades not involving apprenticeship" without first joining as an "aircrafthand"?

(d) Is it a fact that applications for "apprenticeships" have to be made direct to the Royal Air Force Headquarters but for "trades involving apprenticeship" have to be made through Recruiting Officers or Technical Recruiting Officers whose recommendation is considered necessary? If so, what is the reason for this distinction?

(e) Will Government please state when and how the final selection of candidates for enrolment in the subordinate combatant ranks of the Indian Air Force is to be made?

(f) When is the recruitment to be made for enrolment as Warrant Officers and will these ranks be open for promotion to the personnel in the subordinate combatant rank?

(g) Is there any non-combatant branch also of the Indian Air Force? If so, what does it consist of?

Mr. G. R. F. Tottenham : (*a*) Selection of personnel for enrolment in the combatant ranks of the Indian Air Force will be made during the next few months. Over 1,000 applications have been received. It is proposed to select about 27 apprentices for trades which involve training, such as :

Blacksmith and Welder,
Coppersmith and Metal Worker,
Electrician,
Wireless Operator Mechanic,
Wireless Operator,
Fitter Aero Engine,
Metal Rigger,
Fitter Armour,
Armourer.

About 13 men will also be required for trades which do not involve apprentice training, such as :

Carpenter,
Photographer,
Storekeeper,
Clerk,
Aircrafthand.

(*b*) Candidates for trades involving apprentice training should have received some preliminary technical education at a technical school or college, combined with some practical workshop training. It will be necessary for them to have sufficient knowledge of English to enable them to understand instruction imparted in that language. No preliminary technical or literary education will be required in the case of candidates for trades not involving apprentice training.

(*c*) No.

(*d*) Applications for enrolment as apprentices have to be made to Royal Air Force Headquarters. A list of technical schools and colleges which are considered likely to provide individuals with the necessary qualifications has been prepared and candidates from those schools and colleges have to apply through their Principals who have been furnished with full particulars regarding the enrolment of airmen in the Indian Air Force. Candidates for enrolment in trades not involving apprentice training should apply to the nearest Recruiting Officer. This is in order that they may be medically examined, interviewed personally, and reported upon.

(*e*) It is proposed that those who are recommended as suitable for training as apprentices by the Principals of Technical Colleges should be interviewed by a Board of Royal Air Force Officers.

Personnel for trades not involving apprentice training will be selected on the recommendation of Recruiting Officers.

(*f*) A reference is invited to the reply given to part (*d*) of question No. 99.

(*g*) Yes. The non-combatant branch of the Indian Air Force consists of certain technical workshop personnel and followers who are employed as ancillary personnel to Royal Air Force units and the Indian Air Force flights.

DEVICES ADOPTED BY CERTAIN PERSONS TO EVADE THE CHILD MARRIAGE RESTRAINT ACT.

80. **Mr. Bhuput Sing :** (*a*) With reference to my question regarding breaches of the Sarda Act by persons restoring to Chandarnagore and other places, answered on the 28th August, 1933, will Government be pleased to state whether proper enquiries were made from all places before the answer was given ?

(*b*) If so, was it verified whether the news published in the *Amrit Bazar Patrika, Haldhar* and *Searchlight* on this subject was incorrect ?

(*c*) If the news be incorrect, what action do Government propose to take against these newspapers for giving currency to false news ?

(*d*) If the news be correct, what action do Government propose to take against the departmental clerks who are responsible for furnishing these wrong answers in the Assembly ?

The Honourable Sir Harry Haig : The question which the Honourable Member asked, by deputy, on August, 28, 1933, was whether the attention of Government had been drawn to a practice of evading the Sarda Act by resort to Chandarnagore and Indian States for a single day, and my reply was that the attention of Government had not been drawn to this. The reply was accurate. I did not say, as the Associated Press report wrongly represented me as saying, that no marriages had been performed in Chandarnagore and Indian States by British Indian subjects to evade the Act, and had the Honourable Member been in his place to ask his question he could have been under no misapprehension as to my reply. If the Honourable Member wishes in future to draw attention to particular newspaper reports and enquire whether they are accurate, I would suggest that he should specify these reports and in accordance with the procedure recently laid down by the Honourable the President forward copies of them to my Department.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Abdul Matin Chaudhury (Mr. Deputy President) : Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Bill further to amend the Indian Income-tax Act, 1922.

THE RESERVE BANK OF INDIA BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Reserve Bank Bill.

Sir Leslie Hudson (Bombay : European) : Not only from the speeches which we have heard during this Session but throughout the long discussions in 1927 and 1928, there has been overwhelming argument in

[Sir Leslie Hudson.]

favour of the establishment of a Reserve Bank. The opposition which has been voiced hitherto has been on the narrower issue of procedure in regard to three or four essentials. I would not wish to weary the House with reiteration of the points already made during the present debate except that it is necessary for me briefly to state the views of European commercial opinion in this country. First, as to the necessity of a Reserve Bank. It has already been stated that the Government have, ever since British Government has been organised in India, carried out the necessary functions in regard to the control of currency, employment of funds, revenue and so on from Central, Provincial, Railway and cognate sources, loans and the service of those loans and a host of other financial responsibilities which are in reality the duty and responsibility of a Reserve Bank. Such a bank would have a permanent and expert staff, instead of the position at present of a department of Government of which the personnel, however competent, may be transitional and which cannot have the opportunity of close contact with the money and other markets of the country. It has been asked why the Imperial Bank could not be extended in its scope in order to take on the functions with which it is proposed to invest the Reserve Bank. I give the House one reason which is simple and will be appreciated by all Members, namely, that the Imperial Bank is itself a competitor for business, such as re-discounting, which it is intended that the Reserve Bank should undertake and the Imperial Bank therefore would not command the confidence as a Banker's bank which an entirely independent Reserve Bank would do. I spoke of three or four points on which there is still a difference of opinion. The first is whether it should be a State or a Shareholders' Bank. This has been argued by almost every speaker so far and it has been discussed *ad nauseam* for the last five or six years. The report of the London Committee goes against a State Bank and I am prepared to agree with that view. At the same time I consider that the suggestion which has been made that a proviso should be inserted in the Bill enabling the State to buy out the proprietors at the expiry of a stated period at a stated price might reasonably be very closely considered. This of course would entail a revision of the present arrangements for the appointment of the directorate, a revision which should first and foremost recognise the *sine qua non* that the Bank must be entirely removed from political interference and influence. At the International Financial Conference held at Geneva and Brussels in 1920 and 1922, it was recommended that Banks and especially Banks of Issue should be free from political pressure and should be conducted solely on the lines of prudent finance.

The next important point which has been referred to by most speakers is the Ratio. Here I am in very considerable agreement with both my colleagues from Bombay who spoke yesterday and who pointed out the impossibility, without risking inevitable chaos, of even considering the operation of the present ratio until the present uncertain conditions of the world's currencies and monetary problems are clarified and stabilised. Secondly, tied to sterling, the rupee, on its present basis, has the undoubted benefit of the wide sterling field, and the stability of sterling backed as it is by the triumphantly re-established credit of His Majesty's Government. In addition I would refer to the Resolution of Empire delegates to the recent Economic Conference regarding currency stability within the Empire. Whatever may be the arguments in favour of altering the ratio, to do so at the present time, when what was before the war a strong and steady stream of exchange throughout the world is now a whirlpool of conflicting elements, and where a false step might easily mean financial destruction, would merely be to court disaster. Let the ratio wait until the current of that stream is clear, stable and smooth again and then weigh up the pros and cons and trust your Reserve Bank to give that advice to the Government which will enable it to fix the ratio at a point which will be for the benefit of the trade and commerce of India and for the benefit of the people of India. The main requirement of the present, and, indeed, of any time is a stable exchange and, with your permission, Sir, I would read an extract from the text of the joint statement on monetary policy issued by the Delegations from the leading countries of the British Empire to the World Conference. The statement was signed by Mr. Neville Chamberlain, Mr. R. B. Bennett of Canada, Mr. S. M. Bruce of Australia, Mr. G. W. Forbes of New Zealand, General J. C. Smuts of South Africa and Sir Henry Strakosch on behalf of India. The statement runs thus:

"The undersigned delegations now re-affirm their view that the ultimate aim of monetary policy should be the restoration of a satisfactory international gold standard under which international co-operation would be secured and maintained with a view to avoiding, so far as may be found practicable, undue fluctuations in the purchasing power of gold. The problem with which the world is faced is to reconcile the stability of exchange rates with a reasonable measure of stability, not merely in the price level of a particular country, but in world prices. Effective action in this matter must largely depend on international co-operation, and in any further sessions of the World Economic and Monetary Conference this subject must have special prominence.

In the meantime the undersigned delegations recognise the importance of stability of exchange rates between the countries of the Empire in the interests of trade. This objective will be constantly kept in mind in determining their monetary policy, and its achievement will be aided by the pursuit of a common policy of raising price levels. Inter-Imperial stability of exchange rates is facilitated by the fact that the United Kingdom Government has no commitments to other countries as regards the future management of sterling and retains complete freedom of action in this respect. The adherence of other countries to a policy on similar lines would make possible the attainment and maintenance of exchange stability over a still wider area."

The question of the Directorate has been raised on several occasions. I am inclined to agree with Mr. Mody that the Directorate should include representatives of the leading commercial bodies as being the best method of ensuring the presence on the Board of Directors of the highest commercial and financial qualifications. Sir, there were several other points made by other speakers and I think most of them, in fact, all of them can be dealt with in the Select Committee. There are just one or two points which I would like to touch upon before I sit down.

The question of the location of the Head Office of the Reserve Bank. It is laid down under clause 6 that the Head Office shall be in Bombay and that the meetings of the Board should be convened at least six times in the year, of which two meetings should be held in Calcutta. It is the opinion of some of this Group that the Head Office should perambulate in the same way as the Imperial Bank does. That is to say, the Head Office should be for five months in Bombay, six months in Calcutta, a fortnight in Madras and a fortnight in Delhi. That, again, is a matter which can be adequately considered in the Select Committee.

[Sir Leslie Hudson.]

Then, I would briefly refer to the clause in which the Bill exempts Directors of Co-operative Banks from the restriction that Directors and employees of other Banks shall not be Directors of the Reserve Bank. I do not yet see why this differentiation should be made. The abilities can be no greater in a Co-operated Bank Director and the disabilities are precisely the same so far as I can see.

Finally, Sir, I would pay tribute to the financial genius of the present Finance Member and also to his predecessor, Sir Basil Blackett, both of whom have laboured and, let us hope, not in vain to evolve a measure which, in spite of differences over details, commands the approval of everybody whose opinion is worthwhile in India. Also to His Majesty's Government who have given their approval to this Bill in spite of, so it is whispered, what was very strong opposition from the City of London. Now, Sir, I would emphasise once more that time is the essence of the contract and I would ask this House to get on with the business and let the Bill go to the Select Committee. Circulation can do no further good. The London Committee have reported favourably on the Bill and the Bill has been before the public of this country ever since the Currency Commission of 1926, and Sir Basil Blackett's Bill of 1928. It is part of the constitutional scheme for India's self-government—one of the pre-requisites for responsible government—and it is designed to place in India's hands India's financial control.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Mr. President, I welcome the proposal for a Reserve Bank as a measure for the better management and control of credit and currency and for the economic welfare of this country. But if the objective of the Government is to make this a measure for the further exploitation of this country by Great Britain, then I will not be a party to it. Sir, to be frank, I must say that there is a suspicion in the country that the object of the Government, in introducing this measure, is to forge another link in the chain by which Great Britain might bind this country and make it under subjection for all times to come. At the time when further political reforms are proposed to be given to this country, the fact that the Finance Minister does not at all come into the picture of a Reserve Bank makes us believe that perhaps there may be an element of truth in that suspicion. What I would suggest, therefore, is that instead of the Governor General in Council now, and the Governor General at his discretion afterwards, the Finance Member now and the Finance Minister, when the reforms are introduced, must be made the authority to recommend to the Governor General all the appointments made under this Bill. Then only the opinion of the people affected can control and prevail in the policy of the Reserve Bank. The Bill has to undergo radical alterations and, therefore, I must say that my support to this Bill will depend upon the shape that this Bill will take when it emerges from the Select Committee. But, in the meantime, it will be only proper if I venture to make certain suggestions with regard to the several issues involved in the Bill. I will confine myself for the present to the main issues alone and leave the details to be discussed at a later stage.

The question as to whether it should be a Shareholders' Bank or a State Bank has been discussed in detail and I do not propose to

advert to it. But I will only say that the Joint Committee of 1927, composing as it did of several financial experts and patriots of this country, men like Sir Purshotamdas Thakurdas, Pandit Madan Mohan Malaviya, Lala Lajpat Rai, Mr. Birla, Mr. Jamanadas Mehta and last, but not least in importance, your good self, all these experts examined the question in detail and came to the deliberate conclusion that it should be a State Bank ; but it has been summarily brushed aside and a Shareholders' Bank is substituted in its place. The Government in 1927 acquiesced in a State Bank, and the Banking Enquiry Committee put forward their proposals on that basis. If they thought that the Reserve Bank which was to be constituted ought to be a Shareholders' Bank, they would have considered that aspect of the question and dealt with it in their Report. Therefore, it is up to the members of the Committee that met in London to satisfy us under what altered conditions and new circumstances they approved of a Shareholders' Bank in place of a State Bank, and, unless those facts are forthcoming, we are not prepared to accept their proposal. The country stands by the decision of the Joint Committee of 1927. Another difficulty is that we have been supplied only with a copy of the report of the Committee ; their discussions have been withheld. We are at a loss to know what grounds might have actuated them to come to a conclusion of that kind. There are diverse conflicting interests in this country which I need not refer to now and, under such circumstances my own opinion is that a State Bank would be more suitable to the country. I would, therefore, request the House that in sending this Bill to the Select Committee, it must be insisted upon that the whole question may be kept an open one for the Select Committee to decide. In this connection I wish to say that I had an informal talk with the Honourable Sir George Schuster on this subject and he only said that he might be trusted to give a generous consideration, but would not commit himself just at that stage. I wish to repeat once again that the question whether it should be a State Bank or a Shareholders' Bank should be entirely left open for the Select Committee to decide. The Honourable the Finance Member, in his opening speech, said that in moving this motion he was only following what his predecessor in 1927 did, namely, that it is to a Joint Select Committee of both Houses that this Bill was going to be referred to. What I say is that he should follow the example of 1927 in its entirety and leave it to the Joint Committee as before to decide whether it should be a State Bank or a Shareholders' Bank. If, however, it is decided to have a Shareholders' Bank, every endeavour should be made to guarantee that the Bank is not controlled by interested groups, particularly by the mercantile community of Great Britain who have come down to do business here. It was said that a Reserve Bank of this kind should be free from political and other influences. I am not as much afraid of the Indian political influence as of the British political and mercantile influences against which there is no proper safeguard.

Sir, I would, while on this point, venture to make, if I may, a few suggestions to ensure freedom from all kinds of influences. It is proposed that each share of the Bank should be of the value of Rs. 500. It is too large and should be reduced to Rs. 100 and then only the middle classes and the poor people can subscribe to it. If it is of a high value like Rs. 500, the chances are that rich men and big merchants and registered companies

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alone will be able to subscribe to it. If the Bank should be a popular one and, if the popular voice should have any controlling influence in the affairs of the Bank, then the share value should be reduced to Rs. 100. I would recommend that it might be more advantageously reduced to Rs. 50. There is the precedent of 1928 to adopt wherein the value of the shares was only Rs. 100. Another thing about which I am very particular is that only Indian nationals, including Englishmen and other British subjects who are permanently residing in this country, should be allowed to subscribe for it. I do not like the idea that Europeans, who come here as birds of passage and for the purpose of making money, should have anything to do with it. I went through the constitution of the Reserve Banks of several countries and I find that in most of them it is specifically provided that every subscriber should be their own nationals. Why should we not follow their example? In this connection I might refer to the history of the National Bank of India. It was started in Calcutta with a rupee capital and, subsequently, the capital was converted into sterling. Though it is called the National Bank of India I really do not know whether there are any subscribers, who are Indian nationals, in it. To a Japanese or Frenchman or any foreigner, who comes to India, it would appear as if the National Bank is a purely Indian national concern, but it is hardly so. It is only a misnomer. What I mean to say is that the Reserve Bank should not, though named the Reserve Bank of India, be a Bank controlled by foreigners in this country. It is indeed a very good thing that some attempt has been made to keep the Bank free from the influence of interested groups. The proposal of keeping regional registers has been made with this end in view; but unless it is provided that transfers from one register to another should be restricted and a minimum to the inhabitants of the locality is prescribed, the very purpose for which it has been provided would be nullified. A man living in Bombay might purchase a very large number of shares in Madras. There is nothing to protect the shares that are assigned to a province like Madras for instance from being held completely by Bombay people. To avoid a contingency like that, a minimum should be prescribed for the inhabitants of the locality concerned. Without that, it will not be of any use. My friend, Sir Leslie Hudson, said that like the Imperial Bank of India the Governors' office should not be permanently located in Bombay, but shifted in certain months to Calcutta, Madras and other places in rotation. That is an excellent idea and, I think, even if it is not taken to Madras and Rangoon, it must be held, as is done by the Imperial Bank now, in certain months in Calcutta. The fear is that if it is held permanently in Bombay, the Bombay magnates will have the upper hand over the destinies of the Bank.

As regards the Governors, you might remember, Sir, that in the last Bill it was provided that one of them should be an Indian. There is no provision like that in the present Bill. Government had agreed to that and it was a surprise to me that they have gone back on that arrangement.

Sir, with regard to the constitution of the Central Board, the appointment of four Directors to be nominated by the Governor General should be, and I said a little while ago, on the recommendation of the Finance Member at present and after the Constitution Act comes into being by the Finance Minister. I am very anxious that the nominations to the Board should

not be like the nominations that are now being made to the Imperial Bank. Reference was made yesterday to the appointment of old men like Sir Dinshaw Wacha and other people. However estimable they may be, it can't be denied that they are old. It was said that the average age of the Directors of the Imperial Bank was something like 72 years. If a High Court Judge or any other Government servant has to retire in his 60th year, I do not see any reason why that principle should not be extended to responsible institutions like the Directorate of the Reserve Bank. In this connection I might point out that it is provided that people who are connected with any incorporated Bank or people who are connected with agriculture, commerce or any such business alone should be appointed as Directors. Sir, there are many eminent men in other fields as well. There are competent journalists, distinguished economists and professors in universities, who can do useful work on the Directorate. Nobody would object to a man like Sir Stanley Reed, for instance, who was editor of the *Times of India*, being appointed a Director. There are distinguished university professors, men like Dr. Mathai, the President of the Tariff Board, who would be an ornament to a Board of this kind. So I suggest that it should not be restricted to people who have had experience in banking, agriculture and commerce alone.

Then, Sir, the strength of Directors should be increased slightly. There ought to be one more to all the regions than is provided for at present, that is, instead of two for Bombay, I should have three, similarly for Calcutta also three. That is, one more for every province and, in addition to these, two from the provincial co-operative banks. In the Bill of 1928, it was provided that co-operative banks could elect two Directors. That provision has been deleted now. It is absolutely necessary that two Directors at least should be recruited from the provincial co-operative banks. Unless the Directorate is enlarged on these lines, it would not be possible to keep the balance even among all the conflicting interests that are bound to crop up in its working. That is the reason for making this suggestion. Then, as regards its election also, I would suggest that the local shareholders ought to elect a panel of 28 people, so that the Governor General, on the advice of the Minister, might select 14 from among these 28. That would have a wholesome result and the right kind of men could be ensured. I would also suggest that including the Governor not more than four should be Europeans or non-Indians. The fear is that otherwise, it would be an institution like the Imperial Bank. Instances are not wanting where the Imperial Bank has gone out of its way to assist European clients and done deliberate harm to Indians. It is not my purpose here to condemn the policy, the discriminative policy, of the Imperial Bank. All the same it is better to ensure that the Reserve Bank is always kept above such charges and should look to the interests of our nationals more than the interests of the foreign settlers in this country. The tenure of these Directors is contemplated to be made five years. I went through the constitution of several Banks and, except in one or two, I did not find such a long tenure provided in them. Three years must be ample. In the Bank of England, it is only one year, but in the conditions obtaining in India, it might be advantageously made three years. A longer period than three years will be harmful. Another thing to which I attach great importance in connection with the constitution is that the first board constituted by the Governor General under section 15 should exist only till the allotment of shares and the election of the local boards are over when it should be dis-

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solved. The elected Board must begin to function immediately after that. The idea is that there is a tendency among our people to stick to their offices and keep out other deserving people from entering their portals. The point will be brought home if I refer you to the instance of a Company Managing Director in the U. P. or some other neighbouring province who installed his wife in his place when he was appointed a Minister in that Province. That is a contingency that should be avoided.

12 NOON. Another point of equal importance with reference to the constitution that I should like to insist on is that every shareholder, whatever number of shares he may hold, should have only one vote and not more than that. Then the manipulations that are now prevalent in the election of Directors could be avoided. In dealing with this aspect, I am anxious that a specific provision should be made in the Bill to enable the Government to purchase the shares at a fixed price after some time. That is done with regard to the railways; and I do not see why, as long as the State guarantees and gives advantages to the Bank, a provision like that should not be made. When the Bank expects help from the State, it is only proper that the agreement should be reciprocal and mutual. If some of my suggestions are adopted, I venture to hope that the evils feared may, to a large extent, be mitigated. That is all I have to say with regard to the constitution.

Let me now deal with the other main issues that arise on this Bill without going into the details. I will first deal with the standard of currency. With regard to current ratio, you will agree with me, Sir, that there has been such an outcry in the country, and it is no use shutting our eyes to it, that it is being bled white on account of the ratio policy of the Government; and I do not see why this opportunity should not be availed of to thresh out the whole question. I might also say that the Government have not discharged their duty by this country in allowing so much gold to leave the shores of India. That question has been raised several times in this Assembly, and it will bear any amount of repetition. The Government should have taken steps to strengthen their reserve instead of allowing such large quantities of gold to be exported. Government could have easily purchased at least a large portion of it and issued currency notes thereagainst.

Another aspect of vital importance and one of legitimate grievance is that in spite of the fact that in most countries the internal prices of primary commodities have been increased by depreciation of currency and other means, in this country the prices are still going down and the Government are sleeping. I refer particularly to the price of cocoanuts, paddy and pepper, the principal commodities with which I am concerned as these are the main products of my district, the prices of which have gone down considerably, by more than 60 per cent. since 1931. All countries have taken steps to increase the internal prices after they went off the gold standard and the dominions also have done it. It is unfortunately in India alone that that is not done. It is up to the Finance Member not only to explain the attitude of the Government in this matter, but also to do his level best to see that the internal prices are raised without any more delay.

With regard to the unsatisfactory character of the ratio, I make bold to challenge Sir George Schuster the Finance Member, to deny this if he

can: between March and September, 1931, when they were getting gold from the public at the lower point, that is the level at which they should be selling gold, the ratio ceased to function properly. The ratio automatically receded from the parity of 1s. 6d. to a parity of 1s. 5½d. I ask, if it did not. The exchange is a matter into which the public at large are not allowed to have a peep. In this connection, I wish to read a sentence from "The Monetary Problems of India" by L. C. Jain: at page 47, he says, speaking about the gold value:

> "Since August, 1931, the British people themselves have not been allowed to know on what principles sterling is controlled. The maintenance of a sterling exchange standard therefore means that Indian currency is under the arbitrary control of unknown men in no way responsible to India, who do not even condescend to make any statement about their intentions with regard to its future purchasing power or gold value. This is not a situation with which India can be content."

I cannot improve upon that. The situation is very serious and I venture to suggest to the Government with all the emphasis I can command that an expert Committee, with a personnel that will inspire confidence to find out the true facts of the ratio in relation to the Resolutions passed at Ottawa on monetary matters and repeated at a Conference of Empire delegates of the World Economic Conference with a view to raising internal prices, be appointed immediately. Sir, the Honourable the Finance Minister can do it if only he cares. When I read the minute submitted by Sir George Schuster to the Monetary Conference at Ottawa, which, I dare say, you have read, I thought it was written by a nationalist of nationalists in this country. Sir George Schuster has eaten the salt of this country for some time, and I must say he acquitted himself loyally. I was agreeably surprised that an Englishman should have written that minute. It was all in our favour and it is up to him to continue that mentality under which he wrote that minute so long as he is in charge of the finances of this country.

As regards the issue of currency, I have to say a few words. It must be borne in mind that there are two kinds of currency notes in this country: One, of paper, and the other, of silver. Silver contained in one rupee is worth only five annas intrinsically. The paper currency comes to about 180 crores, and from a modest estimate of silver,—it was estimated to be about 400 crores or so, but, I am told large amounts have come back to the Treasury after 1927,—it will not be very wrong to estimate the silver currency or rupees with the public at 200 crores, and one can easily understand, if a fair portion of it comes back to the Treasury, what a huge loss Government will have to face. Therefore, Sir, due provision to cover that must also be thought of in regard to the reserve to be maintained.

The rupee redemption fund, inaugurated on the recommendation of the Hilton-Young Committee, is now proposed to be done away with, and so it is all the more necessary that Government should strengthen the gold resources of the country. I would, therefore, suggest, Sir, that 35 crores, which is contemplated to be kept in gold under this Bill, is too low and it ought to be increased to 70 crores at least. That is the minimum I would suggest. Sir, when I read the Report of the London Committee, particularly paragraphs 23 and 24, I was simply amused. In paragraph 24, they say that:

> "There is, moreover, a further argument that gold carries no interest, and any undue proportion of gold holdings would unjustifiably reduce the Bank's profits and so impose indirectly an unnecessary burden on the Indian taxpayer."

[Mr. K. P. Thampan.]

I can understand, Sir, English financiers, who abetted the flight of 150 crores worth of gold, becoming a party to such a statement, but there are several respectable Indians, some of whom are Members of this House, who are parties to such a statement.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : But what can you expect from Modies and Cowasji Jehangirs ?

Mr. K. P. Thampan : Modies and Cowasjis are as much Indians as my friend, Mr. Das, and myself are.

Mr. B. Das : But they have vested interests.

Mr. K. P. Thampan : Sir, in England they have taken every care to accumulate the gold reserves. Gold in the Bank of England today is more than 170 millions. I believe, Sir, I am right in saying that it was only 120 millions or so two years ago, but since then they have increased the gold holding by 50 or 60 millions, and in the Treasury also, out of the 250 million exchange equalisation fund, a good proportion must be in gold alone. The details of this are confidential and not known to any one. On the whole, England has enormous quantities of gold in stock now. That is all to their good, I don't deny it, but my point is, why should not our Government also adopt the same principle, so far as India is concerned. If keeping or hoarding a large quantity of gold will only prevent the owner from getting interest, why should England forsake interest on all these large holdings of gold ? What is sauce for the goose must be sauce for the gander as well. I am reminded of a story of a Malabar Karnavan. The head of the tharwad or a joint family, who wields absolute control over the other members of the family, one morning found a junior member of his family eating a cucumber. He said : "My dear fellow, why do you eat the cucumber, you cannot digest it, give it to me", and so saying he took away the cucumber from him and ate it himself. Similarly, we are told by Englishmen : "Gold is not good for India, it is good only for us, come along and present it to us, you don't want it, because it is not good for you. Keep sterling securities, it will fetch interest". (Laughter.) That is a mentality, Sir, of which one ought to be ashamed.

Then, Sir, another point I have to urge is that sterling securities in the reserve should be the minimum that is absolutely necessary, and they should be confined to sterling securities of England alone. It is provided in the Bill that securities of all sterling countries may be purchased by the Bank. May I say a word about the loans raised by Australia and Ireland ? Last year, Sir, Honourable Members will probably remember, Mr. Lang repudiated the loan which Australia owed to England, and Ireland also similarly repudiated the loan which was advanced to her for purchase of land for the Irish peasants. Therefore, who knows what other sterling securities other than of Great Britain will not be repudiated in the future and where is the safety in them ? It is better to avoid them. My point is that sterling securities of Britain alone should be purchased by the Reserve Bank and of no other country. I would not allow even the sterling securities of Britain but for the fact that we have to remit every year more than 30 million sterling to England by way of interest, pay and pensions, and the large dealings of the commercial people in British sterling. Therefore, it should be specifically provided that sterling securities of countries other than that of Britain should not be handled by this Reserve Bank. The death knell of any form of exchange standard in Europe was rung when, on the 21st September, 1931, countries like Holland, Belgium and Switzerland found that in their greed to earn 1½ per cent. in interest they lost about 25 per cent. in the principal. Therefore, care should be taken to avoid such mistakes. That is all I have to say on that.

Now, Sir, with your indulgence, I shall briefly advert for a moment to the question of contract with the Imperial Bank. Sufficient has been said already, but I think it will bear a little more repetition, and if I am not becoming tiresome, I should like to say this. When the last Reserve Bank Bill was introduced in this House, the term of contract with the Imperial Bank was not over, there were still three more years to run, and it was only proper that, if, before the expiration of the period of the contract, we had to cancel the contract, sufficient compensation ought to have been given to them. That situation no longer exists, the contract is now over, and there is neither a moral nor a legal claim for this special treatment proposed to be given to the Imperial Bank. Already they have derived tremendous benefits and advantages on account of the large reserves which Government kept with them, and it is entirely on account of, and, with the assistance of, such huge sums of Government money that they have been able to build such a substantial reserve for that Bank. Sir, I hold that the Imperial Bank have no claim whatever for special treatment and should be dealt with on the same terms as the other Banks of this country. Another reason advanced was that, out of the several branches that were started by the Imperial Bank according to the terms of the agreement, some were not paying. They said categorically that most of those branches would begin to pay after the year 1930. That time is also over. We are now in the year of grace, 1933, and there is no reason why an argument like that should weigh with us. The Imperial Bank has had several restrictions imposed on it by Statute with regard to its dealings, and when those restrictions and limitations are removed, as is contemplated by the Amending Bill, it will become a formidable rival to all indigenous Banks in this country, and if it chooses to do so, it can crush any business. I would, therefore, suggest that that Bank should be left alone. Of course, it can be appointed as an agent of the Reserve Bank, provided it can compete on level terms with the other indigenous banks. So far as the agency is concerned, I would suggest that the Resreve Bank should invite tenders from all indigenous banks that satisfy certain criteria, and then appoint them as agents. If any particular bank satisfies the conditions that the Reserve Bank imposes for that work, and undertakes to transact the work on a minimum commission, then there is no reason why that bank should not be appointed as the agent for the area it operates. The very fact that a particular bank is an agent of the Reserve Bank goes a long way to inspire confidence in the bank amongst the public. Why should not Government give such help and patronage to all banks ? Then only the banking system can be fostered and will take deep root in the villages and other remote places. It is provided that all those banks, mentioned in the Schedule, should keep with the Reserve Bank a percentage of their deposits. I do not understand why it should be made obligatory on all banks. There are certain banks that might not want rediscounting facilities. That is the only help that is proposed to be given to these banks. Suppose, for instance, the Nedungadi Bank, in my part of the country, does not want any kind of rediscounting facilities, what is the compensating benefit that it gets by being forced to keep a few lakhs in the Reserve Bank ? It loses interest, and how is the bank or the share-

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holders benefited ? But if the Government will provide a machinery as recommended in the Banking Enquiry Committee's report for the check and scrutiny of the banks embraced in the reserve system, that will be another matter. Unless some thing of that kind is provided which will inspire confidence among its shareholders that the bank is looked after properly by the Reserve Bank and that it is functioning properly, this obligatory deposit would be a penalty and burden on those banks. It would be a real hindrance to the working of small banks. I would, therefore, request the Select Committee that due consideration is given before the proposal is adopted universally for all banks.

Let me refer to one more point ; it is with regard to keeping the banking department and the issue department separate. It is said by those who are competent to pronounce an opinion on this that this method is old, very inelastic and obsolete. In this connection I would invite the attention of the House to a paragraph written by the *Economist* of London in a recent issue. In the course of a large article criticising the proposals for the setting up of a Reserve Bank for India, it says :

"The Committee, however, has followed the analogy of the Bank of England, not merely by recommending a shareholders' bank, but in proposing, somewhat pedantically, the separation of the Issue Department from the Banking Department. It is difficult to see that anything is gained by reproducing in India a British tradition of 100 years ago which has never had anything much to recommend it, and is quite out of touch with modern central banking constitutions."

The Macmillan Committee, which was appointed in England to enquire into the finance and industry of that country, at page 143, paragraph 331, of their Report, say :

"The only solid reason, apart from the advantages of continuity and the dislike of changing ancient forms, has been of a different character, namely, that the separation of the Issue Department has provided a convenient formula for dividing the profits of the Bank of England between the Treasury and the Bank itself. This division might of course have been made in a different way and is so made in other countries."

Further on, they say :

"If, however, it is desirable to calculate the Treasury's share of the profits in this way, it is not necessary to have the paraphernalia of the Issue Department for the purpose. The same formula could be used without a separation of the departments."

In paragraph 335, the Committee say :

"... the separation of the Departments has not, in our opinion, led to a satisfactory formula for fixing the Bank's payment to the Treasury."

In paragraph 338, they give a form of schedule, for the publication of the Bank's Statements, which would satisfy all the conditions they think sufficient for the purpose. I do not understand why advantage should not be taken of the findings of the Macmillan Committee, not only in this respect but also in other respects, if their proposals will not conflict with the conditions of this country.

I find in the present proposals that the branch of the Reserve Bank in London which was provided for in the last Bill is now proposed to be dropped. I suggest that the London branch should be maintained. I may be told in reply that all central banks have their dealings in other countries only through their respective central banks, that, for instance, the Central Bank of France or the Bank of Belgium or the Netherland Bank has no agency in London. But the relations between India and England stand

altogether on a different footing, and the position of India is unique. Unlike those countries we have got to make enormous remittances to England and a nominal percentage on the total amount would be a large fabulous amount. Economically also it would be better to keep a branch there. But there is another aspect which is more important. I am afraid that if the agency is entrusted to the Bank of England, the dominance of that Bank over the destinies of India will be very difficult to get over. The Bank of England is naturally bound to act only in the interests of Great Britain and not in our interest. Recent instances have proved it. So, we must avoid contact of this kind with the Bank of England. It is said that the Reserve Bank will have reciprocal arrangements with the Bank of England. It really sounds grand. What are those reciprocal arrangements ? I do not know whether the Reserve Bank, as the agent of the Bank of England, will be able to derive a profit of even one pie in a year. At any rate, there would be vast difference between the commission that the Bank of England might get as the agent of the Reserve Bank of India and that got by the Reserve Bank of India as the agent of the Bank of England in this country. As long as India is a dependency of Great Britain and until and unless Dominion Status with economic independence is given to this country, it is better to keep our own branch in London.

These are, Sir, the main points that I wished to urge before this House, but, before I sit down, I would like to say a word or two about the Joint Committee which is proposed to be constituted. There is a specific amendment on the Agenda to the effect that members who have attended the London Committee should be excluded. I myself had an idea of moving an amendment like that. They have had already their say in the matter and there is Sir George Schuster in the Committee to put forward their viewpoint. After all, we are going to have only 24 members in the Committee. Half of it will go to the Council of State. There will be thus only 12 from this House. If all the seven people, who were on the London Committee, get seats there, the new Members from the House will be only five and they will not be able to carry their point when the question of voting comes. I know it is entirely in the hands of the several Parties, but I must say, I am very anxious that those people who went to London should be excluded.

Mr. B. Das : Except Sir George Schuster.

Mr. K. P. Thampan : Of course he has to be there. Without the Prince of Denmark, there can be no play of Hamlet. Sir, let me warn the members of the Select Committee that the country is looking forward eagerly as to how they acquit themselves in this crucial matter. It is, I need hardly say, a matter of vital importance to the economic welfare of this country, a matter of life and death to every one of us. On the results of their deliberations and conclusions will depend the prosperity and welfare of the 350 millions of this land.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, fools rush in where angels fear to tread. (Ironical Cheers.) In spite of the ironical cheers, I am not immodest enough not to appreciate that I find myself in that position today, but my friends will soon hear the reason why I have been emboldened to intervene in this debate and to put before this House one or two points of view. It is the boldness that I have acquired from a remembrance of the tragic difference between the conditions when the stage was set for a discussion of this character in 1927 and what they

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are today, the tragic difference between the gigantic financial brains that took part in those days in this discussion and those who have been taking part in it for the last two days, between the lively character and the excitement that debate generated and the dull and uninspiring manner in which the discussion has been going on and the lack of interest displayed in this debate as evidenced by the thinness of the non-official Benches during the debate on a question which Mr. Thampan just now characterised as a matter of life and death to the nation.

Sir, from the trend of the debates that has been going on for the last two days, it is obvious that there is some sort of unanimity of agreement and concurrence on the main outlines of this Bill which Sir George Schuster introduced in this House. Of course, Sir, there have been differences of opinion regarding the details of this Bill. It is noteworthy, Mr. President, that the Parliamentary Paper shows ample evidence of a great amount of unanimity at the London Conference, which, I want this House to remember, consisted of a financial pandit, a man who is acclaimed as the fittest man to be the first Financial Minister under the Swaraj Government, Sir Purshotamdas Thakurdas, the Chairman of the Board of Directors of the premier Indian Bank, of which India is proud, the Central Bank of India, Sir Phiroze Sethna, the Editor of the best Nationalist and the most Swarajist Indian paper in this country, Mr. A. Rangaswami Iyengar. I want the House to remember that these gentlemen attended the Conference and signed the report.

Sir, the main attack on this Bill has been from the point of view that it is a Shareholders' Bank. When we buy Ford motor cars, we all know that the spare parts we get are all of standard specifications. Therefore, when we are going to establish a Reserve Bank, we have got, so to say, standard specifications available and, from that point of view, I will put a few questions to those critics who have been against the shareholders' scheme during the last two days. Is it or is it not a fact that the Bank of England is a Shareholders' Bank ? What about the Federal Bank of the United States ? What about the Bank of France, the Bank of Netherlands ? Some of my friends may say that there are other banks which are State Banks. To them I would say that these countries are already contemplating the change from a State Bank to a Shareholders' Bank. This is the condition prevailing all over the world and I do not understand why India alone should launch on a new and novel experiment of a State Bank. With regard to the abuses that have been pointed out about the Shareholders' Bank, has not this Bill provided against such abuses by means of provisions intended to check such abuses and prevent a caucus from getting control of this institution ? Is it not also significant that people like Sir Purshotamdas Thakurdas and Mr. A. Rangaswami Iyengar, who were in favour of a State Bank in 1927, are now warm supporters of a shareholders' concern ? Is it not also significant that the people who initiated the agitation in 1927 for a State Bank should also be warm supporters of a Shareholders' Bank ? When that is so, why should we not send this Bill to the Select Committee and get whatever improvements we want from the popular point of view ? In this connection, a most fruitful suggestion has been given to the Members of this House who have had the benefit of listening to a very brilliant and illuminating address by the Editor of *Finance* given two days ago. Government should introduce a provision taking power

to purchase the shares at a price specified from now, if it is found at the end of 10 or 15 years that there are abuses in a Shareholders' Bank. That ought to dispel all fears.

Mr. B. Das : Did you understand that speech of the Editor of *Finance* ? He was for a State Bank.

Mr. R. S. Sarma : I am not dealing with the other portions of his speech except the one where he dealt on this point. We have come to a stage when we have got to realise that Government want a Shareholders' Bank and nothing is going to change that. When we are faced with that necessary evil, what is the best compromise between Government and the popular side ? If, in the next 10 or 15 years, it is found that the Shareholders' Bank lends itself to abuses, Government can exercise their option to buy up the shares and convert it into a State Bank, but, if on the other hand, it is going to be a good concern and if it goes to be a confidence inspiring institution, then the Government may not exercise that option. The Government can easily provide a clause like that and it will be in keeping with the provisions contained in similar agreements. It is not a novel procedure at all. A clause like that is inserted in all the agreements between Government and the railway. I place this suggestion, Sir, before the Finance Member for his acceptance.

Sir, there is another thing to which I should like to refer. It is the criticism that has been levelled against the Imperial Bank. My friend, Sir Kenneth MacDonald, who had been a silent spectator, must have been tremendously amused at the criticisms and the heaps of abuses that were showered on him when Mr. Vidya Sagar Pandya and Dr. Ziauddin Ahmad criticised his policy. Dr. Ziauddin Ahmad made a very novel complaint against the Imperial Bank of India when he said that it did not give money on land securities and buildings and things of that kind. From the mere point of view of the question of banking, I do not think anything more absurd was ever put forward.

Mr. B. Das : Do you borrow money from the Imperial Bank ?

Mr. R. S. Sarma : I have never done that. I have always had an honest living. I have never indented on any Party, on any Raja, on any Maharaja or on any other person for my trips either to England or to Simla or for doing my public business, like my friend, Mr. Das.

Mr. B. Das : Do you aspire to be a Governor of the Imperial Bank ?

Mr. R. S. Sarma : No, Sir ; I have no such ambition at all. To go back to my point. Do we find in England banks advancing money on land securities ? If my friend, Dr. Ziauddin Ahmad, wants money on land securities, he must bring a motion in this House for a land mortgage bank and he will find great support for his proposition in this House.

Secondly, with regard to the Directorate. Does my friend realise that even now, I think, I am safe in saying, 50 per cent. of the Directorates of the Local Boards are Indians and even today two out of the three boards have got Indians as their Chairmen ? Does he realise that the last annual meeting of the Imperial Bank of India was presided over by an eminent businessman, Rai Bahadur Badridas Goenka ? With regard to the question of the Indianisation, so far as I remember, I think Mr. Bunbury, presiding over the Imperial Bank annual meeting year before last, made it plain that they are resolved not to have any more

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recruits from England, and, for the last four years, all appointments have been made here. I have no brief for the Imperial Bank, but as there are certain misgivings about it, I thought I could correct them to the extent to which I have knowledge of the affairs of that Bank. From that I should not be understood to mean that the agreement which the Imperial Bank should have with the Reserve Bank should be of the same character as it was in 1927. Things have changed enormously since then, and, therefore, any agreement that the Reserve Bank should have with the Imperial Bank ought to be changed in the light of the new circumstances that have now arisen.

Sir, I have nothing more to say except a word or two on behalf of the party I have the honour to lead at the moment. The Central Party always stands for conciliation and a policy of Responsive Co-operation. We have never been the followers of a policy of abject servitude to Government or blind obstruction for obstruction's sake. Believing in that policy, our Party has decided unanimously that we must let the Bill go to the Select Committee and that it is no use accepting the motion for circulation. At the same time, we do ask Government and appeal to them that they must accept all reasonable amendments that may be brought forward by the popular party, so that, when the Bill comes out of the Select Committee, it will be a proof against the machinations and the manœuvrings of vested interests.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I do not propose to go into the history of this case, nor do I wish to discuss the character and capacity in which our representatives attended the Committee in London. My motto has all along been : Let past be passed and be cautious for the future. I can only say that the majority of the members who went to London were invited by the Government. So, without wasting a single minute, I wish to say something in the shape of practical suggestions.

In the first place, I wish to say that whether we support or oppose the motion, it is immaterial ; this Bill is now going to a Joint Select Committee and there is no other alternative. It is also obvious that, under the present rules, there is no other alternative but to have an equal number of Members of both the Houses. My suggestion to Government, therefore, is that it is better for them if they would try to get more official members from the Council of State without giving them the right to vote. If this suggestion is accepted, then I think many troubles will be solved. It is for the Government now to consider this question. You can have 14 men from the Council of State out of whom seven should be elected Members and seven official Members, the official Members not having the right to vote. In that case, many grievances will disappear.

Now, I want to refer, Sir, only to paragraph 3 of the Report of the Committee. There they say :

> "We fully accept the principle that the Reserve Bank should be free from any political influence."

Sir, this is very objectionable. In the garb of this political influence, Government are taking away many things from the hands of a popular control. In the garb of this political influence, they want to have a Statutory Railway Board and, in the garb of this political influence, they want to have this Bank as a Shareholders' Bank. Had not the Postal

Department been a loosing concern they would have a Postal Board as well, to keep it away from political influence. What I mean to say is that the idea of the Shareholders' Bank is in itself not out of political influence. The Committee themselves have said that they fully accept the principle that the Reserve Bank should be free from any political influence. For the acceptance of any scheme, there must be some suggestions. Without suggestion, there can be no acceptance ; and where have those suggestions come from ? The reply is obvious, from the political influences in England. If you will see the Bill, you will find that the Governor General has been given so many powers, that this Bill cannot be said to be out of political influences.

Now, I come to the question whether the Reserve Bank should be a Shareholders' Bank or a State Bank. I have studied this Bill very carefully and I could not decide whether this is a State Bank or a Shareholders' Bank. As the Governor General has been given so much power of control, I think it is true to say that it is not a Shareholders' Bank at all. At the same time, I do find that the shareholders have also been given some right and, in that case, it becomes a Shareholders' Bank. So, it is neither a Shareholders' Bank nor a State Bank. The Governor General will receive instructions from the White Hall through the Cypher Bureau of the Political Department and will control the Currency of India. (Applause.) It will be true if I say that this is a Bill for having a Governor General's Bank.

If you look to the Directorate, you will see that the shareholders will have no hand in this Bank at all. I will refer only to this much at this stage, namely, that there will be eight Directors elected on behalf of the shareholders and four Directors nominated by the Governor General in Council and one Governor who will also have the right to vote. So there will be five votes, one for the Governor who will be nominated by the Governor General and four votes for the Directors who will be nominees of the Governor as against eight votes for shareholders. So the proportion will be 8 : 5. Now, sub-clause (*4*) of clause 8 says :

> "The Directors nominated under clause (*b*) and clause (*d*) of sub-section (*1*) shall hold office during the pleasure of the Governor General in Council."

What will happen is that all these four nominated Directors will always be present just as we find in this House the nominated officials being present always. If any one is ill or goes out on business, then the Government take his resignation and nominate another man. What will happen in the case of elected Directors ? If anyone of the elected Directors falls ill or goes out on business or is sent out to some Conference, either here or in London, what will happen ? There will be one vote less on the elected side. After all, these elected Directors are all human beings and they may fall ill.

The Honourable Sir George Schuster (Finance Member) : May I point out to the Honourable Member that if an elected Director is absent, there is a special provision in the Bill that a substitute will be appointed by the local Board.

Mr. M. Maswood Ahmad : Certainly it is true. But there is one trouble. The local Board must have sufficient time to elect a substitute. Supposing an elected Director falls ill and sufficient notice is not given to the local Board to elect a man before a meeting of the Directors takes place,

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then the elected side will have one vote less. But there is no such difficulty for the Government. Their number will always remain the same. Another point is that many of these seats on the Directorate will go to Europeans and most probably they will support the other four Directors nominated by Government. Further, the Government will have the casting vote. So, Sir, the Government will always command a majority on the Directorate. I will leave this point for a minute.

I will read out what the report says :

"The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders, and we recommend that this plan should be adopted in the case of India."

First of all I want to say that other countries also are losing faith in the Shareholders' Banks. Greece and Bulgaria are thinking now to have State Banks. Further, in this connection, I want to say that the condition in India is quite different from that of other countries. In India, apart from Indians, there are Europeans and domiciled Europeans, there are Anglo-Indians and there are so many other interests that it is very difficult to say that the conditions in India are the same as those in Europe. In the Bank of England, as far as I know, not a single Indian holds a share. They have a convention that only British subjects can have a share. Here, in this Reserve Bank, many Europeans and Anglo-Indians will have a large number of shares.

Further, this Bill is worse than the Bill which was placed before the Assembly in 1927. You will find that the share value in the old Bill was Rs. 100, but, in the present Bill, it is raised to Rs. 500. Further, there is another restriction that there will be votes to the extent of only two shares. I do not understand the benefit of this arrangement. Why not have Rs. 1,000 as the share value for a vote ? I suggest that this question also should be considered in the Committee and that they should fix the value of each share at Rs. 100. India, after all, is a poor country and it is very difficult for statutory Indians to buy shares of the value of Rs. 500. It is only the Europeans, domiciled Europeans and Anglo-Indians who will be able to purchase shares even to the value of Rs. 10,000, but the statutory Indians will find great difficulty in purchasing shares of such high value. I suggest that the Government should be kind enough to consider this question thoroughly in the Select Committee. Another difficulty is that in the old Bill the Directorate was 16 elected as against 7 nominated, whereas in this Bill it is 8 elected as against 5 nominated. This question also should be considered in the Select Committee.

Now, I come to clause 4 of the Bill which is very important. In this connection, I will discuss only clauses 4 and 8 and I want to say something on these two clauses. I find that Rangoon also has been included in the operations of the Reserve Bank. My information is that the question of separation of Burma has not yet been decided and so there must be a clause in the Bill as to what will happen if Burma is separated. I do not agree that, even after separation, the representatives of Burma should be on this Reserve Bank Board. I want that this Reserve Bank should serve purely the interests of India, and only Indians should be on the Directorate. The Reserve Bank should be governed by Indians and not by foreigners, whether they are foreigners coming from 6,000 miles away or from a

distance of 200 miles, it does not matter. I want that this Reserve Bank should be purely for Indians, administered by Indians and for the benefit of Indians. (Applause.) I do not agree that Rangoon should be included.

In this clause, the qualification for a shareholder is given as follows :

"No person who is not domiciled in India, or a British subject ordinarily resident in India, or a company registered, etc.....".

I suggest that the clause should run as follows :

"Shares will be held only by Indians and by company registered, etc.....".

I submit that this word "domiciled" is not a happy one and, therefore, I suggest it should be "Indians". The clause further says :

"....or company incorporated by or under an Act of Parliament or any law for the time being in force in any of His Majesty's dominions and having a branch in British India."

This provision is very objectionable. It is a different question if we afford facilities to England. But we are not prepared to give those facilities to the dominions. On several occasions, in reply to questions in this House, we have found what the attitude of the dominions is towards us. Unless those dominions are prepared to give the same facilities to us and unless they incorporate a similar provision in their Reserve Bank Acts, I am not prepared to afford them any facility unless they are prepared to reciprocate. This question also should be considered by the Select Committee.

Now, I turn to clause 8 and that is a very important clause, about the Directorate. In this connection I will say that the Directorate is very small. It should be enlarged in the Committee.

Further, I find that there will be four registers in India, that is, Bombay, Calcutta, Delhi and Madras. They have provided two Directors for Calcutta, Bombay and Delhi, but I say that instead of giving two Directors for these registers, they should be split up and there should be one Director from each register ; and if there be two Directors for Calcutta and if they combine Assam, Bihar and Bengal together, I do not think there will be any chance for Bihar in this. The other trouble is that if you have two Directors from one register, then the electorate will be very large and it will be very difficult for Indians to control this. There are, after all, 165 lakhs of rupees for the shares and the sharers will be too wide, the electorate will be too wide and it will be difficult for Indians to control such a wide electorate. I suggest that the electorates should be small, that these men may be in a position to know the local condition, and they may be in direct touch with the men who have elected them and they may know the real condition of agriculture, etc. So I suggest that these registers should be split up and, instead of two from each, there should be one. The other suggestion is that the elected Directors should be more than eight as the number eight is too small. Further, Sir, you will find in the report of the Committee that special mention has been made that agricultural interests should be kept in mind and in this case I will say that there must be direct representation of that interest just as it was given in the previous Bill. I am very sorry that I do not agree with the principle of nomination. I have protested against that on several occasions and now also I want to suggest that some means should be sought in the Select Committee stage to see that representation for the agricultural interests should be assured on that bank. Further,

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in this connection, I will say that I have got no alternative but to give some chance to our European friends to have shares in this Bank. I would have been very glad if there was a principle laid down here that only statutory Indians should have shares in this Bank, but, if that is not possible, I will request my Honourable friends, who will attend the Select Committee, to try and restrict it in this way that, beyond a certain percentage, no shares should go to foreigners.

Mr. B. Das : What percentage would you suggest ?

Mr. M. Maswood Ahmad : I think 10 per cent. is quite sufficient to safeguard their interests and, if Government want to give them more, in any case it should not be more than 15 per cent.

Further, Sir, they have mentioned the mode of election and said that the shareholders would elect five men and then the local Board would elect representatives to attend the Central Board. But what is the use of this double election ? The three nominees there will certainly influence the election to the Central Board. This is very objectionable. There is no harm if they may have local Boards as well for other purposes if they want, but direct election should be given and shareholders should be given a chance to elect their representatives in that Bank direct, and not in this way that the representatives should first be elected and then these five representatives *cum* three nominees should elect to serve in that committee.

There should be some provision in the Act that the future Government may purchase shares at a fixed price if they chose to do so.

Then, Sir, I turn to clause 10. I find that they have mentioned the qualifications and disqualifications of Directors and members of local Boards. In this connection, they have added a proviso to sub-clause (*2*) :

" Provided that an official of a State in India (not being a Government official on deputation in the State) may be nominated as a Director or as a member of a local Board."

Here I have got a serious objection. If they debar the Government of India officials from being Directors, what is the use of giving a chance to the officials of the State to be Directors in this Bank ? After all, these officials in the States are in no way better than the officials of my Government. When my Honourable friend, Sir George Schuster, has got no chance of being a Director in that Bank, why should the Prime Minister of Patiala or Hyderabad or any other State be given that chance ? (Laughter.) Then, about meetings also, I will say that they restricted the meetings to Bombay and Calcutta. But there I do not agree and I will suggest for my Honourable friend's consideration that at least one meeting must be held in all the centres.

Now, Sir, they have mentioned in clause 15, sub-clause (*4*) :

" A Director so nominated to represent shareholders on the Bombay or Calcutta Register shall hold office for two years, and a Director so nominated to represent shareholders on the Delhi, Madras or Rangoon Register shall hold office for four years ", etc.

I cannot understand why these Directors, who will represent Calcutta and Bombay, will be there for two years, and for Delhi, Madras and Rangoon it will be four years. The only reason that I can think of

is that there are more Europeans and Anglo-Indians in Bombay and Calcutta and there is.....

The Honourable Sir George Schuster : Sir, may I explain to my Honourable friend that that provision merely refers to the first Directors nominated ? Different periods have to be put in so that all the Directors may not have to retire at the same moment. That is in accordance with the recommendation of the Committee and the provision was put in so that the Directors may retire by rotation.

Mr. M. Maswood Ahmad : Then, if that idea is accepted by the Select Committee, I will suggest that instead of having Bombay and Calcutta to retire first, it is better that the Directors from Delhi, Madras and Rangoon should retire first and Bombay and Calcutta afterwards. (Laughter.) Further, in clause 17, sub-clause (*1*), you will find this :

" (*1*) the accepting of money on deposit without interest from, and the collection of money for, the Secretary of State in Council, the Governor General in Council, Local Governments, States in India, banks and any other persons ; "

Here if " Local Governments " mean the Local Governments of the provinces, I will say that local authorities like District Boards and Municipalities should also be given a chance to keep their money, and certain provisions should be made here for that.

I find in sub-clause (*5*) of the same clause :

" (*5*) the making of advances to the Governor General in Council repayable in each case not later than three months after the close of the financial year in respect of which the advance has been made ; "

It is not said whether the money will be advanced to them with or without interest. What is happening today is that these Local Governments are taking money from the Central Government and they are not paying a single pie as interest. And, even after closing the financial year, the amount remaining is taken as overdraft and then these Governments pay the interest. So I want that it must be clearly defined whether this advance under this sub-clause will be with or without interest.

One other point I have to say is this. I refer to clause 28 which says :

" Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall of right be entitled to recover from the Governor General in Council or the Bank the value of any lost, stolen, mutilated or imperfect currency note of the Government of India or bank note : "

I want to say in this connection that the Reserve Bank note should have numbers in more than one place ; and, further, there must be some clear mention that if, by any chance, some mutilation takes place, in that case there must be some provision that these notes must be taken up by Government and the money given to holders of these notes.

As regards the Imperial Bank, I support the idea which has been mentioned—I do not want to repeat the same argument—but I say that two things must be considered : Government should not try to have this Imperial Bank in a privileged position. All the banks should be treated in the same way ; and, further, the time which has been mentioned here, namely, 25 years, is too long ; and if, for any reason, Government want to have this Bank, then it should be for ten years for the present ; and we should not tie the hands of the Directors who will come afterwards ; we must give them sufficient chance to decide whether they want to have the Imperial Bank as their agents or not.

[Mr. M. Maswood Ahmad.]

Again, turning to page 26, Schedule III, I will say that the proposed compensation which is to be given to the Bank must be omitted. What for are we giving them compensation ? It was said in the year 1928, as I have come to know, that the proposal for compensation was raised, because the Imperial Bank of India had some contract with the Government of India and, as that period had not elapsed, compensation was proposed : but, in the present case, that is not so, and so I will request the Government to consider this point whether this Imperial Bank deserves any compensation or not. I request my friends who will attend the Committee to fight for this, that compensation should not be given to the Imperial Bank.

The only other point which I will press before I sit down is that this register should be split up : it should not be two Directors from one register, and the shares should not be transferable ; if shares are transferable, then there will be no use of having separate registers, because, within a few years, everything will be hotchpotch and the provision of the allocation of shares they have mentioned here will disappear. (Applause.)

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, the establishment of a Reserve Bank for India will be a step forward in the development of India's financial machinery and will, I think, assist that gradual and silent revolution in India's economic life which promises to bring higher opportunities of life and higher standards of living to every one in the country. Sir, the interest of the country also demands the early creation of an institution which will be the central reservoir to which all pubilc balances should belong and the central fountain which will feed all fruitful national activities throughout the country.

It has often been argued that Indian interests demand a State Bank rather than a Shareholders' Bank.

It has been argued that a Shareholders' Bank will run, not on national lines, but in the interests of those capitalists who finance the Bank. This, I submit, Sir, seems to be an incorrect view. If the shareholders choose a selfish path, the Legislative Assembly is not barred from raising public opinion against this policy, and compel the shareholders to bow before the nation's demands.

Now, Sir, coming to the actual purchase of shares, I find that the Bill makes no provision to safeguard against an undue predominance of non-Indian interest. This point is of very great importance and is likely to be discussed at length in the Select Committee. I will not urge the closing of the door altogether for foreign capitalists—for, I believe that for at least some time to come we do require their help and guidance.

One word as regards the link with sterling. Since 1931, the rupee has been linked to the sterling. Whether that act was wise or not does not concern us at present : that exists today. The Bill very clearly and wisely states that the working of the Reserve Bank on the sterling basis is only provisional. Till the world returns to more stable economic conditions, it is undesirable to alter the standard of the currency or the exchange ratio. It is, therefore, inevitable that a Reserve Bank started today can work only on a sterling standard basis. There is no other alternative. I would make one suggestion and it is this, that the Reserve Bank should recognise the status of the Co-operative Banks. These Banks, I need hardly add, are more important to the common people, especially the agriculturist class, than other Banks. The Reserve Bank will thus be enabled to come into direct contact with the masses of India. The Reserve Bank will certainly prove much more beneficial to the agriculturists if it extends its recognition to the Land Mortgage Banks and Agricultural Banks. India is primarily the land of the agriculturists. Any scheme of Central Banking, which does not take them into account, cannot meet our requirements to the fullest extent. Any scheme, which makes the financial position of the agriculturist easy, must be welcomed. It is in this hope that I strongly appeal that the Select Committee may be pleased to consider favourably the recognition of Agricultural Banks and Co-operative Banks. Sir, with these few observations, I support the proposition of the Honourable the Finance Member who, I think, is unquestionably one of the ablest financial experts of India. I also appeal to him to give to India the benefit of his entire ability and wisdom in solving this correctly in the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Before other Honourable Members are called upon to speak, the Chair would draw the attention of the House to certain amendments that stand in the name of the Honourable Mr. Jog who has come back to his seat just now. The first amendment of Mr. Jog reads like this :

" Each House should have a Committee of its own. The Committee of the Assembly should consist of 14 members."

The motion that is before us is under a specific Standing Order for constituting a Joint Committee of both Houses, and the Chair would like to know what exactly is the meaning of this amendment.

Mr. S. G. Jog (Berar Representative) : Sir, I quite realise the point raised by the Chair, but this is an amendment. The motion before the House is that there should be a Joint Committee of both the Houses. This is an amendment to that in which I say that the selection of members of the Committee should be restricted only to this House, and it should not be a Joint Committee of both the Houses. That is the purpose of my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : But the Honourable Member says that at the end of the motion the following be added. The motion is a recommendation to the Council of State that a Joint Committee be set up. The motion, as worded by him, has absolutely no meaning, and, therefore, it is out of order.

The next amendment standing in the Honourable Member's name is like this :

" That at the end of the motion the following be added : ' The non-official Members who have already taken part in the London Conference should not sit on this Committee '."

[Mr. President.]

A Committee of this House, whether a Joint Committee or a Select Committee, is set up by a motion of this House, and every Honourable Member, whoever he is, has got the right to sit on that Committee, if he is elected to that Committee, and no Resolution of this House can debar any individual from sitting on a Committee like that, and, therefore, that amendment is also out of order.

Then, the third amendment is :

"That in the motion, after the words 'consist of 24 members' the words 'that out of the number allotted to the Council of State the majority should consist of elected Members' be added."

Under Rule 42, this House can only recommend to the Council of State that a Joint Committee be set up, and this House has no power to restrict the right of the Council of State to determine the composition of that Committee, and, therefore, this amendment is also out of order.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, in supporting the motion of the Honourable the Finance Member and in opposing the amendments to his motion, I wish to say a few words with the indulgence of this House. Of course, I do not wish to say anything, nor am I competent to do so about the various matters of banking technique which are connected with the Bill. I wish to restrict myself to a few observations on matters of general interest to which Honourable Members have directed their attention.

The first point which I will address myself to is as regards the remarks of certain Honourable Members in respect of the personnel of the London Committee. I would have avoided this subject, but unfortunately or fortunately I had myself the honour of serving on that Committee, and I think it is in the fitness of things that this House should hear me in connection with the remarks addressed against the personnel of that Committee and its activities in London. In the first place, I think every remark addressed against the personnel of the Committee is absolutely irrelevant and foreign to the present matter. It is the *work* of the Committee with which we are concerned. It is not the personnel at all. What matters if the report has been signed by X, Y, Z, or P, Q, R ? It does not matter in the least. Secondly, my Honourable friends who have criticised the personnel of the Committee do not seem to have noticed that on that Committee sat men of the widest possible banking and currency experience,—the best experts in currency and banking matters which the British Empire can claim, so far as the Europeans were concerned, and as regards the Indian element, I must say that the Indian element contained men who were in daily and intimate contact with banks and banking operations. I think the Honourable gentlemen, who criticised the personnel of the Committee, ought to have suggested a better personnel so far as the Indian element was concerned. My Honourable friend, Mr. Sarma, has already spoken about the Indian element in the Committee and I will say nothing more about it.

I could not understand what object could possibly have influenced my Honourable friend, Mr. Vidya Sagar Pandya, in dilating on that topic. He talked of the personnel being a bridal party and so on, and the only thing I could think of which could have induced him to say what he has

said is that he was dissatisfied at his not being himself on the London Committee. I may assure him that I would have been the very first man to vote for his inclusion not only in the bridal party, but for his inclusion in the palanquin and for his taking the place of the cat therein.

My Honourable friend, Mr. Gaya Prasad Singh, and others dilated on the topic whether the Bank should be a State Bank or a Shareholders' Bank. If my Honourable friends had asked themselves and explained to themselves what were the purposes for which a Reserve Bank was constituted, I think they would have approached the question from a more correct angle of view. We all know that banks have to do with credit, and the two most important topics which come to our mind when we talk of credit are firstly, the creation of credit, and, secondly, the distribution of credit. If you look at the history of banking in Europe and everywhere else, you will find that the functions of creation of credit and distribution of credit were all concentrated in one hand, but, subsequently, on account of several inconveniences, the State took upon itself the function of creation of credit and left the banks to deal with the ordinary business of banking and distribution of credit. So far as India is concerned, after 1862, the State monopolised the function of the creation of credit leaving the function of distribution of credit to the banks. The history of the last 100 years of banking in Europe and other civilised countries shows that this dual system of creation and distribution of credit respectively by two different agencies has led to very undesirable results, and those results have been summarised in the book from which my Honourable friend, Mr. Gaya Prasad Singh, read,—Keynes' Indian Currency and Finance, at page 235. There are three pages of it and I do not propose to read them. If we regard the question from that angle of view that the functions of creation of credit and distribution of credit in the best interests of the nation should be united in one hand, I think the point about the bank being a State Bank or a Shareholders' Bank would be very easy of solution. For, in the first place, the State can assume this dual function only by taking upon itself the function of the distribution of credit and other functions of a bank of deposit. This the State cannot do unless it believes in State socialisation as is the case in Australia. On the contrary, the ordinary bank can take upon itself the creation of credit as is the case with regard to the large majority of banks in civilised countries. Therefore, I say, if you create a State Bank, the functions which the State cannot properly carry on will have to be entrusted to the State, while, on the other hand, if you create a Shareholders' Bank, the functions which a Shareholders' Bank can properly carry on will be entrusted to that Bank. Again, my Honourable friend said that a Shareholders' Bank would be more open to influences, political and otherwise, detrimental to the interests of the nation than a State Bank would be. I categorically deny the correctness of that position.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : On what grounds ?

Mr. N. N. Anklesaria : These grounds are mentioned—I have only a short time at my disposal, but if my Honourable friend does want to know the grounds, he will find them in Thakur's "Organisation of Indian Banking", very well summarised at page 107. Thirdly, my Honourable friend ignored that India is a dependent country and the dependence of India, under the White Paper scheme, far from being eliminated, will, I

[Mr. N. N. Anklesaria.]

am afraid, be put on more secure foundations than it is today. This dependence means that a bank controlled by the State will be controlled by the Secretary of State for India, which means by the Lombard Street interests. Once in half a century you can get a Finance Member of the strong mind and broad views and Indian sympathies of Sir George Schuster, but, I am afraid, under the Constitution, he would be powerless to effect anything which the Secretary of State would like to do. I need not mention the incidents of the episode of the gold standard which happened in Simla in 1931. For all these reasons, I say a Shareholders' Bank is preferable to a State Bank, but my Honourable friend, Mr. Gaya Prasad Singh, says that under the scheme of the Bill you do not eliminate the influence of Lombard Street. You get this influence working in Indian affairs through the Governor General. I quite admit that the Governor General has got powers of appointment and removal of Directors, but when you consider India as a country in which many conflicting interests have got to be reconciled—economic interests, the interests of races and to them under the new scheme will be added the interests of Native States, you have got to resort to one impartial authority who would secure justice and fair play and I would challenge anybody to name any institution which would better function for such a purpose than the Governor General in Council.

Mr. B. Das: Challenge accepted.

Mr. N. N. Anklesaria: Let me know it. I think I am not disclosing any secrets with regard to the deliberations of the London Committee when I say that I was the first man to raise this point in the Committee there. I said I would agree to the powers given to the Governor General in Council if I was convinced that those powers would be used primarily in the interests of India and not of England and, I must say, to the credit of the European members there, they at once agreed with me and they said that some provision must be made to give effect to what I said, and one of them suggested and everybody agreed that a provision should be found in the Instrument of Instructions enabling the Viceroy to use his powers in the present connection primarily in the interests of India. That matter is not to be found in the report, but I think Sir George Schuster will bear me out and, if he does so, I am quite sure, many of the fears expressed outside and on the floor of the House will be allayed. Lastly, as regards the State Bank, my Honourable friend cited various authorities in favour of a State Bank. I will just quote seven lines from the report of Dr. Visering quoted in Mr. Thakur's book on page 107 :

"The dangers attending the establishing of a State Bank have during the course of time been so universally admitted that at all the great international economic conferences held during the past six years warnings have been sounded against a State Bank and it was recommended that in countries where a State Bank was established it should be converted into an independent private bank, naturally, however, under sufficient supervision by the State."

If you read the report, it contains sufficient provision which would enable the State to supervise the workings of the proposed Reserve Bank. It has been said that in future if it is found that a Shareholders' Bank is not in the national interest, the Act must contain a clause enabling the Government to buy up the shares. I believe, though I am not quite

sure, that there will be a provision in the Government of India Act about the constitution of a Reserve Bank, which I do not believe, I speak, subject to correction by the Government Members, it will be in the power of this House to amend or alter. This provision may be availed of by the political party in power for party purposes to the detriment of the real interests of the nation. Therefore, I say, a provision such as that suggested will be not only useless, but will be harmful, because, if such a provision were inserted, it would considerably depreciate the value of those shares and it is absolutely unnecessary. I would leave the matter to the British Parliament. The Parliament of Great Britain is omnipotent. It might do everything except make a man a woman or a woman a man. If Parliament is convinced that, in the interests of India, it is necessary to convert this Shareholders' Bank into a State Bank, I am perfectly sure the Parliament of Great Britain has power to do so. As there are many other speakers yet, I propose to resume my seat.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the motion brought forward by the Honourable the Finance Member to refer this Bill to a Select Committee, but I do not accept his recommendation of a Joint Committee. This House should be left independent in determining what should be the changes made in the present Bill. The other House has got a very small number compared with the number of Members of this House and, therefore, they can very easily go into Committee and thrash out the Bill when that Bill is placed before that House.

I am not in favour of the proposal made in the Bill that the Bank should be a Shareholders' Bank. That the Reserve Bank should be free from political influences has been laid down as an axiom. I am not going to say that the Bank or the Bank's Manager and the Board should be from the ruling party in the House of Representatives. That is not my idea. But I may point out that it is almost impossible to keep out politics out of a Reserve Bank either here or anywhere else. The Directors are men and they have got their political predilections and, when there is a change in the Directorate, there is some change, at all events, in the political outlook of the Directorate as a whole. May I ask a question : whether the Directors of the Bank of England are without politics like the Speaker of the House of Commons ? They are not required to be out of politics and, therefore, I do not think it will ever be possible to keep politics entirely out of the administration of the Reserve Bank. It is well known that the Governor of the Bank of England has frequent interviews with the Chancellor of the Exchequer and it is also well known that the Chancellor of the Exchequer is a puppet in the hands of his party. The Chancellor of the Exchequer belongs to a party and has to change his politics along with his party. Even such a strong bank as that of the Bank of England has to take the assistance of the Ministry whenever any important change is to be introduced and thus the Bank has to bow down to the present day politics. This will show that even the Bank of England is not outside the influence of politics. I shall here point out why so much stress has been laid upon the dictum that the Reserve Bank should be outside the influence of politics. From the year 1924, the Swaraj Party came into power, and, since then, Government found it difficult to carry on whatever they wished to carry. So, in the year

3 P.M.

[Mr. C. S. Ranga Iyer.]

jarring note may yet be heard from this side in regard to the motion which is before this House. I would suggest that the measure should be thrashed out in the Select Committee and those who differ will place their views before the Committee and specially before the Honourable Sir George Schuster. I have no doubt whatever that, just as he was able to compose differences in London in the Committee, even so he will be able to convince the doubters in the Joint Select Committee.

It is good by the way that the amending motion for an Assembly Select Committee was not moved at all. Good, because in matters of this kind, momentous as they happen to be, involving the fate and the future of this country, such a controversial amendment should not be discussed in this House as we must carry the confidence of the Central Legislature as a whole which I believe represents all that is sanest and safest in the country. The importance in regard to the setting up of a Reserve Bank arises from two points of view, financial and political or constitutional. If we want financial autonomy as we have been clamouring for it for years from platforms of the Congress as well as from industrial and other Conferences, it is time that we create an atmosphere of confidence in this country and, to create that atmosphere, we must, with one voice and with one mind, vote for this motion and not press it to a division. (Hear, hear.) I hope nobody has the least idea of pressing it to a division. At the conclusion of this debate, I have no doubt, within the limited opportunity open to the Honourable the Finance Member, he will meet the arguments that are necessary to meet.

One question that has emerged in this debate, one controversy, one seeming cleavage is as to the wisdom of a State Bank or the unwisdom of a Shareholders' Bank. Listening as I have been rather closely to the argumentative side of the speeches of the advocates of a State Bank, I notice one thing and that is this. They were anxious to examine the contact that would be established between the Government, its Finance Minister and the Reserve Bank. And, as in the scheme before us, the Shareholders' Bank is not to be drifted into uncharted seas, as the Governor General and the Finance Minister will have contact with the Reserve Bank, the advocates of a State Bank may possess their souls in patience. Some one, in the enthusiasm of his argument for a State Bank complained that the Bill before us was setting up something in the nature of "a Governor General's Bank". Well, what can be a State Bank, if you read the White Paper scheme and note the Governor General's powers under it, but a Government Bank, dominated by the Governor General? That must, incidentally be an argument in favour of the present Shareholders' Bank. However, those who honestly want a Government Bank know the Governor General's connection has not been cut off from the new scheme.

Sir, every attempt has been made to compose differences which arose in London and sometimes threatened to blow almost like a *loo*. I was present in one or two of these controversial discussions when Sir Purshotamdas Thakurdas, the great stalwart of Bombay, true to his traditions, stuck to his guns. Then the Finance Member argued, the experts from England argued, and after a heated argument they saw

light, the light, namely, the Bill before us. Even so, I am sure, in the Select Committee, our friends, who have got so much of heated argument and suspicion, will see that there is plenty of light and plenty of wisdom in the Reserve Bank Bill.

We are essentially politicians on this side of this House and that leads me to the political, the constitutional issue. Every one has read the White Paper scheme. It may be a pity, it may be a tragedy, that the White Paper scheme has placed us on the horns of a dilemma, but we have got to face the realities. Those who want central responsibility to come *pari passu* with provincial responsibility cannot stand up on the floor of the House and put obstacles in the way of the establishment of the Reserve Bank. If you want central responsibility, says the White Paper, you must agree to the setting up of a Reserve Bank. Even without that provision, I would have agreed to a Reserve Bank. Our leaders in days gone by, the late Pandit Motilal Nehru, Pandit Madan Mohan Malaviya, and others did not dispute the necessity for a Reserve Bank. They realised it even before the White Paper scheme was on the horizon ; and, therefore, if they did not dispute that fact, I do not see why we should dispute it by pressing this motion to a division. (*A voice* : "We do not dispute that fact.") It will not and it cannot be pressed to a division after this healthy confession of the organiser in chief of the new Democratic Party (Mr. B. Das) which I wish all success in the Select Committee.

Sir, I personally do not propose to labour the objection to the provision in the White Paper scheme, because India wants a Reserve Bank, India which is far and away in its financial conditions, in its financial possibilities, in its financial equilibrium, head and shoulders superior to many other countries in these times which can boast of a Reserve Bank. That being so, we must have a Reserve Bank, and if I advocate a Shareholders' Bank as preferable to a State Bank, it is because nothing that has been said in this House or outside, nothing that has been recorded in the Bill can prevent this country, if it so chooses, after the experience of a Shareholders' Bank, from going in for a State Bank. The State will always have adequate powers for that purpose. Instead of starting with a State Bank, and the State Bank failing to fulfil expectations and regenerating as a Shareholders' Bank, it will be far better to start with a Shareholders' Bank ; and if experience proves and suggests that we should have a State Bank instead, we can have State Bank. It is a matter on which there can be no dispute and, I am sure, when the Finance Member rises to speak in his seat or rises to discuss in Select Committee, he will make this point absolutely clear.

Sir, we have been attacked not only in prose, but also in poetry. It was that banking patriot or patriotic banker, Mr. Vidya Sagar Pandya, who reminded this House of a procession in London, a bridal procession that wended its way from India across the black waters. Sir, I was in this bridal procession. I was not a member of the Reserve Bank Committee. I have no aspiration,—he said there were aspirants galore on the floor of this House,—for a place on the Joint Select Committee. Therefore, I can speak with a certain amount of disinterestedness. The attitude of the Honourable the Mover of the

[Mr. B. V. Jadhav.]

1927-28, they found that the Opposition was a very strong one and, therefore, this theory of keeping the Reserve Bank out of politics was started. But, Sir, things have changed to a very great extent since then. We know what the politics of the present House are and how easily pliable the House is to the whims and wishes of the Government Benches and, in the future Constitution, as adumbrated in the White Paper, care has been taken to have this House at the beck and call of the Government Benches. There will not be the nominated block, but, in order to have a steadying influence in the constitution of the House, the condition of Federation has been laid down. So, when the reperesentatives of the States will sit in this House in order to steady the politics of the House, then it will always be certain that the Government in power will have almost an autocratic authority. Also, to guard against the whims of the popular vote, eare has been taken to keep special powers in the hands of the Governor General and the Governors. So, I do not think there is, with all these precautions and special powers with the Federation coming on, any necessity of fearing the advent of politics in the constitution of the Reserve Bank. However that may be, that is the point of view I hold. If the constitution of the Bank is to be a Shareholders' Bank, then I will insist that care should be taken that a very large majority, about 90 or 85 per cent. of the capital should be kept in the hands of the Indian subjects of His Majesty. Sir, the Bank of England has been constituted as a capitalists' Bank and the capitalists of England have been ruling the whole nation. The Labour Party has been raising its head and the socialist politics are coming more and more into the administration of the country. The trend of legislation during the last 25 years shows that even the Conservatives and also the Liberals have been adopting some of the doctrines of the Labourites. In England, the Labour Party was twice the ruling party and, in future years, no one can say that the Labour Party will not come into power. The main doctrine of the socialists is to nationalise the instruments of production and distribution and banks, as a class, are very prominent as instruments of credit and distribution. So, Sir, there is a move to nationalise the banks and, I am quite sure that in the near future even the Bank of England will have to be nationalised. We have to take note of the fact that, although during the past generations the nations of Europe have been organising their Reserve Banks on the principle of Shareholders' Banks, yet the new banks that are coming into existence, such as the Bank of Australia, are purely State Banks. The Honourable the Finance Member is shaking his head and I speak subject to correction. But I understand that even in Sweden there is a sort of a mixture of Shareholders' and State Bank. Some such expedient might be resorted to here also. I would recommend that there should be a clause kept in the Bill itself that the State should be at liberty to purchase all the shares from the shareholders in about 10 to 15 years. This option may not be exercised ; but then there should be that provision. Such a provision has been kept in the contracts with the Railways that were built with the capital borrowed from outside and Government have exercised that option of purchase. A similar provision should be made in the constitution of the Reserve Bank. This is what I have to say with respect to a Shareholders' Bank. I do not want to take up the time of the House in going minutely into the other provisions of the Bill. The Select Committee will look into that and it is their province. But I would insist that the Reserve Bank should have a branch in London, if not for any other purpose, at least to train our young men in finance and in the operations of the money market. London has become the centre of the world's money market, and training for our young men at that centre is very beneficial and that ought to be provided for by having a branch of the Reserve Bank in London. It will not be advantageous to us to give the agency to the Bank of England. As the operations of India with England cover very vast sums, the commission itself will be sufficient to maintain a branch in London. For this purpose I insist, with all the emphasis at my command, that a provision ought to be made for opening a branch in London. We shall have to borrow, in the first place, a Governor and one of the Deputy Governors from outside. This provision ought to be made to train Indians for that job. After taking all the training that can be had in India, it is necessary that our young men should have a training ground overseas in England and, therefore, this branch is absolutely necessary. I hope the Select Committee will take note of this. We have the India House with the High Commissioner at its head. We ought to have our banking centre there in order to control financial matters. With a branch office in London, we shall be in a better position to negotiate our loans directly without the intervention of the Bank of England. We have found that the help of the Bank of England has not always been of advantage to this country. The Bank of England naturally would look to her own interests and to the interests of England in the first place. We cannot blame the bank for doing it. But if India wants to preserve her interests in the markets of England and also in the markets of the world, she must have her own financial institutions to safeguard them and not trust to the work which is done by an agency of the Bank of England. I need not say anything about the ratio of 18d. or 16d. My Leader, Sir Cowasji Jehangir, has sufficiently dealt with this question. But I have to support the view placed by Dr. Ziauddin the other day. In order to improve the finances of our country, the raising of the commodity prices is absolutely necessary. Until the prices rise, the peasantry and the mercantile community cannot raise their heads. In order to raise the commodity prices, the lowering of the currency is a very good device. England adopted that device when she went off the gold standard two years ago and America has also done so very recently. India no doubt profited to a certain extent when England went off the gold standard, because, in proportion, her currency was depreciated, but that is not sufficient. The advantage gained has passed away and our peasants and our merchants are in a very deplorable condition. In order to improve their condition, some drastic methods are necessary and I support Dr. Ziauddin Ahmad in saying that the lowering of the currency will be beneficial in these circumstances.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The Honourable gentleman who just concluded his speech has followed the very wise lead of the Acting Leader of his party whose representative character even the Honourable Mr. Vidya Sagar Pandya cannot deny. These very expressive words : " I hope the Select Committee will take note of this ", that and the other, these words, I believe, express in one sentence the bulk of opinion on this side of the House. Even though this sentence sums up our view, yet a

[Mr. C. S. Ranga Iyer.]

circulation motion who believes in delaying, "sweet, reluctant, amorous delay" (Laughter), is worthy of a bridegroom outside a bridal procession. These lines struck me as he rose and spoke.

"Fresh as a bridegroom and his chin new reap'd
Showed like a stubble-land at harvest time;
He was perfumed like a milliner
And 'twixt his finger and his thumb he held
Paper sheets which ever and anon
He gave his nose and took away again."

As for Sir George Schuster, he can have the satisfaction that towards the close of his official career as Finance Member, he is leaving for his and our country, he has served to the best of his ability and his light, a rich legacy. Well may he feel :

"When I'm not thanked at all, I'm thanked enough;
I've done my duty and I've done no more."

Mr. A. Das (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, at the fag end of this debate and suffering from the disadvantages of being furthest away from you and not belonging to any party, I am obliged to you for giving me this opportunity to speak a few words on this important subject. I wish, Sir, that everybody in this House had taken the hint which you gave the other day of fixing a time limit. That would have saved much of the time being wasted and prevented also much of the repetition, and other Members would have had no grievance. I for one strictly wish to follow it and that is why I have kept the watch before me and I am not taking more than 15 minutes, or less, if possible. Sir, I have been connected with several local banks in the capacity of a Director for a number of years, but I prefer to speak on this question more as a lay Member than as one who has had experience of details.

I rise to oppose this motion for circulation and, in doing so, I wish to thank the Finance Member for his efforts in England and here, in order to put our country under a sure financial credit and to safeguard it. I claim that it is due to his efforts and also to the Government of India that at one time when the securities of India had gone down about 50 per cent. and it was rather at a low ebb, now they have gone up to about 85 per cent.; and I think it is the credit of this country, guided by the able Finance Member and supported by the English banks, that no sooner a loan is opened than it is more than oversubscribed.

One thing is important : whatever the future constitution of this country may be, the important thing is the connection with England. I am one of those who think that for some time to come, however advanced India may be, in order to be a safe and financially sound country, it is essential that it should keep up its connection with England at least for a number of decades. If that is the correct view—and I hope others will agree with me in this view—then I think it is all the more important that a Reserve Bank should be established which would be independent of any political atmosphere and will be guided on safe financial principles. It would be necessary for a few moments to go into the history of legisla-

tion on this point. It is a fairly old one, and the question has been discussed in public and outside, and no object will be served by delaying this motion any further and passing the motion for circulation. The history of legislation for a Reserve Bank may be briefly summarised. It is as old as 1836 when a scheme was submitted to the Board of Directors of the East India Company in order to have a Reserve Bank. The idea was of a Central Bank of India, and certain advantages were pointed out for the scheme. They were that it would facilitate the use of English capital and finance English commerce, that it would give stability to the monetary system of India and that it would be convenient to the East India Company in connection with its own financial arrangements. That proposal fell through. Then, in 1920, there was an International Conference held at Brussels and they recommended that in countries where there is no Central Bank of issue, one should be established. This has been put in practice in various European countries, and I am glad that our country also is going in for it. In 1920, also, as we all know, this Imperial Bank of India was established and the three Presidency Banks were amalgamated into one. In 1925, we had the Royal Commission on Indian currency and exchange, and it was presided over by Mr. Hilton-Young. That Committee went into this question and the report of the Commission was submitted in August, 1926. The Committee recommended among other things the creation of a Central or Reserve Bank which, in their opinion, should be a Shareholders' Bank. We must bear this in mind when we decide whether it is to be a Shareholders' Bank or a State Bank; and they also stated another very important point which is also under discussion today, that the Bank should be immune from political influence. Lastly, they also said that no Member of the Council of State or of the Legislative Assembly should act as a nominated Member. Then, in 1927, we had the Bill of Sir Basil Blackett which was ultimately dropped. In that connection I would invite your attention to the fact that the question of the Reserve Bank formed the basis of discussion in the Session at Delhi in January, 1927, and the Gold Standard and Reserve Bank questions were discussed together. The then Finance Member moved the Bill for establishing a Reserve Bank for India and there it was brought out that the currency question was intimately connected with the Reserve Bank, and that is why I say that the two cannot be separated. One of the points urged then—and I think it holds good today—was that the establishment of a Reserve Bank will add enormously to the importance and influence of India's position in the financial counsels of the world when the Reserve Bank takes its place side by side with the other great central banks of the Empire and of the United States and elsewhere. It was also shown then that the Imperial Bank of India, which came into existence in 1920, when the three Presidency Banks were amalgamated into one. It has been in existence now for thirteen years; and can it be denied that it has helped considerably to foster many Indian industries, particularly sugar in my part of the country? I wish to say here a word against the criticism which has been pronounced against the Imperial Bank that the shareholders have no voice. I ask, whose fault is it? The Directors are chosen by the shareholders and if the shareholders do not wish to assert themselves, it is not the fault of the Bank. But look at the devidend they are paying. They are paying over 14 per cent., and

[Mr. A. Das.]

the value of their shares has gone up four or five times. Does it or does it not speak for the good conduct of the Bank?

Coming back to that Committee, that Bill was opposed by Sir Purshotamdas Thakurdas and Mr. Birla; and, if we are to keep our connection with England, it seems to be inevitable for the present that we will have to follow in the matter of the gold standard what England is doing. Having regard to the very large amount of foreign capital invested here, whether it be for good or otherwise of this country, we have to follow it.

Then there is the point about the share capital. The Bill provides that it should be subscribed in India and that the representatives of the shareholders should be the majority of the Directors. I should imagine that it will be more in the interests of the country than to have any foreign capital included in it.

You also, Sir, took part in that discussion in 1927, and although you did not agree about the going off from the gold standard, you were definitely of opinion that so far as the constitution of the Reserve Bank is concerned, you whole-heartedly welcomed the proposals in so far as it aims at co-ordinating the currency and the credit policies of the country. You further said that the control of the currency policy and credit policy should be placed in the hands of an independent bank, which this Bill also enacts. Then, in 1929, the Government appointed a Committee to enquire into the banking conditions in India and they made certain recommendations on certain assumptions which were to the effect: that the Reserve Bank should be established by an Act of the Indian Legislature; that the capital of the Bank should be provided by the State; that the Bank would be under Indian control, and that it would be free from interference, executive or legislative, in its day to day administration. Then, another attempt was made to introduce that Bill, but finally it was dropped. In 1933, we all know that a Committee was appointed and we have the report of the London Committee before this House. Here I wish to decry, as far as I can, the policy and utterances of those who want to go behind the sacred agreements and the debts which have been entered into by this country. Nothing, to my mind, is more detrimental to the sound financial position of any country than to decry and go back upon past solemn obligations. We have to state the facts as they are. We have to stand by all the obligations that have been made in the past. If we will do away with those obligations which were made by those who were in power at the time, how is it likely that the future obligations will be respected by those who will enter into them now.

Another important point is, we have to work the new Constitution, whether that Constitution be for good or bad,—many think it is for bad, but still some think it is for good. But be that as it may, it is certainly some improvement on the old Constitution, and we are going to have it in India, whether it be for good or bad, and so long as our connection with England continues, it is our duty to work it as best as we can and make it a success.

Sir, I have already submitted that the currency question and the question of the State Bank are very closely connected, and we cannot have one without the other. It was brought out very forcibly in 1927, and in the Select Committee there were many important Members. I am glad that Sir Purshotamdas Thakurdas is also a Member of this Select Committee.

Then, Sir, I wish to say a word or two more—because I find I have got only five minutes more to finish. I do think that there should be proper safeguards introduced into the Bill in order to help industrial and agricultural concerns. One other thing which I see introduced in the Bill is that, the U. P. has been ignored entirely in that there is no local Committee mentioned in the Bill. The U. P. is a very important trading centre, and, especially with the development of the sugar industry, I think it is only fair that a local Committee should be appointed for the U. P., and it may be located in one of the important centres of the U. P., either at Lucknow or at Allahabad, I don't mind which, but I certainly think that the U. P. should have a local Committee of its own, because it is a very important trading centre, and particularly the sugar industry in the next few years will make such great developments that I trust members of the Select Committee will see that a local Committee is appointed for U. P. We have already spent much time on this Bill, and I commend it to the Members of the House. There is one other suggestion that I wish to make, and that is, the Select Committee should not be confined to Members of this House and the Council of State. This is a measure on which depends the future life of our country for a long number of years. I would, therefore, suggest that on this Committee there should be not only members of both the Houses, but there should be the best financial brains in the country that may be available; they should be co-opted as members so that we may have the benefit of their advice, and when the Bill emerges finally from the Select Committee we may have the opinion of not only the Members of both the Houses, but also the opinion of the best financiers in India. With these few words, Sir, I support the motion and oppose the amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I am particularly gratified to speak at this stage, as I was very anxious to hear the four representatives who represent vested interests in this House. We heard our friend, Mr. Mody, Sir, and I take this opportunity on behalf of the capitalists and opportunists to congratulate him on his able defence of an indefensible proposition in defence of the Government of India. Then we heard our friend, Sir Cowasji Jehangir, who represents the vested interest of the Indian capitalists. Then came my friend, Sir Leslie Hudson, representing the vested capitalistic interests of Europeans. Sir, you and I were at Geneva, and we knew that when it affects the interests of the capitalists, the employers all over the world combine—against whom?—against the Governments, against the nations of the world and the people of the world. Then we heard the nominated representative Mr. Sarma... Well, he spoke in his Master's voice like a gramophone. His constituency is Government. I do not want to take any notice of the nominated Members of this House. I want Mr. Sarma to stew in his own juice.....

Mr. R. S. Sarma: You will also be nominated very soon.

Mr. B. Das : Now, Sir, speaking in Sir Cowasji Jehangir's words, as a democrat of democrats, I support the principle of the Bill. If it be the principle that there should be a Reserve Bank for India, I support it. At the same time, I want to know what my friend, the Finance Member, has to say, as to whether the idea to have a State Bank or a Shareholders' Bank, is also part of the principle of the Bill. If that is so, then we, democrats, oppose this motion before the House. Sir, this Reserve Bank which my friend had the privilege to introduce and for which he received so many congratulations, even from my friend, Mr. Ranga Iyer,—I have not got the time to quote his speeches which he made in 1927—is a bogus Reserve Bank. Is that the Reserve Bank with a Gold Standard Currency which Sir Basil Blackett introduced in 1927 ? My Honourable friend, the Finance Member, says there should be no political influence. Was there no political influence exercised on behalf of the Government of India in 1927 ? What happened when the Ratio Bill was seen through ? There was my friend, Mr. Jamnadas Mehta, and he repeated it on the floor of this House, that pettycoat influences, dancing girls and *Shari* influences were used by the Government to rush the Bill through. I am merely repeating what has been repeated so often on the floor of this House. Then what happened ?

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : That is no political influence !

Mr. B. Das : I am sorry, I thought it was political influence. Petticoat influence is part of the political influence exercised by the Government then through their whips.

An Honourable Member : It was social influence.

Mr. B. Das : All right, but I say that political influence was exercised then, and Sir Basil Blackett had to resign, because he agreed with the Joint Committee Report of 1927 that the Reserve Bank should be a State Bank. My friend, the Finance Member, knows it. If he does not know it, let him ask his assistants to look up the files. "At this statge",—this is from one of his eminent Professors whom he occasionally quotes on the floor of this House—"At this stage, the Secretary of State for India cabled from London and put his foot down firmly on the negotiations proceeding among the various groups in the Assembly. The Finance Member stated in the Legislative Assembly on the 8th September 1927, that the Government had decided not to proceed with the further consideration of the Bill during that Session." Sir, I shall quote another line. "Sir Basil Blackett tendered his resignation, which was refused, and a communiqué, dated 27th October, was issued from Simla to the effect that Sir Basil Blacket was proceeding on special duty to England on 29th October for the purpose of discussing with the Secretary of State the details of a plan for the constitution of the Reserve Bank on the basis of share capital" .....

Mr. President (The Honourable Sir Shanmukham Chetty) : What book is that ?

Mr. B. Das : Sir, I am quoting from the *Economic Journal*—December Issue, 1928. The writer is Professor G. Findlay Shirras, who is the official writer on many matters of finance. I do not know whether the present Finance Member is fond of quoting him as Sir Basil Blackett used to quote him very often on the floor of this House.

Sir, we all know that Sir Basil Blackett was against the 18*d.* ratio. He could not tender his resignation at that time, but he received a telegram from Whitehall or from the Bank of England and he had to fix the ratio at 18*d.* I am only illustrating how political influences are exercised from Whitehall. Political influence is contained in the White Paper proposals and under those proposals, my Honourable friend brings forward this Bill and yet he wants that there should be no political influence from this side of the House. My Honourable friend, Sir Cowasji Jehangir, whose absence I deplore, as everybody else deplores, has gone back after delivering his speech. He only talked of 1928 Bill. He forgot or probably he was out of India in 1927. He forgot the denunciation and condemnation of the action of Whitehall and the Government of India in refusing to go on with a State Bank. Much argument has been advanced why it should be a State Bank, but the last speech that was delivered for a Shareholders' Bank was delivered by my Honourable friend, Mr. Ranga Iyer. I tried to be convinced, because he is one of my most intimate friends, but I could not be convinced. I do not like to advance any argument from this side of the House ; I will only quote one paragraph from a person who is held in very high respect throughout India and by every Member of this House. I refer to you, Sir. (Cheers.) I only quote a few lines from your speech which you delivered on the floor of this House in 1927 on the 30th August. I hope my Honourable friend, Sir George Schuster, will have the same respect as he has for your views at other times and accept this opinion of yours. Or let him explain to us why he is going contrary to your opinion :

"Our apprehension against having a shareholders' bank is this ; we cannot keep members representing European commercial interests from being shareholders in such a bank. And whether our apprehension is right or wrong, the impression remains that the interests represented by European commercial men come very often directly into conflict with the interests represented by Indian commerce. And so long as that state of affairs continues it is not possible for us to agree to any scheme which would hand over the management of the entire financial system of our country to foreign capitalists. Even if the management of the financial system of the country were to be entrusted to Indian capitalists, I would still have some objection to such a course."

I am very grateful to you that you have tarred with the same brush the Indian capitalists :

"I do not want that on an important concern like this vested interests should be created. For we all know as a result of the experience of almost every joint stock concern, not merely in India but all over the world, that the control exercised by the small shareholder is absolutely negligible if not non-existent."

I would say that a Daniel has come to judgment :

"The managing agents or directors of any joint stock company will tell you how ineffective and unreal the general control of the shareholders of the affairs of a corporation is."

Mr. Vidya Sagar Pandya said the same thing, but my capitalist friend, Sir Cowasji Jehangir, himself a Bank Director, as his revered father, the Baronet, is one, pooh-poohed him :

"It is, therefore, no use to say that provisions might be made in the Bill to ensure that persons should not be allotted more than a certain number of shares, thereby safeguarding against the passing of control into the hands of a few capitalists."

I am very grateful for these few lines which sum up my own views in the matter as well as that of the Opposition.

Mr. C. S. Ranga Iyer : May I ask the Honourable Member if a similar view was not expressed by Sir Purshotamdas Thakurdas ?

Mr. B. Das : Thank you. I was coming to my friend, Sir Purshotamdas Thakurdas, and I thank you for it.

Mr. C. S. Ranga Iyer : As my Honourable friend thanks me for it, may I ask what authority he has got to presume that you, Sir, would not, in the changed circumstances, have held views that Sir Purshotamdas Thakurdas now holds ?

Mr. B. Das : The Chair has no politics today and let us leave aside the Chair, and let us talk of ordinary mortal men. Why my Honourable friend, Sir Purshotamdas Thakurdas, and Mr. A. Rangaswami Aiyangar adopted the course they have done is known to gods and to those who attended this London Committee. But Sir Purshotamdas Thakurdas has not yet issued a statement to the country, to the Indian press to convince us as to his judgment in that cold atmosphere of the India Office and in that sweet, probably entertaining atmosphere that was provided by the British Government..... !

An Honourable Member : You suggest dancing girls in London ?

Mr. B. Das : .....and why he changed his attitude. But it has been a surprise to me, and I take my hat off to Lala Ram Saran Das for sticking to his gun, and that he has not been influenced by Whitehall or Mr. Montagu Norman who seems to be the miracle worker in London. Until Sir Purshotamdas Thakurdas comes out publicly, I must think that he has been misled by the atmosphere that London brings.

I do not want to go very much into details, but I will only refer to one aspect of the question to which the Finance Member has referred. He was particularly happy that the present financial position of Government reserves was satisfactory. He said that the reserve which is provided in the Bill requires 89.88 crores, and, for that, he has got Rs. 44.49 crores in gold and Rs. 38.16 crores in sterling securities, a total of Rs. 82.65 crores, and he needed only Rs. 7 crores. I cannot understand the Finance Member when in one breath he says the Government are bankrupt and are running at a deficit, and in another breath he says the financial position, the banking position of the Government is very sound. The Bill of 1927 provided a reserve of Rs. 103 to 110 crores, I would like to be corrected by the Finance Member if I am wrong. It wanted to provide Rs. 110 crores of gold in reserves, and then Sir Basil Blackett was scratching his head, so to say, as to how to get that money. And in private he used to talk to us : "Let us float a Gandhi loan and get gold so that we may have the gold reserve necessary for a Gold Standard Reserve Bank." But my Honourable friend, who is responsible for the flight of Rs. 150 crores of gold from India, feels very happy that he has got Rs. 40 crores of gold, and out of those 40 crores he knows it well that Rs. 9 or 10 crores happen to be distress gold. And what has my Honourable friend done to keep the 150 crores of distress gold that took flight ? He is feeling very happy. On the silver tokens in the country for every rupee which is worth only five annas to the ordinary common man he has pocketed eleven annas, and no rupee redemption fund is to be provided. The assurances given by dozens of his predecessors were all set at nought. My friend gloats over it. He is happy he has got 44 crores of gold and only 9 crores is needed to have a sound Reserve Bank so as to ensure the credit of the successor of my friend, of the India Office with the British Government. They talk about

the new Constitution. I would rather have no new Constitution for India when this sort of muddling of the finances of India goes on. What did Sir Malcolm Hailey, one of his predecessors, did ? He sold reverse councils and squandered away 200 to 300 crores of rupees. Sir Basil Blackett did no less in another way by his ratio policy. My friend himself has also squandered away Rs. 30 to 50 crores of paper currency reserve and also the money from the sales of silver. Yet, here, the Bill provides that part of the silver hoard will remain with the Government of India for the gambles of the future Finance Member or the future Financial Adviser who will be an omnipotent, sacrosanct, non-voted gentleman as provided in the White Paper. He will deal with finances in any way he likes. I would like the Government to justify their financial policy and show to this House whether they have got a consistent policy. Finance Members may come and Finance Members may go, but the poor taxpayer remains to foot the Bill of extravagance of every Finance Member.

Many of the details of this Bill will be gone into in the Select Committee. The little interlude between two capitalists, Sir Cowasji Jehangir and Mr. Mody, was a pleasant surprise to many of us. I do hope, the Honourable the Finance Member has read the editorial in the *Statesman* of Calcutta and also the *Capital* of Calcutta, where they said that they could not understand why there should be a fixity of ratio as stated in the White Paper proposals or as stated in the Reserve Bank Bill. Of course nobody wants to disturb the present conditions about exchange or currency. Here I should like to congratulate my Honourable friend on the action he took on the 17th September, 1931, before he got his master's order which asked him to tie the rupee to the chariot wheel of the sterling. I am very grateful to the *Statesman* and also to the *Capital* for suggesting to the English Finance Member of the Government of India to allow the rupee the same fluctuation as the Government of South Africa and Australia have for their currencies. Those are Dominion Governments. They can defy the British Government. But my Honourable friend at every stage follows the dictates of the British Chancellor of the Exchequer or the Bank of England whatever that might be.

I will now refer to the Imperial Bank of India. I agree with the criticisms that have been levelled against the Imperial Bank of India. The Imperial Bank of India may have Indian capital, but it is British managed. It has done very little to develop the trade and commerce of India. Very often it has been stated on the floor of this House that it finances mostly British businessmen in India. It seldom does that in the case of Indian industries and Indian trade. My Honourable friends of the Treasury Bench very often tell us that there will be a new Heaven when India gets provincial autonomy. Why are you allowing the Imperial Bank of India to continue its worse traditions of the past ? It has always stood against Indian industries and Indian commerce and Indian trade. Why do you allow it to perpetuate its vested interests for another 25 years ? Are there not co-operative banks ? Are there not Indian owned banks ? I would object to any concession given to the Imperial Bank wherever an Indian owned bank exists. They should have the same facilities as the Imperial Bank. Incidentally I will refer to Schedule II. No bank which is owned by Japan should be included in this Schedule and no foreign bank, French or any other bank, that does not belong to the British Empire, should be included in Schedule II of the Reserve Bank Bill. Lastly, I will say one word why I am opposed to a Shareholders' Bank.

[Mr. B. Das.]

The representative of the Democratic Party in the Joint Select Committee will oppose it tooth and nail. I do not know how my Honourable friend is going to have his 14 members elected by this House, but I am sure he will get it packed. If we fail in our fight to have a State Bank, the Shareholders' Bank should be so framed that it would not promote the vested interests of Bombay or Calcutta, and your speech, Sir, which I took the liberty of quoting, sums up the whole position. Therefore, I say, divide up India into provincial territorial units and do not allow the small shareholders in the villages to be influenced by the capitalists of Calcutta and Bombay and, even in the matter of choice of Directorate, I want there should be one Director to every province, besides the representation of provincial co-operative banks as was done in the 1927 Joint Select Committee report. We do not want to hand over our banking affairs to Calcutta plutocrats nor to Sir Leslie Hudson and Sir Purshotamdas Thakurdas of Bombay, however intimate and personal friends they may be and however intimately I may be connected in business matters with one or other of them. I am very much indebted to my friend, Sardar Sant Singh, who reminded me that it was a strange coincidence that whenever the Government of India brought out a Reserve Bank Bill, there was a flood in Orissa. In 1927, when the House threw out the Reserve Bank Bill, it took the opportunity to send a message of sympathy to Orissa and my friend was asking whether, owing to the floods in Orissa this year, the Reserve Bank Bill will also be thrown out.

Sir, as I said at the beginning, I am for a Reserve Bank, but I loath the Shareholders' Bank which will be controlled by the capitalists, be they Indians or Europeans. They will never look after the industries, the trade and the commerce and the interests of the agriculturists for which the State must exist. Whatever my Honourable friend may do, let him remember that the Reserve Bank, be it a State Bank or the Government Bank, must be a *national bank*. The plutocrat friends of mine, including the nominated representatives of the Government, do not and cannot think in terms of nationalism. They always think as to how far their own interests will be safeguarded and how much money they will themselves be able to make. My Honourable friend, Sir Cowasji Jehangir, or his sacred clique or the European clique will manage to become the Directors of the Reserve Bank by using some subtle influence which my Honourable friend, Sir George Schuster, may not understand, but the country understands and the country knows how they have managed to be the Directors of the Imperial Bank. Sir, I loath that system and, therefore, I want a national Reserve Bank.

Several Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is that the question may now be put.

The motion was adopted.

The Honourable Sir George Schuster: Sir, I think it is perhaps as well that you have not got a Mr. C. Das to call upon. (Laughter.) When my Honourable friend spoke about the floods in Orissa, I thought that a little bit of the Orissa flood has over-flown into this House. (Laughter.) But my Honourable friend's flood of eloquence now being concluded, the task falls to me in a very short time at my disposal to wind up this debate. Naturally, I would have liked to reply to a great many points that have been made in the course of this debate as they were being made. But obviously the time for that is the discussion in the Select Committee, when we can meet points as they are made, exchange views and, I hope, arrive at a general agreement. I think, reviewing the three days' debate, I have very little to complain of at least the quality of the speeches which have been made. As regards the quantity, perhaps I might have desired a somewhat shorter period for sitting through. If there is one speech that I would criticise—I am sorry that the Honourable Member who made it is not here—it is the speech made by my Honourable friend from Madras, Mr. Vidya Sagar Pandya. I do not think it is unfair to describe that speech as a general exercise in mud slinging at Directors of Banks, past, present and future. Now, Sir, I think that there is very little to be gained by that sort of process. We do not want to discuss this matter in an atmosphere of ill-will and suspicion. If Honourable Members want to use those methods, they will find plenty of people to meet them with the same methods in England. But those who have been responsible for framing these proposals are, I think I may claim, those who believe in India and who honestly wish to work for those ideals which inspire all Honourable Members opposite. These proposals have been conceived and discussed in London in an atmosphere of trust and understanding and I should like to transfer that atmosphere to the discussions which are coming on here.

Sir, we have heard a good deal said about the London Committee. It has been described as a packed Committee. I do not think that anyone, who looks down the list of the names of the members of that Committee, can honestly sustain that charge. If we had gone out of our way to choose people who were bold enough to attack Government and who had the ability to attack Government effectively, I do not think we could have chosen better men than those who actually went to London. Now, Sir, one of the speakers opposite—I think it was Mr. Thampan—accused the Government of having brushed aside the recommendations of the Joint Committee which sat on the earlier Bill. We had in that London Committee three—I think I am fair in so describing them—three of the most able members of that former Committee—Mr. Rangaswami Iyengar, Sir Purshotamdas Thakurdas and Sir Phiroze Sethna. All those three members took part in our discussions and, on the main issues, all were in complete agreement with the conclusions. We had other representative men from India, representing all interests, representing all Parties in this House, and they all agreed with the main conclusions. If now we come forward with a Bill based on those conclusions, then, Sir, it is not fair to accuse us of having lightly brushed aside the earlier recommendations. Then, Sir, there is another point arising out of the speech of my Honourable friend, Mr. Vidya Sagar Pandya. I do not wish to deal with all his points, but there are certain points which I cannot let pass without some mention. He went through a list of the Imperial Bank Directors and drew conclusions for the future, very disparaging to the chances of this Reserve Bank, from the fact that a number of Directors maintained their posts as Directors of the Imperial Bank for a long series of years. Sir, I think that if the Reserve Bank of the future can obtain the services—I would say the long and continuous services—of men like Sir Dinshaw Wacha, Sir Maneckji Dadabhoy, Sir Rajendra Nath Mukherji and Sir Purshotamdas Thakurdas,—then that Bank will be very fortunate indeed. One of the great practical difficulties in the future—and my Honourable friend, Mr. Mody, referred to it—will be to secure Directors of first class ability

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and experience for the Reserve Bank. With all the limitations that have to be imposed on their selection, that will be a very difficult task. I hope that if the Reserve Bank is able to secure Directors of the class of the four Indians whom I have mentioned, it will retain their services for the natural period of their lives or at least for the period of their activity and useful work.

Now, Sir, I do not think I need say much on this motion for circulation. My Honourable friend, who made the motion, told us a story. He said that it reminded him of the old story of people who were expecting to meet a bride in a palanquin and, when they withdrew the curtains, they found a cat. If this is a cat and not a bride, I do not think that the circulation of that cat will turn it into a bride. (Laughter.) But possibly my Honourable friend might be influenced by the opinions received, and if they all said : " No, you are wrong; this is not a cat ; this is a bride ;" he would have been prepared to accept their opinions. Sir, if my Honourable friend had been here, I should have liked to put it to him, though one does not like to refer to physical infirmities, that it was quite obvious while he was making his speech that my Honourable friend was rather short-sighted. (Laughter.) I would have suggested to him that perhaps with a change of spectacles and use of his own eyes, he might have discovered the truth, namely, that this is a very desirable bride and not a cat.

At least if my Honourable friend sits on the Select Committee, I hope to be able to persuade him that that is so.

Now, the main discussion has centred on this question of whether it is desirable to have a State Bank or a Shareholders' Bank or perhaps rather on the phrase that we have used, " freedom from political influence ". I do not want to say much on that, but I just want to put to the House in the very simplest terms what we understand by this phrase and what the essential purpose is which we have sought to preserve in this Bill. It is, of course, obvious that in modern life and in modern economic organisations, there are two important functions : they are the functions of those who have to raise and use money and there are the functions of those who are responsible for producing the actual tokens of money, the money in circulation. The basis of the whole proposal for setting up an independent Central Bank is to keep those two functions separate. The largest user of money in a country is the Government, and the whole principle of the proposal is that the Government, when it wants money to spend, should have to raise that money by fair and honest means in just the same way as every private individual has to raise money which he requires to spend for his own maintenance. If the Government is in control of the authority which is responsible for exercising the other function, then all sorts of abuses can intervene. I could spend hours taking Honourable Members through examples of what has happened very particularly in the concluding years of the War and the years since the War,—the many examples which there are of Governments which could not resist the fatal temptation of using the note-printing press to help them out of their difficulties or where banks were in control of currency, of forcing the Central Banks to make advances to them on terms which would never have been admitted as regards private individuals. History is full, recent history particularly is full of examples of countries being brought into the most serious

trouble, in many cases into absolute chaos by that process ; and the experience of all countries has pointed to the same conclusion and has produced a practically universal public opinion that it is desirable that the control of currency and credit operations should be in the hands of an authority independent of Government. Now, Sir, I may be told that that has not been the case in India hitherto. It is no part of my purpose to defend the present system. I quite admit that in principle it is wrong and that was admitted when the original Reserve Bank Bill was brought forward. But the need, if I may say so, becomes much more urgent when the responsibility for finance is going to pass into the hands of a popularly elected ministry. A popularly elected ministry must be much more influenced—Honourable Members opposite are always basing charges against us on that face—a popularly elected ministry must be much more influenced by political feelings and by the play and manœuvre of political parties, while a popularly elected ministry cannot have that continuity which we, as an official Government, have had, and it is essential that if the monetary policy of a country is to be successful, it must be directed with a continuity of policy and I say, again, with independence from the sort of political influence which might be brought to bear. (Hear, hear.) Now, Sir, this is not a question of our attempting by this means to set up some sort of alien authority in the country which will diminish the legitimate powers of the Indian Legislature. We hope that this Reserve Bank will become a trusted part of Indian public life and that it will be a truly independent institution and that it will command the confidence of Indian opinion. We believe that that will be the result, and I would go further and say that, if that is not the result, then the whole purpose of these proposals will fail, because, if that institution has not got the support of Indian opinion, it will not be able effectively to act as a check on the operations of the Government of the day. It will be quite impossible for the Governor General in the new Constitution to give that institution the necessary authority to provide the check and the balance that we want unless it has the support of independent opinion behind it. I trust Honourable Members will consider this matter in the light of what are likely to be the conditions in the future. So many of the Honourable Members who have spoken have spoken under the influence of prejudices which have had their birth in the conditions of the past, but all that is going to be changed and it is in the light of the future that Honourable Members should consider this matter. (Hear, hear.) Now, Sir, if we want that independence, it seems to us quite obvious that the Bank should be independent of the Government of the day and there is no known device other than that of setting up a Shareholders' Bank which, according to the experience of other countries, can achieve that purpose. It is in the honest belief that that is the best device which can be provided that we have launched these proposals. But like all other human institutions, this also will not be perfect. It will have great difficulties no doubt in its early years. It must learn by experience ; but if it has Indian opinion behind it, then, I think, it will grow into the position which is desirable in order to give a proper balance to the general financial policy of the country. That, Sir, is the reason why we have put forward these proposals and I do not think I need say anything more on that subject.

Certain Honourable Members have put to me the question whether this idea of a Shareholders' Bank is part of the principle of the Bill. Sir, I think in its technical sense that is probably an issue which you will be called upon to decide if any point of order is raised at a later stage. But

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I think possibly the practical side of the matter is of more importance than the theoretical side. As to that, I wish to leave Honourable Members in no sort of misunderstanding as to our position. On the one hand, we do not wish to put a pistol at the heads of Honourable Members opposite and say to them that, after three days' debate, they must regard themselves as committed to the principle of a Shareholders' Bank, or otherwise to vote against the Bill or to refuse to serve on the Committee which may be elected. On the other hand, I wish to leave them under no sort of misapprehension that we have considered this matter very carefully, we have not had three days but many months and even years to consider it and we can see no other way of achieving that purpose which I have just described except through the method of a Shareholders' Bank. Now, Sir, having said that, I want to say again that we certainly do not want to exclude from this Committee Members who take the contrary view. I should want them there for two purposes, first, I should want them there in order that I might have a chance of convincing them that this is the right idea, because, Sir, if we launch this measure, we want to launch it with the maximum support from Indian opinion. I should want them there for a second purpose and that is to discuss their objections to a Shareholders' Bank idea in the hope that by considering those objections we might find ways of meeting them. We do not claim that our proposals, as they stand, are absolutely perfect. We welcome the opportunity of discussing them with those who take the contrary view in the hope that out of that discussion some agreed measure, which is better than our own original proposal, may emerge.

Now, Sir, there is one other topic on which I feel it necessary to say something and that is the question of the monetary system itself. I think I have made it clear on every occasion that I have spoken on this Bill that we do not consider that the ratio question arises at all in connection with it. We consider that this Reserve Bank is a piece of machinery which is to be set up to administer the system which is how going to be determined by the present Bill. Sir, I had prepared some remarks in order to explain the position still more clearly, but I had put before me just before I came in a leader from a paper which, I am sure, will command the confidence of Honourable Members opposite, and, I hope, perhaps command from my Honourable friend, Mr. B. Das, a little more confidence than those papers which he is now so fond of quoting, the *Statesman* and *Capital*. This is a leader from the *Hindu* of the 22nd August. The general purport of that leader was to urge Indians to concentrate on the main points of our proposals and not to be diverted by side issues. Having started on this note the writer proceeds as follows:

"Take, for instance, the criticisms levelled at the 18*d*. ratio. It is not our purpose now to enquire whether that ratio has proved ruinous to the country and is still working havoc. It has been argued that a study of the price levels in India compared with those that have obtained in Britain, Europe, the United States and other parts of the world will show that the steeper fall of the commodity prices in India has been due to the artificially high eighteen pence ratio and that but for gold exports our international balance-sheet would have stood disrupted beyond recognition. Granting that this is so, how is that a reason for asking the Assembly not to agree to place the Bill on the Statute Book 'without adequate consideration of the various factors connected with the present ratio'? The constitution of a Reserve Bank, which will so regulate currency and credit as to subserve the best interests of the country, ought not to be delayed longer than is absolutely necessary; and for our part, we see no reason why

a fresh decision on the ratio question, doubtless after a prolonged enquiry, should be insisted on as an essential preliminary to the starting of the Reserve Bank. Today, the entire international monetary machine has been thrown out of gear; and the World Economic Conference which, it was hoped, would restore something like stability to the disorganised currencies of the world only succeeded in making confusion worse confounded showing that he who waited to attain currency stability in order to improve his business would long have waited in vain. One has no means of predicting when the time propitious for securing monetary stability will arrive; the only thing one can say is that it will not be in the immediate future. Is it wisdom, in the circumstances, to postpone the inauguration of a Reserve Bank till after we succeed in our quest for stable money? We do not think so and we shall be only playing into the hands of those who—wrongly but for their own purposes—have asked with all the authority of British vested interests that the establishment and successful operation of a Central Reserve Bank are a condition pre-requisite for the transfer of finance into the hands of a responsible popular Federal Government, indeed, of any responsibility at the centre. If, however, the conditions for ensuring currency stability make themselves felt sooner than we anticipate, the passing of the Reserve Bank Bill and the establishment of the Bank would have made the stabilisation of Indian currency at the proper level not more difficult, but appreciably easier."

Then, there is one other passage which I should like to read. I apologise to the House for the length of the passages I am reading:

"One other point of criticism made of the London scheme is that by continuing the sterling-rupee link, Indian interests will stand subordinated to those of Britain. Now, this will be so if the Indian Legislature were impotent and the Bank itself becomes an anti-Indian body. But such a development is not contemplated under the reforms. As a matter of fact, the Reserve Bank will be constituted by an Act of the Indian Legislature and under its authority; and it will have full powers, subject to certain constitutional restrictions, to control and supervise its policy. Today, whether one wishes it or not, the rupee is linked to sterling; and, so long as the direction, course and volume of India's trade and financial transactions continue as they are at present, the rupee will and must show a strong tendency sensitively to react to changes in the pound sterling. One may link the rupee to any currency one likes, but the external value of the currency must continue to be dominated by the trade connections which it subserves. The linking can only help to regulate the oscillations where they are not uncontrollably violent, and should India's affinities show striking changes in the future, we have no doubt the legislature then will take the measures necessary to keep the currency in conformity with them, delinking it from sterling and linking it with gold or whatever may seem called for in the then circumstances. If these facts are borne in mind, the course of the discussions on the proposed Bill will be calculated to be more helpful and fruitful of results than if they are ignored."

Sir, I think that that is a very good statement of the case, made not exactly from my own position, but strongly reinforcing the point which I want this Assembly to keep in mind. So far as this Bill is concerned, that is all I think I need say on the matter; but, as the question has been raised in debate and as the Preamble to the Bill itself refers to this question, I wish to say just a few more words. The point of the passage in the Preamble is to indicate this—that if a time comes when the leading countries get back to an international gold standard, possibly at new parities, then the Indian position will obviously have to be reviewed and some basis different to that of our present basis will have to be adopted. That alone is the intention which is indicated in the Preamble. Now, Sir, I do not want to say anything on the merits,—I do not want to enter into a long discussion on the merits of our present policy. But I should like just to say this—that pending such review in the meanwhile and considering that our main trade relations are with England and that all our external obligations are in terms of sterling, there are such enormous advantages in maintaining stability of the value of the rupee in terms of sterling that no one, who is responsible for India's finances, can possibly contemplate with a light heart disturbing that stability. It is our duty, of course, as we are linked with sterling, to take every opportunity of

LEGISLATIVE ASSEMBLY.

Thursday, 14th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that, at the meeting of the Council of State, held on the 13th September, 1933, the Council rejected the motion that the Bill to prevent Juveniles from smoking Tobacco, as passed by the Legislative Assembly, be taken into consideration."

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

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

"That this Assembly do recommend to the Council of State that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be referred to a Joint Committee of this Assembly and of the Council of State, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

With your permission, I have inserted the number 28 in the motion which I have just moved instead of 24 which stands in the notice paper for today. Sir, I trust the House will consider it unnecessary to debate this motion, because we regard it as essentially part of the plan which was dealt with in the motion which was moved yesterday. Our purpose is to get a Joint Committee set up for dealing with the Imperial Bank of India (Amendment) Bill at the same time as the Reserve Bank of India Bill, and we trust that this House, when the time comes, will approve that the same Committee should deal with both Bills. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That this Assembly do recommend to the Council of State that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be referred to a Joint Committee of this Assembly and of the Council of State, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, before I speak on the merits of this Imperial Bank of India (Amendment) Bill, I feel that I owe an apology to the Honourable the Finance Member for being absent yesterday when he spoke on his motion. When I had made my criticisms on his Reserve Bank of India Bill the other day, it was my duty to be present to listen to what he had to say in reply, though, under the present constitution, I recognise that I had no right of reply. I had taken permission from the Leader of my Party to stay away, as

[Sir George Schuster.]

representing to the British Government the Indian needs for a rise in the level of prices and to press them to pursue a policy to that end. That duty, I can say, we have done our best to discharge, and the speech of mine made at Ottawa which my Honourable friend, Mr. Thampan, quoted with approval is an illustration of one occasion of the way in which we have sought to discharge that duty. We have been fortunate enough to have two occasions recently, one at the Ottawa Conference and one at the World Conference in London, to meet in close consultation with the British authorities and with the representatives of the other Dominions. And, I am sure, some of our Indian colleagues, who were present on those occasions, will testify that India's case has been well represented and represented with some effect. I think I may claim that we have undoubtedly influenced the policy of His Majesty's Government, and I know that His Majesty's Government are so fully apprised of our position that they are taking our position into account in all that they do. In the meanwhile amid the uncertainty which prevails everywhere, if I look round the world, I find it difficult to see any surer refuge for money than the rupee on its present sterling basis. Now, Sir, if we are going to bring this scheme to fruition, if we are going to maintain the reserves which we have already accumulated and to accumulate further reserves, we must do nothing to disturb the surety of that refuge. We contemplate doing nothing of that kind and I should like to warn all those who are desirous of speculating on a contrary event that they will be singularly unwise to do so.

Now, Sir, I have covered the main topics which have been raised in this discussion. I think I may take it that the general feeling of the House is that this Bill should be referred for further discussion in the Joint Committee. I can only tell all those Honourable Members who have spoken that we shall do our utmost to meet the points which they have raised. All I ask for is that they should enter those discussions with the sole desire of devising something which will be useful to the new India and not with their minds filled with prejudices born in the past. With these words, I think I can ask the House to approve of this motion, without division. There is only one small point which I must make before I sit down and that is this : there stands on the paper an amendment to the effect that the number of the members of the Committee shall be 28. I think that amendment has not yet been formally moved ; but, on behalf of Government, we have already said that we are prepared to accept that amendment if it is the wish of the House to have a larger Committee. (Cheers.)

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I formally move the amendment :

"That in the motion, for the figures '24' the figures '28' be substituted."

Mr. President (The Honourable Sir Shanmukham Chetty) : The original question was :

"That this Assembly do recommend to the Council of State that the Bill to constitute a Reserve Bank of India be referred to a Joint Committee of this Assembly and of the Council of State, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 24 members."

Since which an amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1933."

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1933."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the original motion, for the figures '24' the figures '28' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly do recommend to the Council of State that the Bill to constitute a Reserve Bank of India be referred to a Joint Committee of this Assembly and of the Council of State, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 14th September, 1933.

[Mr. Vidya Sagar Pandya.]

we were under the impression that the discussion on the Bill would continue till at least this morning. However, I made a mistake, and I apologise to the Honourable the Finance Member for my absence.

Sir, I do not propose to utilise this occasion to reply to some of the criticisms of the Honourable the Finance Member, but, as I speak on the present motion, I shall try to explain how he has misunderstood me in certain matters.

Sir, the Imperial Bank of India Act of 1920 is so badly drafted that when I had the occasion to ask two of the Finance Members of the Government of India as to what they thought about the Act, they both said that it was not possible for them to make either head or tail of it. It is so confusedly drafted that it is very difficult to be understood by lay men, and when even Finance Members of the Government of India find it difficult to understand it, you can imagine, Sir, how difficult it will be, for ordinary mortals, to understand it. In the present drafting of the Bill, though many important improvements could have been effected, I find that no attempt has been made to improve it at all. For instance, there are nearly 12 or 15 clauses which are absolutely redundant at present. It would have been better if they had overhauled the whole Act and re-drafted it wholesale. What is the use of retaining in the present Imperial Bank of India (Amendment) Bill the clauses which related to the original amalgamation and the first distribution of shares to the shareholders and other things which do not apply to the present position. All that should have been removed and the Bill should have been drafted in such a form that it could be understood by those who cared to read it. As such, I hope the Joint Select Committee, when they meet at Delhi, will give some attention to this matter and put the Bill in such a form that it will really serve the purpose for which it is intended.

Now, Sir, coming to the Bill and the clauses, it will be a sigh of relief to several banks—indigenous banks in India—that this mother-in-law of all banks.....

An Honourable Member : Step mother-in-law.

Mr. Vidya Sagar Pandya : All right, call it step mother-in-law if you like, of all banks in this country is now going to be deprived of some of her power and prestige which she was not using properly, because, in these days of reform, the daughters-in-law do not want to be governed in that high-handed manner in which the Imperial Bank of India has been treating them, especially the Indian banking institutions in this country. Now, the Indian Joint Stock Banks must be allowed to have a free hand in their working without the obstacles put by the Imperial Bank in the past. When the Indian banking institutions have asked for the bread, the Imperial Bank has given them a stone. Now, what I urge is that the Imperial Bank should no longer work under false colours. We must make it distinctly clear that the Imperial Bank, except that they are going to be the sole agents of the Reserve Bank of India, should not interfere with the Indian banking institutions, and the public should not get a false impression that it is still a Government Bank. Unfortunately, in India, we have got a weakness for things which are connected with Government, but, hereafter, all the business of local boards, municipalities, Courts of Wards, High Courts, etc., should be given either to all the banks alike according to their soundness and position, or entirely to the Reserve Bank. We do not want the Imperial Bank to be

constituted in such a way that it will get all the Government business. Though in some matters there is no specific direction that the funds should be invested in the Imperial Bank, there have been occasions on which their friends in several places have taken advantage of even misrepresenting matters and compelling the parties to put their money in the Imperial Bank. If you will permit me, I will give you an instance. Two parties, when they quarrelled, went to the High Court of Madras, and it is usual that, when there is such dispute, the money is put in some bank till the case is disposed of. Now, one of the parties proposed that the money should be deposited in one of the Indian banks. The Judge said : " Well, it is the practice to put the money only in the Imperial Bank ". The Vakil for the other side said : " I agree to the money being put in the Indian institution where it will earn interest safely. Both the parties agreed, and the Judge then remarked, " I am also prepared to agree to it ". But the Registrar of the High Court said : " It has never been the practice to put such monies anywhere except in the Imperial Bank " ; he repeated that " the money can only be invested in the Imperial Bank and in no other bank ". The Judge told the Registrar : " I give you some time to look up the rules and show me any provision where, when both the parties agree and the Judge also agrees, it is provided that the money should be put only in the Imperial Bank and in no other bank ". The Registrar looked up the rules and regulations, but found nothing to support him. As a result of this, the money was deposited with an Indian institution while all along the impression was that the money should be put only with the Imperial Bank. Subsequently, I understand that there has been issued a confidential circular letter to some departments from some authority that parties should be made to keep their money with the Imperial Bank only. As such I request that the matter should be made so clear that the people may not be misled in these things and the indigenous institutions may not suffer on account of any wrong impression created by the close connection with the Government, and the old prestige the Imperial Bank has enjoyed for these so many years.

Now, Sir, the wording of the new amendment is such that practically the Imperial Bank will do the business of the Government though as the agent of the Reserve Bank. What I wish to know is, if, there is any mishap to the Imperial Bank, the loss would be recovered by the Government from the Reserve Bank or the Government stand to lose, whether it is the joint liability of the Imperial Bank and the Reserve Bank, for the Imperial Bank is going to be the sole agent of the Reserve Bank and the public must deal only with the Imperial Bank, it being the sole agents of the Reserve Bank. The position should be made absolutely clear so that the public may not misunderstand that the Imperial Bank is a Government Bank, as in the case of the Bank of Bombay, when it failed, the shareholders went up to the Privy Council and said that the Government had identified themselves so much with the Bank of Bombay that they were entitled to claim compensation from the Government for its mismanagement. I hope the Bank will also hereafter not style them in their advertisements, as they have been doing, " The Imperial Bank of India, Bankers to the Government of India ". I won't go to the extent of suggesting that there should be a change of name of the Imperial Bank, because, in other countries, the words " Royal ", " Imperial ", when attached to a bank, have been considered as if it is a Government or Central Bank. Only I

[Mr. Vidya Sagar Pandya.]

want that there should be no misunderstanding in such matters in the future.

Now, Sir, the Imperial Bank of India, for the concessions they are going to get under the new arrangements, should be made to render some more national public service. Neither in the Reserve Bank Bill nor in the present Imperial Bank of India (Amendment) Bill is there anything to compel the Imperial Bank to give us remittances at any particular rates. In the matter of remittances they have been making distinctions. The Bank has till now been working under certain restrictions. Now, those restrictions are to be removed. We know how muzzling is helpful and saves the public from inconvenience and injury. Now, under the present Bill, they are going to be allowed to do exchange business without any hindrance. They can open branches, and some of the restrictions, regarding the investment of funds, have also been removed. As such, the Bank will be a very formidable rival to the Indian institutions. Added to that, they will get a commission calculated on the total of receipts and disbursements dealt with annually on account of the Government of India by the Imperial Bank on behalf of the Reserve Bank of India. We have heard about charging a certain commission on debit balances, but not on both debit and credit balances, as the Schedule now contemplates giving 1|16 per cent. on the first 250 crores and 1|32 per cent. on the remainder, on both payments and receipts. That is rather very unusual. In the past, they had been opening branches at stations where there were branches already of other banks. Formerly, they used to consult the Government of India before they opened any branches in any new places. Now, that restriction is being removed, and it will be open to them to go on opening branches anywhere they like and in some places it may be difficult for the indigenous banks to go on with their business in the face of the competition from the Imperial Bank which enjoys so many privileges and concessions.

Speaking about the connection with the Government, even in the clauses of this Bill, as amended, the notifications and other information which they have to give to the public is done only through the Government of India Gazette. All the notices of meetings and transfers of officers from one place to another are published by notifications in the Government Gazette. In one of the clauses, as it has been drafted, the notices are to be published in local newspapers in English and vernacular. I would suggest that these notices should be given entirely in the newspapers. Of course if they wish to insert notices also in the Gazette of India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would remind the Honourable Member that, under Standing Order 39, at this stage the House can discuss only the general principles of the Bill and not go into such details as to what papers must be chosen as the medium of advertisement.

Mr. Vidya Sagar Pandya : My object was to show that they wish to continue to exploit the prestige of their connection with the Government, by confining themselves entirely to the Government Gazette.

Then, I come to another complaint, and that has not been set right in the Bill. In a Shareholders' Bank, there are certain difficulties in obtaining the copies of the Shareholders' Registers. The cost at the rate of six annas per hundred words is prohibitive. The result is that it is

not possible for the shareholders to take concerted action even if they so desire. As such, the Bill requires amendment in that direction so that the shareholders may be able to exercise their right to the full extent as they should.

I need not speak about the Directors of the Imperial Bank. I have already spoken enough. The Honourable the Finance Member yesterday accused me of ' a general exercise in mud slinging at Directors of Banks, past, present and future '.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : He also accused you of shortsightedness.

Mr. Vidya Sagar Pandya : Yes, a reply to it will come in its proper place. I am sorry that the Finance Member should have misunderstood me completely. When I spoke of it, I was referring to the system and not to the persons. I have got the highest regard for gentlemen like Sir Purshotamdas Thakurdas, the Honourable Sir Maneckji Dadabhoy and another gentleman whom he had mentioned. I have got the highest regard for them. What I was trying to explain was the system under which the seats on the Boards of the Imperial Bank became a life tenure and monopoly of certain firms and community. Some of the firms have for more than 50 years been sending up only their partners to fill up the gaps and nobody else. I do not think that all the banking experience and knowledge is a monopoly of only the partners of only seven particular firms on each Board. When I objected to certain nominations by the Government, I did it more on account of the way in which they were made, not on account of the persons. There is no reason why the Government of India should allow only superannuated gentlemen to continue so long. In all Government departments men retire after a certain age. Viceroys, Governors and Executive Councillors even go out after a certain period. Some of the Directors were not physically fit even to attend any meetings and they were being continuously nominated from year to year without any change. Now, I want to know how many of them regularly attended the meetings. These gentlemen are as old as 80 or 90 years.

Mr. President (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member explain how all this is relevant to the present motion ?

Mr. Vidya Sagar Pandya : The point is that in spite of the representation made by the Chambers on the matter, the Government have not amended the Bill to remove those objections in the working of the Imperial Bank.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. It is perhaps well at this stage that the House should understand what exactly is the scope of the motion that we are discussing. We are not discussing the entire affairs of the Imperial Bank, nor are we discussing the whole of the Imperial Bank of India Act. The House must understand that position. The scope of the present Bill is confined to three points—to remove the control of the Governor General in Council over the affairs of the Imperial Bank in certain respects, secondly to remove certain restrictions imposed on the Imperial Bank's transaction of business under the Imperial Bank of India Act and, thirdly, to enable the Imperial Bank of India to enter into certain agreements with the Reserve Bank. The constitution of the Directorate of the Imperial Bank and other matters, not covered within the scope of this motion, are

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not relevant to the issue at present before the House, and Honourable Members will not be entitled to discuss the whole of the Imperial Bank of India Act.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I speak a few words on this point, Sir ? In view of the fact that we are sending the Reserve Bank Bill and the Imperial Bank Bill to the same Committee and also on account of the fact that the constitution of the Reserve Bank will be of the same type as that of the Imperial Bank, I think it is important that we should be allowed to point out that the Imperial Bank of India has been so much mismanaging their affairs that it is not worth our while to copy out its constitution, or even to mention its name in the Reserve Bank Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair quite realises the argument of Dr. Ziauddin Ahmad that it is open to Honourable Members to say that in view of the way in which the Imperial Bank has managed its affairs, it ought not to be permitted to enter into this agreement with the Reserve Bank. But what the Honourable Member, Mr. Vidya Sagar Pandya, was attempting to do was to analyse the constitution of the Imperial Bank and to suggest that no steps are being taken to amend the constitution of the Imperial Bank of India. Now, such a discussion will be entirely out of order.

Mr. Vidya Sagar Pandya : I bow to your ruling, but I beg to submit that the Bill contains an item constituting a new Board. Therefore, I submit, that it is quite relevant to discuss the working of the Imperial Bank in that respect. We should be allowed to speak as to how the Board was constituted formerly, how it failed to do its duty and how in future we should provide for a set of Directors who will be able to manage the affairs better ? Therefore, I hope, Mr. President, you will not over-rule me if I make any remarks about the constitution of the Bank. Of course, I do not want to make any remarks about the particular Directors who are at present on the various Boards of the Imperial Bank of India. I hope that part is quite relevant to the issue.

Mr. President (The Honourable Sir Shanmukham Chetty) : The scope of the Bill has been explained to the House by the Chair and the Chair wants to leave it to Honourable Members to confine their remarks to the scope as defined in the Bill. I will leave it to the Honourable Members to do it.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I remember you ruled, that preamble does not necessarily govern all the clauses. If, in the clauses of the Bill, the Mover expressly deals with the re-constitution of the Directorate, I hope you will allow us to discuss it.

Mr. President (The Honourable Sir Shanmukham Chetty) : It will certainly be within the scope of the discussion, but the enormous mass of details in which the Honourable Member is going will certainly be out of order.

Mr. Lalchand Navalrai : I rise on a point of information, Sir. As just now stated by the Chair, we do realise that there are three questions that are involved as questions of principle in this Bill. But may I know

that when we have been talking with regard to these questions, especially with regard to the removal of restrictions, and also making an agreement with the Reserve Bank, is it not within the purview of this House or the discussion that we should point out the defects that have been experienced in practice so that, when an agreement is made, notice should be taken of those defects and flaws. For instance, if you will permit me to say so, they have a certain principle, namely, if a shroff of the bank goes on leave, then he is to be made responsible for all the defalcations that may happen in his absence.

Mr. President (The Honourable Sir Shanmukham Chetty) : Certainly that point will be out of order.

Mr. Lalchand Navalrai : What I am submitting is that there are certain defects that have to be .....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order : The Honourable Member cannot make a speech now.

Mr. Lalchand Navalrai : I am not making a speech, but I am speaking on a point of information. What I submit is this. Under this Bill, we are making a new agreement with the Reserve Bank and there are certain defects, of which we are aware, which should be removed or improved. I wanted to know from the Chair whether we could go into those points or not.

Mr. B. Das (Orissa Division : Non-Muhammadan) : May I rise on a point of information, Sir ? The Bill aims at the modification of the control of the Government of India over the Imperial Bank. As the Government of India failed in the past to properly control the action of the Imperial Bank of India and as they are going further to empower the Imperial Bank of India for a number of years to be bankers of the State in spite of that failure of proper control, may we not be permitted to discuss the past mis-control of the Government of India over the Imperial Bank ?

Mr. President (The Honourable Sir Shanmukham Chetty) : When the Honourable Member will rise to speak, I will see whether he is in order.

Mr. Vidya Sagar Pandya : I will bow to your decision and will not go into the clauses. But in such matters I feel that it is necessary that the old history as well as the traditions and the matters in which they have gone wrong should be mentioned and, in the light of our experience in the past, we should make a change. I hope, Mr. President, you will permit me to speak on those matters.

Now, Sir, the Imperial Bank is going to be the sole agent of the Reserve Bank and, for some years to come, it would not be possible for the Reserve Bank to open Branches to the extent that the Imperial Bank has done. Therefore, at least for five years or so most of the business will be done by the Imperial Bank of India and it has been our ideal and also the ideal of the Government of India that we should have this institution under the control of Indians, for India and to be run by Indians. The Government have recognised that the Indianization of the Imperial Bank shall continue. During the last few years the Imperial Bank has done something in that direction, though they did not do even a fraction of it for nearly a century. Still, we do feel that the

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sole agent which will work for the Reserve Bank should be an institution which is run by Indians and for Indians. I do not see how it will be possible for the Bank to be under the control of Indians when certain restrictions are removed. The new constitution is such that, if they institute any further Local Boards, only their Directors and the Secretary will come to the Central Board and to the extent that Indians are unable to exercise their franchise and elect the members according to their own choice, Indians cannot get in. The principle, which the Government have recognised, that is, the Indianisation of the Imperial Bank, has not been incorporated in the Bill. In fact, the Bank will be managed by Europeans only—European Directors in majority, European Managers, Governors and European Secretaries. Then, I want to ask, how it would differ from the Exchange Banks? If a foreign-managed institution is required, why not entrust the work of the Reserve Bank on behalf of the Government to the bigger institutions like the National Bank, the Chartered Bank and other Banks? Now, Sir, the Governor General in Council will have no hand in the choice of the Managing Governor and the Deputy Managing Governor and the Board will go on appointing Europeans.

Now, I come to a very important matter which has not been set right in this Bill in spite of protests by the Bombay Shareholders' Association and other Chambers also. Under the Act, it is open for one member with 199 proxies to carry on a meeting of the Shareholders. There is no limit prescribed for the number of persons to be present at a meeting. The way in which proxies are collected, either by the Bank or by their friends—it comes to the same thing—is such that there is great abuse of this system. In the Bill they have actually provided a clause with a view to making the use of proxies more easy. They have incorporated a clause here that in the case of power of attorny previously deposited, *i.e.*, permanent proxies which are in the several head offices, they need not be brought to the place where the meeting is held, but it is enough if the Secretary of any such Local Head Office gives a certificate that he is holding these proxies at a particular place. This is a further facility for the use of these proxies. I think generally it ought to be the policy of a Bank not to interfere with votes, but, as I have shown from the figures, we find that there are certain number of standing proxies in the name of certain officers or directors. I know the case of one of the Presidency Banks—it is not then the Imperial Bank—where they sent printed and stamped form of proxies in favour of their Directors saying "I appoint Mr. so and so, a Director, as my proxy, failing him Mr. so and so, a Director, failing him Mr. so and so, a Director". Thus they adopted a new printed proxy form for the occasion and they defeated the object of free exercise of votes by the shareholders. So, under the constitution, we should provide that there should not be any canvassing by the officers or Directors or their friends specially among those who are indebted to the Bank and the shareholders should be allowed to make their own choice. In this connection I may draw the attention of the House to what an Association had said on the matter of collecting proxies. They say that unless the matter was made secure under the law, it would not be possible for the shareholders to exercise their rights properly. Another suggestion that I wish to make is that the bank officers should not indulge in any speculation in Government securities. I have not got a copy of the *Bank Worker*, the organ of the subordinate staff of the Imperial Bank where they have accused the officers of indulging in speculation in certain securities, because they were allowed to invest their provident fund in a particular way. I think the clause should be so amended that there may not be room for any such suspicion. I also suggest that some limit should be placed on the age of Directors. This provision is found in some of the European Banks on the Continent. Generally with age is associated certain experience and wisdom. Under the pretext of experience and sane wisdom some of the Directors are kept on indefinitely and they are re-appointed. Now, up to a certain stage, age and experience is good. But it is bad when it goes far beyond that stage, when it is not physically possible for them to attend a meeting and think rightly. My Honourable friend, the Finance Member, accused me of physical infirmity at the age of 57 and I wonder how he justifies the appointment at the ages of 80 and 90 years. Everybody is liable to infirmity and everybody has his weaknesses, and I never thought the Honourable the Finance Member will go to the extent of accusing me of short-sightedness. I wish to see things with my natural eyes and not through the official glasses. I cannot put on official green spectacles and see everything green when it is not so. I must decline to give up all my judgment and all my experience, and take the Government view only through these coloured glasses. With regard to my reference to the London Committee, the Honourable the Finance Member said that the Members who had gone there were "bold enough and had the ambition to attack the Government". A rare thing indeed. He mentioned two or three names, but if he had gone further up the list and mentioned the names of the other gentlemen, I do not think even those gentlemen will claim that they had any ambition of criticising, much less attacking, the Government and ruining all their chances of being ever appointed on the Select Committee and other Committees. Then, the Honourable the Finance Member, with reference to the bride I spoke of, said that it was not possible to turn a car into a bride....

The Honourable Sir George Schuster: Is my Honourable friend in order in replying to a speech which was made on a measure which the House has already disposed of? The arguments which my Honourable friend is referring to were advanced on a totally different measure and I suggest that my Honourable friend is entirely out of order in replying to a debate on a motion which this House has already passed.

Dr. Ziauddin Ahmad: Honourable Members on the Government Benches have always the last word to say and we non-officials have got no chance to reply to their criticisms. The only chance for us to reply to them is when a similar question is under debate.

Mr. Vidya Sagar Pandya: The Honourable Member said that I had indulged in mud-slinging about the Directors and, in his speech, yesterday, he quoted very jubilantly the comments of the *Hindu* which is no doubt a leading paper, not only in Madras but in the whole of India and so ably edited by my old friend, my good friend, Mr. A. Rangaswami Iyengar. I have the highest regard for my friend and his paper. If the Honourable the Finance Member will kindly take the trouble of going through the old files of the *Hindu* and see what comments the *Hindu* has made about the working of the Imperial Bank in the past, he would find, it surpasses any socalled mud-slinging by anybody

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here. I hope he will bear those comments also in mind when, for the time being, it is very convenient to quote that paper. Sir, when one gets into the London atmosphere, he begins to think in that way, and I am not surprised that the learned and able editor of the *Hindu* was also somewhat carried away by the London atmosphere—the great show and pomp and the importance given to the Bill and the members and the minority in which he found himself. But I think, Sir, I can easily, within a few months, quote from any paper a leader to contradict its own remarks previously made ! Did not the learned Editor of the *Hindu* agree to the principle of a State Bank and fought for it in this very House ? I want to know why he has given up that and gone back to a Shareholders' Bank ?

Sir, before I close, I am very sorry to have to speak about one matter and that is about the age and experience of the Directors of the Imperial Bank. Here I may tell you a little story. At one of the Executive Council meetings in India, a very liberal Governor was presiding, and when a Council meeting was going on, one of the Executive Council Members was always dinning into his ears that he should not care about this press agitation and public criticism, but should be guided by his accumulated experience and other Members' accumulated experience of 30 years. And, whenever the Governor spoke, he trotted out this theory of his accumulated experience. Then the Governor lost his patience. "Well, Sir," he said, "if you attach so much importance to that, I may tell you that your accumulated experience of 30 years means that you are out of touch with the progress and public opinion and out of date by 30 years". So are these gentlemen, who are past 70, 80 or 90 years, with their infirmities, unfit to look after a Bank like the Imperial Bank of India which is performing the functions of a Bank to the extent they were allowed to do. It is a most scandalous part of the whole management that the Directorate should be confined to any particular firms or class or that the Directors should be allowed to sit there when they are really not fit for it.

Sir, I have some more points regarding the clauses of the Bill, but as the Honourable the President has ruled it otherwise, I will obey the order of the Honourable the President and will not take them up. Sir, I thank you for your indulgence.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, before I agree to the motion before the House, I should like to make one or two observations with regard to it. In consequence of the proposed introduction of the Reserve Bank, necessarily certain privileges, that the Imperial Bank of India enjoyed, had to be withdrawn and, with the withdrawal of those privileges, the restrictions that were placed on the operations of the Imperial Bank have also to be withdrawn. That follows as a necessary consequence. One of the restrictions is that hitherto the Imperial Bank was not allowed to do any internal commercial business or foreign exchange business. All these years India's foreign exchange business has been financed by foreign banks that have established themselves in this country. Sir, it is estimated that the total volume of foreign exchange amounts to the extent of 600 crores of rupees annually and India had to depend upon the facilities that are provided by these foreign exchange banks. So it is quite essential that when the

privileges so long enjoyed by the Imperial Bank are removed, the future Imperial Bank should be allowed to do foreign exchange business also and, with the prestige and position of the Imperial Bank, it will be in a very good position to compete with foreign exchange banks and offer facilities for India's trade. Of course these restrictions were hitherto necessary, because the Government were allowing large cash balances, something like 15 to 20 crores, to lie with the Bank without interest and consequently they expected that the bank should not enter into any risky or speculative transactions. And, further, the joint stock and other banks also had to deposit a portion of their cash balances with the Imperial Bank and hence it was not allowed to compete with these banks. Now that these restrictions have to be removed and cash balances are not allowed to the Imperial Bank, and that the Imperial Bank is relegated to the position of the other joint stock banks, it must be allowed free scope to do foreign exchange business as well as internal commercial business. So far, it is quite necessary.

Then, Sir, with regard to the agency business that is to be given to this Imperial Bank hereafter to do the business of the Reserve Bank, wherever the Imperial Bank has got its branches, I have to submit, as I said yesterday, that the Imperial Bank should not be given the sole privilege of acting as Agent of the future Reserve Bank.

The Honourable Sir George Schuster : Sir, may I rise on a point of order ? The last thing I want to do is to suggest that the discussion should be restricted, but the point that I want to make is that in the Bill, which was considered by the House yesterday, there is a clause to this effect that "the Bank shall enter into an agreement with the Imperial Bank of India, etc.". The House has already approved the reference to a Committee of the Bill laying down that the Reserve Bank shall enter into an agreement with the Imperial Bank of India. My point is that, in taking that action, the House has dealt already with the vital part of the matter which Honourable Members are seeking to discuss today. As far as the present Bill is concerned, all that it will provide is that it shall be lawful for the Imperial Bank to enter into an agreement with the Reserve Bank to undertake certain functions. I suggest that the points which are being made today could have been more profitably made in connection with the motion of yesterday, and I think Honourable Members took ample advantage of that opportunity. My Honourable friend, who just spoke, used the words "as I said yesterday", when he was commencing one of his remarks. Now, Sir, I do suggest that it really is out of order in connection with this Bill to enter into matters which have been discussed in connection with the Bill of yesterday. And, in taking the point of order, there is one point that I want to make to Honourable Members. I do suggest that it is not in the public interest that a discussion on these lines should proceed today. All these points can be discussed in Select Committee. I myself will be under the greatest possible difficulty in replying, in the present debate, to accusations made against the Imperial Bank, because, although, I think there might be very good replies, I do not want the Committee to take up anything but an impartial position. In the Committee we shall have an opportunity of hearing the case against the Imperial Bank and the case for the Imperial Bank, because I trust the Committee will agree to allow representatives of the Imperial Bank to appear before it. But that sort of thing is impossible in a debate of this kind in the House at the present stage. Therefore, in rising to make this point of order, I had a point of substance in my mind.

12 NOON.

Mr. T. N. Ramakrishna Reddi : My contention is not that the Imperial Bank should not enter into any transactions with the Reserve Bank or that the Reserve Bank should not enter into any sort of agreement with the Imperial Bank to act as its Agent : if that was my contention, then I will be out of court ; but that is not my contention. I emphasise again that the Imperial Bank will be in a very good position to act as agent of the Reserve Bank wherever it or its branches exist. I do not oppose that contention. On the other hand, what I was developing was that such privilege ought not to be the sole privilege of the Imperial Bank, but that it should be extended to other indigenous banks so that they might do business side by side. In places where there is a branch of the Imperial Bank and also other efficient banks working, we want that tenders should be called for for the work of the Reserve Bank to be done. That is all my contention. I have never said that the Imperial Bank should not enter into any relationship with the Reserve Bank. That was my contention yesterday and that is my contention today, and it is relevant to this point in issue whether the sole privilege ought not to be given to the Imperial Bank. It is only to the word " sole " that I take objection. I have no objection absolutely that it should act as an agent for the Reserve Bank in out of way places where no other banks exist. My only contention is that it should not be put in a position of undue advantage over other indigenous banks. My contention is also relevant for this reason : it is contemplated that some crores of rupees ought to be placed at the disposal of the Imperial Bank free of interest : you will find it in the Schedule.....

The Honourable Sir George Schuster : Will my Honourable friend point out where the words " sole agent " occur in the Bill which is now before the House ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The House must recognise that the Chair would have considerable difficulty in defining the exact lines within which the discussion today on this Bill must be confined. In the face of that difficulty, I can only make an appeal to the House. The House had ample opportunities of discussing for three days the Reserve Bank of India Bill. Properly speaking, the discussion on the two Bills must have taken place simultaneously. It is because our rules do not provide for the consideration of a motion on two Bills at the same time, that the motion had to be split up. With regard to the details of the agreement of the Reserve Bank with the Imperial Bank of India, that was clearly within the scope of the Bill which we have disposed of, and I think Honourable Members will not be in order except just to make passing reference to that agreement ; with regard to the substantive point raised by the Honourable the Finance Member, I think the Chair also would endorse what the Honourable the Finance Member has said. I know that the House as a whole takes a very keen interest in the affairs of the Imperial Bank which, after all, is a public institution created by an Act of the Imperial Legislature, and the House is legitimately entitled to take an interest in the affairs of that institution. In fact, in spite of the attempts of this House on previous occasions, the House has not had very full scope for having such a discussion, and this Bill no doubt provides such an opportunity ; but I would also suggest this : that, as responsible representatives of the people, we must be very cautious in what we say with regard to the management of such a delicate institution as a Bank, because it might have serious repercussions

in the financial world. The Select Committee is the proper place where a thorough investigation can be and ought to be made about the affairs of the Imperial Bank before this Bill emerges from the Select Committee ; and, I think, after giving the Select Committee the opportunity to go into the details, it will then be perfectly open and justifiable on the part of Honourable Members at a later stage to go into the details of the management of the Imperial Bank. I would suggest that at this stage Honourable Members will be well advised in the public interest not to go into too many details.

Mr. T. N. Ramakrishna Reddi : On that point my only contention was that the privilege of sole agency should also be extended to other banks.

We are now removing those restrictions that were hitherto imposed on the bank : it was because the bank was given certain cash balances free of interest, that certain restrictions were placed ; now this Bill seeks to remove those restrictions, and the privilege of keeping cash balances has been removed. But in its place it is contemplated to allow certain amounts to the extent of a five to six crores to be given free of interest, and hence I am opposed to all the powers of the Governor General being taken away from the Imperial Bank in the matter of nominating directors or governors. Some sort of control must continue in the working of the Imperial Bank even after the Reserve Bank is established, because the Bill contemplates that that Bank should act as an Agent for the Reserve Bank and certain facilities are going to be given to the Imperial Bank. With these remarks, I have no objection to supporting the motion for reference to Select Committee.

Mr. S. C. Mitra : Sir, the Imperial Bank of India (Amendment) Bill is a necessary corollary to the Reserve Bank Bill and, as such, it would not have taken even a couple of minutes to refer it to the Select Committee ; but as my friend, Mr. B. Das, has pointed out, though this is an amending Bill, really under cover of it, we are enacting an Imperial Bank of India Act for 25 years. By efflux of time, the life of the old Imperial Bank of India Act, enacted in 1920, is over, and it is not in the same position as in 1928, a mere amendment consequential to the introduction of the Reserve Bank Bill. I appeal to you, Sir, to look to this side of the question in allowing us to discuss about the principles of this Bill. I shall strictly follow your ruling. I shall not go into any detail ; but, at the same time, I think if we examine the Bill merely as an amending Bill, we will not be doing full justice to this Bill. Had there been no Reserve Bank, certainly Government would have come even earlier than this date with a new Imperial Bank of India Act to continue their agreement with the Bank. The experience of Indians of the way in which the Imperial Bank behaved is well known. The Presidency Banks which were later on incorporated into the Imperial Bank, which was the Bankers' Bank or the Central Bank for India, has not, all these years, done justice to Indians in general, and to Indian agriculture in particular. It was certainly helpful to the European industries, but not to the Indian industries even in the least degree. We have our complaint against the working and management of the Imperial Bank, but, Sir, as you have advised us, I shall not go into details at this stage. I myself introduced a Bill for amending the Imperial Bank Act during the last Session, but, through the whims of the ballot box, I did not get a chance to discuss the Bill till now. I wanted to introduce

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mainly two principles, one was about the statutory recognition of the Staff Unions by the Imperial Bank and the other was that, in the re-organization of the Directorate, there should be representation of the Indian staff also. I don't think I should now ventilate those grievances. If it is not beyond our scope, I shall try to raise those points in the Select Committee ; but, I think, when we are amending this Bill in name, really we are amending the Imperial Bank Act for another 25 years.....

The Honourable Sir George Schuster : I am afraid, Sir, there is some little confusion in the mind of the Honourable Member about the agreement between the Imperial Bank and the Reserve Bank and the Imperial Bank of India Act. We are not enacting the Imperial Bank of India Act for another 25 years. I think my Honourable friend has got the question of the agreement in his mind.

Mr. S. C. Mitra : Is it not a fact, Sir, that the Imperial Bank of India Act has already expired, and that it has been given an extension of life, in view of the impending legislation regarding the Reserve Bank ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair thinks the Honourable the Finance Member has made the position clear. The Honourable Member has evidently confused the operation of the Imperial Bank of India Act and the operation of the agreement between the Government and the Imperial Bank. So far as the Chair understands the position, it is the agreement that has terminated, but the Act has not terminated, and it cannot terminate until it is repealed by this House.

Mr. S. C. Mitra : Was it not extended for another two or three years ?

The Honourable Sir George Schuster : It is the agreement that my friend has in mind. The agreement was made for ten years, and it is now running on from year to year, and not the Act.

Mr. S. C. Mitra : My point is whether we are not binding ourselves for another 25 years about the agreement ?

The Honourable Sir George Schuster : That has just re-inforced the point I have just made,—that the agreement which the Reserve Bank is to make with the Imperial Bank has already been provided for and it is dealt with in the other Bill.

Mr. S. C. Mitra : Now, Sir, as the Honourable the President has ruled, that we cannot discuss one Bill without the other, I shall not go into details. But as my friend, Mr. Reddi, has put it, so long as we agree to the other Bill being sent to the Select Committee with the clauses that the Imperial Bank will be the sole agent of the Reserve Bank in all places where the Reserve Bank will not start its own branches, I think we are very much interested to see, as long as those clauses are not suitably amended, so as not to give a complete monopoly to the Imperial Bank in the future, that the interests of Indians do not suffer. However, as the Honourable the President has said, there will be time enough to discuss these points in the Select Committee, and so I don't like to develop these points further at this stage.

Mr. B. Das : Sir, I rise to oppose the consideration of the motion (Reference to Joint Select Committee) before us. I do not think the Honourable the Finance Member will in any way be put in a delicate position if the House carries out the proposition which I am putting forward, because thereby only one particular clause (clause 33) contained in the Reserve Bank Bill will have to be omitted. Sir, I am not a financier, as the Honourable the Finance Member is, nor am I the conscience-keeper of the bankers, as the Finance Member is, and so I shall suffer from the same disabilities as the previous speakers have suffered, of course with the notable exception of my friend, Mr. Vidya Sagar Pandya. I may speak things which may encroach upon the ruling which you have just given or it may affect matters which my friend, the Finance Member, does not want to be known in public interest. I do not know, Sir, what he means by public interest. It was very difficult for the Finance Member to explain what " distressed gold " was, but I would like to ask him what he means by public interest—whether it is the interest of the Government of India or the interest of the Imperial Bank of India. We, the representatives of the public, here interpret public interest as the interest that affects the 360 millions people of this country, whereas my friend, the Finance Member's idea of public interest is the interest of the hush hush policy of the banking interest of India, the interest of the capitalists' vested interest, and the interest of Whitehall. Sir, I will try to keep myself within the ruling you have just given. I am here reminded of the Imperial Bank of India Act of 1920 which was passed by the old Imperial Legislative Council where men of banking experience did take part and did fight valiantly, but I do not like today to refer on the floor of the House to the speeches that were delivered by the non-official representatives then. I shall merely quote the speech of the Honourable Mr. W. M. Hailey (now His Excellency Sir Malcolm Hailey) who is now the conscience-keeper of Whitehall. While he moved that the Bill be passed, he referred to the various doubts and suspicions that were expressed by the Opposition, and he replied to them encouragingly and piously stated his views in these words. I do hope, when my friend, the Finance Member, will rise to reply, he will reply point by point categorically to this statement which I am quoting from the speech of the Honourable Mr. W. M. Hailey and tell us how far the Government of India have exercised their control on the Imperial Bank of India and how far the Imperial Bank had given effect to the pious wishes of the then Finance Member of the Government of India in their day to day routine work. This is what he said :

" I am sure that time and experience will dissipate the apprehension that the new Bank will prove a danger to the private banks of this country. For my own part I have never been able to envisage the position that the new Imperial Bank is likely to serve the needs of one class of the community or of one section of bankers. We ourselves have regarded it purely as a measure to extend banking facilities, and to render the money resources of India more accessible to the trade and industry of this country ; thereby promoting that financial progress which is an indisputable condition of the social and economic advancement of India. It was in this belief, Sir, that we first set our hands to this measure ; it was in this belief that, in spite of some opposition and misunderstanding, of our motives, we continued to press it on the Council ; and it is in the belief that the measure will give to us a great national institution having ample resources for the assistance of trade, constituting itself an example of sound banking to other banks, an institution which will assist not only the State, but the public, and all sections of the public—it is in the firm assurance in this belief that I now ask the Council to pass the Bill."

[Mr. B. Das.]

Nobody on this side of the House, nor the teeming millions of India, except the few Indian or European capitalists that are Directors or Governors of the Imperial Bank, can say that the Imperial Bank is a *national bank of India*. I challenge here and outside this House any Indian to say that the Imperial Bank is functioning as the *national bank of India*. I further say that the Imperial Bank of India has gone against every indigenous bank, because it has been the protege of the Government of India, because it handles the huge finances of the Government. It has become a bloated up bank, and, with its big financial reserves, it might be benefiting a few shareholders, but it has done infinite harm to the national interests of India. It has done infinite harm to the Indian trade and commerce. My friend—of course he was my friend—Mr. W. M. Hailey, here says :

"For my own part I have never been able to envisage the position that the new Imperial Bank is likely to serve the needs of one class of the community or of one section of bankers. We ourselves have regarded it purely as a measure to extend banking facilities, and to render the money resources of India more accessible to the trade and industry of this country...."

He also mentioned that it will serve all sections of the Indian public. I do hope that the witnesses, who will appear before the Joint Committee, will prove that they have served all the interests in India. We have asked questions of the present Finance Member and his predecessors. Figures were produced to show that more money was advanced to the European interests in this country than to the Indian interests. My opposition to this reference to a Joint Committee lies in the fact that in spite of my having certain differences about the Reserve Bank, I have welcomed its establishment. I have supported that there should be a Reserve Bank, but why should the Reserve Bank, which is to be vested with the powers which at present the Government of India exercise through their Chancellor of the Exchequer, hand over all their resources, their liquid resources to the Imperial Bank ? Why should the Imperial Bank be at an advantage as against the Central Bank of India, or the Bank of India, or the Bank which my Honourable friend, Mr. Vidya Sagar Pandya, controls ? We know the history of the Presidency Banks. They were European banks, though there might have been a large number of Indian shareholders. And the legacies of the Presidency Banks still continue in the management of the Imperial Bank. When we are turning a new leaf, when we are thinking in terms national, why should one particular bank receive these favours from the Reserve Bank and not the other banks ? If we throw out this Bill, no harm will be done to the Government or to the country. Government may bring a Bill to repeal the Imperial Bank of India Act, and they may bring forward another Bill for entering into business transactions with all banks,—of course, Indian, with Indian Directors, banks which satisfy the conditions laid down in the External Capital Committee's report about the Directorate, about the share capital. The Government of India would then enter into transactions with them, and wherever other indigenous banks exist, they should give equal opportunity, and no preferential treatment should be given to the Imperial Bank.

Sir, things have gone wrong. The financial Swaraj or control which we were dreaming of has slipped out of our hands, partly through our mistakes and partly through the rally of the diehards in England. I do not mind if my Honourable friend, the Finance Member, is a party to the financial safeguards in the White Paper ; it is his duty as a Britisher. But I would not like him to perpetuate this piece of injustice by permitting the Imperial Bank to squeeze out all other banks. I will only give one illustration. It is not a new thing ; it is well known to the House, especially to its older Members. When the Peoples' Bank of Lahore went into liquidation, did the Imperial Bank go to its rescue ? Rather there was a dinner party in Lahore celebrating the liquidation of the Peoples' Bank. But when the Alliance Bank went into liquidation, the Imperial Bank of India, though controlled by the Chancellor of the Exchequer of the Government of India, though controlled by this Legislature,—fiat went round and the Finance Member ordered the Imperial Bank to take over the whole burden of the Alliance Bank. We asked questions after questions ; I do not know how many hundreds of questions were asked on the floor of this House. The final reply never came, nor did we on this side know how much loss the Imperial Bank suffered. Of course, I must say that that loss is covered by the huge free deposit of 200 or 300 crores of rupees which the Imperial Bank handles every year without paying any interest on behalf of the taxpayers. It is said that the shareholders or creditors of the Alliance Bank got only eight annas to the rupee. Is that so ?

Mr. Vidya Sagar Pandya : The Imperial Bank of India gave them funds to enable them to pay eight annas in the rupee to the depositors immediately.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : The creditors got to the extent of about fourteen annas in the rupee.

Mr. Vidya Sagar Pandya : The creditors were paid eight annas immediately.

Mr. B. Das : The Imperial Bank, directed by the then Finance Member of the Government of India, came to the rescue of the Alliance Bank, and the scandals of Boulton Brothers and other European financiers, who controlled the Alliance Bank, did not see the light of day. This is the past history of the Imperial Bank of India, and today my Honourable friend asks us to hand over to it for a period of 25 years the control of the banking operations of the Nation ! Either the Reserve Bank is not going to be a national bank, or the intentions of the Government are not honest. If we vote for this Bill today, we shall be creating one particular vested interest against all other banking interests, and we shall be perpetuating all the evil aspects of the past history of the Imperial Bank. I appeal to my Honourable friends not to commit that mistake. I appeal to my Honourable friends to allow the Government time to think out and plan out, which they have not had time so far to do, amidst their other preoccupations. I appeal to my Honourable friends on this side of the House to criticise the Bill in such a way that all indigenous banks of India have a chance to be agents of the Reserve Bank wherever they have branches. With these few remarks I oppose the pernicious proposition which is contained in this Bill.

I wish to point out that section 10 of the Imperial Bank Act, 1920, which is to be amended by clause 4 of this Bill brings out the meaning of

[Mr. B. Das.]

the words, "sole agent". Shall I read section 10 ? Section 10 says :

"It shall also be lawful for the Bank under any agreement with the Secretary of State for India in Council to act as banker for, and to pay, receive, collect and remit money, bullion and securities on behalf of the Government"—

and the amendment says :

"for the words 'the Secretary of State for India in Council' the words 'the Reserve Bank of India' shall be substituted."

The Honourable Sir George Schuster : But where is the expression "sole agency" ? My Honourable friend said that he would show us where this expression occurred in the present Bill.

Mr. B. Das : What is in a word ? I am explaining how clause 4 confers the sole power to the Imperial Bank of India.

The Honourable Sir George Schuster : My Honourable friend has not proved his point at all.

Mr. B. Das : It is very difficult to convince my Honourable friend, the Finance Member, but the Chair and every other Member of this House is convinced.

Mr. T. N. Ramakrishna Reddi : Will the Honourable Member make a statement that other banks will also work as agents to the Reserve Bank ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That point really arises out of the Reserve Bank Bill. It is for the Reserve Bank to decide if they will have the Imperial Bank of India as their sole agents or they will have other banks also as their agents. This Bill only enables the Imperial Bank of India to enter into an agreement with the Reserve Bank, whereby the Imperial Bank will be the sole agent or one of the agents.

Mr. B. Das : I do not wish to prolong the agony of the Treasury Benches. Your ruling satisfies me, Sir. Those of us, who will be represented in the Committee, will see that the Imperial Bank does not become the sole heir of the State for millions of years. In consideration of that view, I can give my sanction if the Finance Member says that he will withdraw this Bill and bring out another Bill, whereby other indigenous banks will also be heirs to the funds of the Reserve Bank.

Mr. R. S. Sarma (Nominated Non-Official) : I move that the question be now put.

Mr. B. Das : Is he the Government whip ?

Mr. Lalchand Navalrai : I am not opposed to this Bill at all. I feel that it will be inconsistent if we did not send this Bill also to the Select Committee. This Bill, connected as it is with the Reserve Bank Bill, should automatically go to the Select Committee. I am not going to make a long speech on this motion, nor shall I go into details. I am thankful to the Honourable the Finance Member when he got up to say that he takes note of the defects and irregularities of the Imperial Bank and that he will consider them.....

The Honourable Sir George Schuster : I really must reject my Honourable friend's praises. I never said anything of the kind.

Mr. Lalchand Navalrai : Then I do hope that the Finance Member who has been hearing the defects of the Imperial Bank, not only now, but also at question times, will give his attention to this at the time when he is making an actual agreement with the Imperial Bank. There is only one point to which I wish to refer and it is this. I had no opportunity to speak on the Reserve Bank Bill, but what I want to emphasize is this—that some of us on this side of the House are against any indirect election of the Directorate. The Directors, as I understand them under the Reserve Bank Bill, have to be selected by Local Boards. I find here some attempt is being made with regard to that under clause 28 of this Bill. It is said that the Central Board shall consist of the following Governors and so on and then a reference is made to the Secretaries of the Local Boards established by this Act and it is further said that if any Local Board is hereafter established under this Act, there will be such number of persons to represent it as the Central Board may prescribe.

The Imperial Bank of India Act is not with me and I am not in a position to say how the Directors are at present elected. I am told that the Directors are elected by the shareholders. That is the direct method of electing the Directors. That method I want for both the Banks, and I want to draw the attention of the Finance Member to this point of direct election and ask that it should be considered at the time of the Joint Select Committees' meeting. I have nothing more to say.

Mr. S. C. Sen : I have no desire to enter into the details of this Bill. This Bill is necessary for removing certain restrictions which were imposed on the Imperial Bank, because they were dealing with the Secretary of State, but I ask the Honourable the Finance Member in removing those restrictions to consider how far they are consistent with safety for the very large sums of money which will be handled by the Imperial Bank of India on behalf of the Government of India. If the future Imperial Bank of India is to be allowed to trade in all classes of things, as it is proposed to be done, how far would that be consistent with the handling of large sums by the Imperial Bank of India on behalf of the Reserve Bank ? That is a point which should be considered by the Honourable the Finance Member when the Bill goes before the Select Committee. Much abuse has been showered on the Imperial Bank of India by my friend, Mr. Das. My experience in Calcutta is otherwise. When we approached the Imperial Bank on behalf of the Bengal National Bank, they immediately gave us 20 lakhs of rupees. I cannot forget the way in which the Imperial Bank came to our help on that occasion.

Mr. B. Das : One swallow does not make a summer.

Mr. S. C. Sen : As abuses have been showered on the head of the Imperial Bank of India, I have told the House what is our experience in this matter.

Mr. Vidya Sagar Pandya : They have declined to advance money even against Government paper.

Mr. S. C. Sen : They did not even look in our case into the securities which were being offered and they paid the money then and there.

Mr. T. N. Ramakrishna Reddi : Then they were not doing good banking business.

Mr. B. Das : Were the applicants Bengalees ?

Mr. S. C. Sen : Yes, the Directors of the late Bengal National Bank were all Bengalees. Then, another objection was raised by Mr. Pandya that the Bank Directors were guilty of sending proxies to the shareholders. Probably he has forgotten that that is a procedure which obtains in the case of every joint stock company in the world and that it is legalised is proved by decisions in the highest Courts in England. So there is nothing wrong there. If, for the purpose of the Bank and for the purpose of the business of the Bank, the Directors thought that they should approach the shareholders with proxies, there is nothing wrong in it. Sir, I need not go into further details. All I need say at this stage is that the restrictions, which are sought to be removed, should be carefully considered.

Dr. Ziauddin Ahmad : Sir, before I take up the general principles of this Bill, I would like to make some reference to two points mentioned by my friend, Mr. Vidya Sagar Pandya. The first point refers to age. I remember when I was a small boy in a school, some person came to examine me and put a simple question of arithmetic : If the price of a horse, whose age is 4 years, is Rs. 15, what would be the price of the same horse when it reaches the age of 24 ? I immediately multiplied the price of the horse with 6 and 90 was the answer. Then, everybody laughed and I thought that I had made a mistake. Then I reconsidered the matter and found out that the value of every living being increases with age up to a certain limit and afterwards the law of diminishing returns begins, and price at a certain age suddenly collapses. I think this was really the point which Mr. Pandya was trying to bring out. The second point to which I would like to refer is about the persons who went to London. I was unfortunately one of the persons who went to London, but I was not a member of the Reserve Bank Committee ; I did not take part in the discussion nor I signed the report ; I was a member of the Railway Committee. I left India with the full determination that I would oppose tooth and nail the scheme relating to the establishment of the Statutory Board and in order to equip myself I went to Geneva to gather some more facts in addition to what I already possessed. But when I carefully examined the administration and the working of the various Railways in Europe, I changed my mind on account of the convincing facts which were laid before me. Let me tell the House that this did not happen in the hot climate of London—because my experience is that the climate of London at that time was certainly hotter than that of Simla now—but I changed my mind in the cool atmosphere of Geneva. And when the time comes to discuss this question of the Statutory Railway Board I hope my distinguished Leader will give the Assembly an opportunity to discuss it, and then I will be able to lay before the House the exact reasons and facts on account of which I changed my opinion. Therefore, the House should give some concession to the persons who went to London. They had some honesty about them. It is quite a different matter that unfortunately the majority of the members of the Reserve Bank Committee consisted of persons who believed in the State Bank, but their honesty is not in question.

Now, Sir, I come to the subject matter of this Bill. I would have very much liked to have this Bill consisting of only two clauses. The first clause ought to have been that the Imperial Bank of India Act of

1920 is hereby repealed; and the second clause should have said that the Governor General in Council may be empowered to transfer all the cash balances and also take the necessary steps to transfer the credit of the country from the Imperial Bank to the future Reserve Bank. These two clauses would have been quite sufficient to meet our case. Then we would have left it to the Reserve Bank to make such negotiations with the Imperial Bank and other banks as it might think fit. Sir, I would like, first of all, to ask the question whether the Imperial Bank is a private bank or whether it is a State Bank ? You cannot say that it is a private bank because we are enacting for the Imperial Bank. We are not enacting for the Simla bank or for other banks in this country. We are placing this Imperial Bank in a favoured position. So it is not a private bank. Is it a State Bank ? I suppose the answer will be that it is not altogether a State Bank because the shareholders have got enormous powers. I do not like to go into the details as they have already been described by my distinguished friend, Mr. Vidya Sagar Pandya. The fact, however, is that it is neither the one nor the other. It is both a Shareholders' Bank and the Government Bank. Sir, this sort of thing you are demanding in the case of the Reserve Bank. Whatever irregularities they want to commit they may do without taking the risk of being criticised in the Assembly. You are creating a position in which neither the shareholders nor Legislature may be in a position to criticise. A shareholder as such has got no voice because one man's voice is always drowned by a shareholder who is holding 200 proxies in his pocket. It is not a case of one man and one vote. We cannot criticise it on the floor of this House. Therefore, I do not mind that it may either be a State Bank and its working criticised on the floor of this House, and its administration responsible to the Legislature, or be a private or a Shareholders' Bank. In the latter case we need not take the trouble of going into its affairs at all. If the Bank mismanages its business, it would suffer, and shareholders not the taxpayers would pay for mismanagement. Here what they are trying to do is this. The Imperial Bank is not doing anything for the benefit of the country and yet it is demanding the full benefit of the protection of Government. This is a very anomalous position and we should not allow it. I want to press that the question of the Imperial Bank ought to be left entirely to the consideration of the Reserve Bank when it is established and we, as Members of this Legislature, should not take part in its deliberations at all, except in one respect, if the Honourable the Finance Member may be willing to accept it, that the Act of 1920 may be repealed altogether and the Imperial Bank may be placed on the same footing as other banks. Sir, we have got the Act before us but no person either on behalf of the Imperial Bank or the Government has made out a case as to why the Bank should continue to receive the protection of the Government. If there was no Reserve Bank, then I could understand that the Government wanted a bank to look after its credit. But when the credit of the Government is going to be transferred from the Imperial Bank to the Reserve Bank, then there is no reason why we should continue to show the same favour which we have been showing for the last 13 years to this one particular Bank. It may be said that because we have been showing to this Bank special favour and because this Bank had been enjoying special privileges, it is accustomed to it and it should continue to enjoy them. If that is the argument which is

[Dr. Ziauddin Ahmad.]

brought in its favour, then the argument of my honourable friend, Mr. Pandya, will immediately come to the forefront, namely, that our experience is that the way in which you carried on the affairs in the past does not deserve the continuation of those privileges. Therefore I would very much like to be informed by those who are in favour of the continuation of these privileges to make out a case for the continuation of the privileges.

Another point I should like to refer to is this. If the Imperial Bank Act is to be enacted by us, and receive legislative authority, the Imperial Bank must be subject to the conditions of 'Services' laid down by the Home Department. If the Home Department make rules of appointment for the departments of the Government of India, then all departments which receive protection and favour from them should conform to those conditions. Similarly if the Imperial Bank is to receive legislative sanction, then they should submit to all the conditions laid down by the Home Department. This is one more point against the legislative enactment of the Imperial Bank if they refuse to submit to the conditions. Therefore, I strongly impress this fact that we ought to place all the indigenous banks in India on the same footing. We must not place one bank in a favoured position. If this principle is adopted then this legislation goes against that particular principle. We on this side of the House very strongly feel that no bank should be placed in a privileged position and therefore we cannot possibly agree to the continuation of the privileges enjoyed and misused so long by the Imperial Bank.

Another point that I wish to make out is this. India is no doubt an agricultural country. If any one wishes to give any advantage to India then he must take into the consideration the benefits of the agricultural classes. In this case the Imperial Bank has singularly failed. They may have failed on account of the provisions of the Imperial Bank Act. But they never demanded from the Government a change of that Act. The Imperial Bank never give any advance to the landlords on the security of landed property. I pointed out the other day that though the bank rate of interest has been reduced, it has been reduced only for the benefit of the industrialists and commercial men in Bombay and Calcutta. We, in Upper India, who pay very large taxes for the profits of the Imperial Bank, gain no advantage from them. They never give any advance on the security of agricultural properties and therefore the landlords are compelled to take money from the local bankers who have not reduced their rates of interest on account of the lowering of the bank rate of interest. Therefore, here also the Imperial Bank has singularly failed to help a very important class of India, namely, the agriculturists and the landlords and therefore this is another reason why they do not deserve any favour which we have been showing to them. No doubt the Imperial Bank was our favourite wife till now and the only wife till now, but now the Reserve Bank has come into existence and I think we should not have two. We should divorce the first.

The Honourable Sir George Schuster: Sir, my Honourable friend who has just spoken deserves, I think, the honour of the House in one respect above all and that is that he is not afraid of standing up in this

Assembly and stating that he has changed his mind. I am glad in a way that my Honourable friend has made his speech. I am sure he will not take it amiss from me if I say this to him. I think his speech discloses that he has not made that careful study of the affairs and position of the Imperial Bank that he has made of the position of the Railway Board about which we hear so much from him. Now, I put it to my Honourable friend in all seriousness—he always takes a part and a very important part in the discussions on the floor of the House—and I put it to him that before he again intervenes in the later stages of this discussion, let him go not to Geneva but to Bombay, Calcutta and Madras and seek....

Dr. Ziauddin Ahmad: In view of my experience in London, of which the Honourable Member is an eye witness, will he still advise me to go to Bombay?

The Honourable Sir George Schuster: I say let him visit those places and let him seek discussion with those who are responsible for running the affairs of the Imperial Bank and let him put before them some of the points which he has made today. Sir, it is not my object, nor is it a proper part for me to appear in this House as the advocate of the Imperial Bank. There are many things which I would like in common justice to say but as I have already pointed out on the occasion of one of the interventions which I have made in the discussion today, I wish to say nothing now which will create the impression that I am in the least biassed in my mind one way or the other as regards the statements that have been made as regards the Imperial Bank. There are many points which we shall have to enquire into in the Select Committee and there I trust Honourable Members will be willing to listen not only to one side but to both sides of the case. Sir, my Honourable friend, Mr. B. Das, asked me what I meant by reference to the public interest when I suggested to you that there were certain lines of discussion which it would not be in the public interest to permit today. Sir, what I had in mind was this. I was thinking of the public interest in an indirect way. I was thinking really of the cause of common justice and I do submit that it is in the public interest that the cause of common justice should be respected in this House. Many Honourable Members have spoken as advocates against the Imperial Bank but there is no one here who is competent to speak as an advocate for the Imperial Bank and I think it is just as well that that should be so because as I have already said I think the sort of case which has been made out is one which should be dealt with in the Select Committee and it cannot be dealt with properly in the course of a debate on the floor of the House. I still maintain that most of the speeches to which we have listened today ought to have been made, and in fact *were* made, in the course of the discussion on the previous motion and therefore I do not propose to deal with those speeches. The case of this motion I think is amply proved and, if I were to indicate, one way it has been proved, I am reminded of the days when I used to study Euclid and there was one method of proving a proposition which was called the *reductio ad absurdum*. I think the speech of my Honourable friend, Mr. B. Das, provides the *reductio ad absurdum* in the present case. My Honourable friend asked the House to reject this Bill altogether. I would ask the House to consider what that course would mean. The House has already approved the principle of a Bill which authorises the Reserve Bank to enter into an agreement with the Imperial Bank of India. The Imperial Bank Act, as it stands today, does not

[Sir George Schuster.]

authorise the Imperial Bank to enter into an agreement with the Reserve Bank but merely to enter into an agreement with the Secretary of State in Council. One of the main amendments in this Act is to make it possible for the Imperial Bank to enter into an agreement with the Reserve Bank if a Reserve Bank is set up. That, Sir, my Honourable friend would seek to make impossible and thereby he would, if this Legislature followed his advice, be making this Legislature a laughing-stock in the eyes of the world. I need not say anything more on that and I do not think the House will want to hear me on any of the detailed provisions of the Bill. They are all matters which can be discussed in the Select Committee and I think if I might sum up the general sense of the discussion today, it is not that an Imperial Bank Amendment Act is not required but that the present Bill does not go far enough.

Mr. B. Das : Yes, that is so.

The Honourable Sir George Schuster : That, Sir, is the view of the House and I think there is no one who can object to the motion that I have proposed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly do recommend to the Council of State that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be referred to a Joint Committee of this Assembly and of the Council of State, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members."

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I move :

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment), as reported by the Select Committee, be taken into consideration."

1 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 34 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhore : Sir, I move that the Bill, as amended by the Select Committee, be passed.

Mr. S. G. Jog (Berar Representative) : Sir, the object with which I stand up to speak on this motion is that I do not want to see this Bill passed without a word from this side. I do not want this House to put in their silent approval to this Bill. On the 12th April last, when our

Honourable friend made a long speech on this Bill and there was a lot of discussion on it, the President on that night thought that the Bill was of a controversial nature and should be discussed at some later stage. We on this side of the House also thought that the measure was of a controversial nature and required further discussion, and on that night the motion for Select Committee, very much against the wishes of the Mover, had to be postponed. I had a talk with him immediately after that and I thought the Mover of the Bill had lost his temper for some time. But when the Bill came up before the House for the second time, the motion for the Select Committee was passed without much discussion. I also for some time thought, looking to the length of the Bill, that there must be some important questions involved which required some elaborate discussion.

Mr. A. Raisman (Government of India : Nominated Official) : Sir, may I rise on a point of personal explanation ? I think the Honourable Member said that, on the last occasion when this Bill was postponed, he spoke to me and I think he said that I lost my temper. I should like to explain that what the Honourable Member asked me was whether I would arrange for the meeting of the Select Committee to take place sometime before the present Session, and I must admit that as the motion had not yet been adopted, I said to him somewhat curtly that I was afraid it was not much use my collecting a Select Committee when the Bill had not been referred to one. That, Sir, is what happened.

Mr. S. G. Jog : I had no mind to criticise my Honourable friend, but I could see that he was very keen on this Bill and when he found that, it was postponed for some time, it appeared to me that he lost his temper. I absolutely had no mind to cast any aspersion on him. However, Sir, as it was given out, the whole principle of the Bill was safety first and safety last and all the clauses were introduced for ensuring the safety of the passengers and of the load that was to be put on the ships. There was some discussion when the Bill was before the Select Committee and there were some matters which, though not exactly relevant to the purpose of the Bill, were still matters of great importance from the public point of view ; and I am glad to find that recognition has been made of that in the Select Committee and I should like to read from it, otherwise the House may not take any notice of it. Of course I am also a signatory to the Select Committee's report :

"Some of us are of opinion that the rules to prevent overcrowding of deck passengers are not being strictly enforced in all cases and suggest that an inquiry should be held into this matter and any action taken that may be necessary."

I am very much thankful to the Chairman of that meeting and the official members in the Committee that they have taken a note of the suggestion on which we, the non-official Members, were very keen. The question of overcrowding, as in the Railways so in the ships, is a matter of grave concern to the general public, and I am glad to find that the official Members have taken note of it, and I only suggest to them that they should not stop here by merely making a note of it, but I hope they will make inquiries, and, wherever such a thing is found to exist, strict measures should be taken to stop this overcrowding. If they take this into consideration and put it into operation, I think the labours of the Select Committee will not have been in vain. This whole Bill refers to the safety of ships and, I think, in future, the safety of the ships will very much be assured. With these words, I support the motion that the Bill be passed.

The Honourable Sir Joseph Bhore : Sir, I will only detain the House for just a short moment. I really would like to see credit go where credit is due and I should like to say that the point to which my Honourable friend, Mr. Jog, referred was raised by my Honourable friend, Mr. Gaya Prasad Singh. He raised it both in the shape of questions in this House and also during the discussions in the Select Committee, and I need only say that no recommendation coming from any member of the Select Committee will fail to receive the most careful consideration.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, as amended by the Select Committee, 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 (The Honourable Sir Shanmukham Chetty) in the Chair.

THE MURSHIDABAD ESTATE ADMINISTRATION BILL.

Mr. B. J. Glancy (Political Secretary) : Sir, I move :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as reported by the Select Committee, be taken into consideration."

I am glad to be able to say that the Select Committee, to which this Bill was referred, have sent in a unanimous report ; only very few amendments have been suggested in the Committee, and I do not think it is necessary for me to enter into them now. Certain members of the Select Committee have appended to the Committee's report a minute which runs as follows :

"A number of creditors of the Nawab Bahadur have obtained decrees in the highest judicial courts. We feel sure that these decrees will not be lightly re-opened by the Manager under the powers which this Bill confers on him, but will be accepted as *prima facie* proof of the respective debts."

That minute appears to Government to be a perfectly reasonable and unobjectionable statement of the position ; and Government are quite prepared to give an assurance that the Manager will act in accordance therewith. In the light of this assurance which I have now given, I venture to express a hope that Honourable Members may not find it necessary to move the amendments which stand in their names.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 3 stand part of the Bill."

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Mr. President, it is certainly not my purpose to embarrass the Official Benches by moving this amendment. My sole object is to discharge a moral duty to my constituency on the floor of this House. I am not in any way connected with the estate of Murshidabad and I have no brief on behalf of the Nawab Bahadur.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member must move his amendment.

Mr. Muhammad Anwar-ul-Azim : Sir, I move :

"That to clause 3 of the Bill, the following further provisos be added :

'Provided that the salary of the Manager, so appointed, shall not exceed rupees eight hundred and fifty per month, or a sum equal to the pension of a retired member of the Indian Civil Service whichever is less.

Provided that the Manager so appointed shall be a person on whom the Nawab Bahadur has full faith, and the Manager so selected or appointed shall furnish securities which will be a reasonable sum in the opinion of the Secretary of State for India'."

The mandate of my constituency is this : in Bengal, the Nawab Bahadur of Murshidabad is a big Zamindar : he has been occupying a big position amongst the zamindars of Bengal, but, in these days of retrenchment and things of that kind, perhaps Government will very seriously consider whether they will not like to suggest to the Nawab Bahadur to economise his expenditure. Personally I do not know who is the present holder of the coveted position of Manager to the Nawab Bahadur ; but this much I should say that he should not be getting any sum bigger than a first class City Magistrate in Bengal or, for that matter, the pension of a covenanted servant of the Crown, who retires after working in that province ; because we have precedents of estates perhaps quite as big—*e.g.*, the estate of the Nawab of Dacca or of Mymensingh and other places in Bengal ; and if Government take a little trouble to ascertain really how much such Managers were getting there, I am certain they would not have any objection to accept this humble amendment. It seems that perhaps that bit of information is not available in the Department ; otherwise when they are going to do a good turn to the Nawab Bahadur, I am certain that they would have considered the sum of Rs. 850 or the pension of a Civil Servant, a very big sum indeed. If the present holder is getting more than Rs. 850, as against the debt to be discharged of nearly 20 lakhs, it seems to me that my amendment will not be a serious encroachment, rather a good saving. If Government have got a soft corner for the Nawab Bahadur of Murshidabad, if they want to do him a good turn, I am certain they should feel that even if he could be helped to save ten rupees from his budget, it will be a thing worth considering very seriously by Government.

I also wish that the Manager so selected or appointed should be personally known to the Nawab Bahadur, because I understand that perhaps Government in their benevolence go out of the way sometimes to foist things on people which they do not really like ; and the second part of my amendment, therefore, is this : that when they appoint a Manager,

[Mr. Muhammad Anwar-ul-Azim.]

it will be desirable even from an equitable standpoint to consult the Nawab Bahadur to see whether the gentleman, whom the Secretary of State may appoint as Manager, is one who would be able to pull on well with the Nawab Bahadur, because I do not think it is fair, least of all to the Government of India, to take advantage of the embarrassed position of the Nawab Bahadur and impose on him any one they like, simply because the Nawab Bahadur has gone to the length of contracting debts of doubtful considerations. The Nawab Bahadur may not dare to refuse anybody who might be foisted on him as Manager : so I say that when we are so solicitous, as it looks by the presentation of this Bill here, it would be as well to consult the Nawab Bahadur personally when they appoint the Manager.

I think that is all I need say on the present occasion with regard to the appointment of the Manager and the salary which he should draw. I am quite certain if a man who is not liked by the Nawab Bahadur is selected or appointed as Manager, things will not go on smoothly. Anyway, I know that there are very few chances of my motion being passed, but I have my responsibility to discharge in the matter, and, in answer to that, I have moved this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That to clause 3 of the Bill, the following further provisos be added :

' Provided that the salary of the Manager, so appointed, shall not exceed rupees eight hundred and fifty per month, or a sum equal to the pension of a retired member of the Indian Civil Service whichever is less.

Provided that the Manager so appointed shall be a person on whom the Nawab Bahadur has full faith, and the Manager so selected or appointed shall furnish securities which will be a reasonable sum in the opinion of the Secretary of State for India '."

Mr. S. G. Jog (Berar Representative) : I have great pleasure in supporting the amendment moved by my Honourable friend, Sir Anwar-ul-Azim.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : He has not yet become a " Sir " ; he expects to be one shortly.

Mr. S. G. Jog : Out of the whole bargain, Sir, if anybody stands to gain considerably, I think it is the Manager who will be appointed to look after this estate. I have not the least idea as to the income derived by the Nawab of Murshidabad from his estate and so I cannot say whether the salary of the Manager is proportionate to the annual income which the Nawab Bahadur gets. I do not think the responsibilities attaching to the post of Manager are so heavy as to require the appointment of a man on such a high scale. Moreover, we have to see, with due regard to efficiency, that whatever is saved goes to redeeming the debts which the Nawab Bahadur has incurred. The Political Department, I presume, is conscious of the sanctity of the payment of debts, and if my friend's amendment is accepted, I think it will go a great way to doing justice to a large number of creditors who have advanced large sums of money to the Nawab Bahadur.

While on this subject, Sir, I should like to point out that there are a large number of estates in India which can be similarly said to be encumbered. I have no idea whether they can properly be under the protection of the Political Department, but if the Political Department have shown their solicitude for this single estate, I feel that they should similarly extend their solicitude to other estates which are similarly encumbered, and adopt measures to protect those estates and other noble persons who are in the same position as the Nawab Bahadur of Murshidabad. At the same time, I should like to give a fair and friendly warning to the Political Department that for a long time they sit quiet, simply watch the movements of these nobles and potentates,—probably the Political Department never care to give friendly advice in time not to exceed their annual limits of expenditure, and, when things reach beyond the stage of redemption, when these people incur heavy debts, only then the Political Department comes in.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Can they interfere legally in these matters ?

Mr. S. G. Jog : Well, my engineer friend has raised a point of law. So far as I know, my friend does not dabble in legal points.

An Honourable Member : Of course, he does.

Mr. S. G. Jog : I am glad to find that he dabbles in legal points also, but, Sir, this is not the time to go into the legal aspects of the question. The measure is before us ; it has been passed by the Select Committee, and it is no doubt the duty of the Government to protect the Nawab Bahadur, and as such, I must congratulate the Political Department for condescending to come in proper time to protect the dignity of this Noble Lord of Murshidabad. At the same time, they must take into account the question of equity in favour of the several creditors who have advanced large sums of money to the Nawab Bahadur. I have no exact idea of the age of the present Nawab, but I am told that he was born in the Sixtees or somewhere thereabout. Let us know what are the chances of all these creditors getting their money back. I know this amendent has nothing to do with that question, but I do think that the pay is quite disproportionate to the annual income of the Nawab Bahadur, and it considerably affects the position of the creditors, and, from that point of view, the amendment has been placed before the House.

With regard to the question of taking security, I do not feel inclined to support that amendment, because the person who is selected must be a man of means. I do not think that there is any necessity of taking any security from the person who will be appointed as Manager. With these few observations, I beg to support the amendment moved by my friend.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, I strongly oppose this amendment, and my reason is very simple. A Bengal Minister, a friend of mine, replied very properly when there was a motion in the Bengal Council, I think, some years ago, that his salary should be reduced to one rupee per year. He very gladly accepted that, he was willing to accept one rupee a year, provided it was a suggestion that with the approval of the Government and with the approval of the Members of the Legislative Council he would be allowed to take bribes. The present motion is something like that. Here is the family of the Nawab Bahadur with an income of several lakhs of rupees, and a man who is going to administer the estate on behalf of the Secretary of State must be a very big man and must be above temptations. To expect a man on a salary of about

[Mr. R. S. Sarma.]

Rs. 850 a month which a Deputy Magistrate in Bengal gets and to take up such a huge responsibility is, to my mind, unthinkable.

With regard to the second part of the amendment, Sir, the present Manager who is administering the estate on behalf of the Secretary of State, and who will probably continue to administer it on behalf of the Secretary of State under the new Act, is a man who has made a mark for integrity and ability in the Indian Civil Service in Bengal. He had held all the highest positions open to an Indian Civil Service man. He held the office of District Officer, he was Secretary to the Government of Bengal for a long time, he was a Member of the Board of Revenue and he was also Commissioner of a Division, and to expect a man of that ability and experience to work on Rs. 850 as is suggested in the amendment is, to my mind, absolutely impracticable. On these grounds, I strongly oppose the amendment.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I would also oppose this amendment. Although I do not hold a brief, as my Honourable friend, Mr. Sarma, does, for the Manager, my anxiety is that in so far as it is the desire of the Secretary of State for India to protect the Nawab Bahadur and with that end in view to devise means and put into possession of the estate a Manager who would be able efficiently to discharge the functions that would be assigned to him under the Act, I think the Government of India is the proper authority which should be allowed to fix a reasonable salary for the work expected of the Manager. If I may throw out a suggestion, I would say that if the person to be appointed happens to be a retired Government official and if he gets an additional allowance for acting as Manager in addition to the pension that he has earned, I think a good portion of the money which would otherwise have to be paid to a man who is not in receipt of such a pension would be saved. I am not one of those who would suggest a particular sum, for instance, Rs. 850 or Rs. 950, for the man to be put in charge of this office. But I do think that by appointing a retired official much of the temptation which would otherwise attach to posts of this character would be done away with.

I find the amendment consists of two provisos ; one of which relates to the fixing of the salary of the Manager. It may happen that some of my Honourable friends are in agreement with that proviso and they want to oppose the other proviso. They should have been separately numbered. But for myself, I am opposed to both. The second proviso reads :

"Provided that the Manager so appointed shall be a person in whom the Nawab has full faith, and the Manager so selected or appointed shall furnish securities...",

If it is the idea of the Government of India or rather the Local Government to appoint a person who is really in receipt of a pension, I do not think we need insist on his furnishing any security in the way in which my Honourable friend, Mr. Anwar-ul-Azim, desires. As for the confidence expected of the Manager, I would say, that unless the Manager has had relations already, for good or for evil, with the Nawab Bahadur of Murshidabad, I do not think that that question can come up at all. If you insist that the Nawab Bahadur should have confidence in the Manager, then the question arises, that generalising that position you might as well insist that the Princes or Chiefs under the Court of Wards be first consulted as to the amount of confidence which they place in the Court of Wards. The Nawab Bahadur, as I can gather from the Act, is no better than a minor under the Court of Wards. As a matter of fact, the Manager will be in possession of the entire estate and he will exercise all the functions which, but for this Act, the Nawab Bahadur would have exercised, and as such I do not think that my Honourable friend is justified in demanding security from the Manager.

Mr. G. Morgan (Bengal : European) : I oppose this amendment and the grounds on which I oppose it have been already stated by the last two speakers. It is quite impossible to expect that for an estate of this size, with the responsibilities which would be on the shoulders of the Manager of this estate, a suitable Manager could be obtained for a salary of Rs. 850. We in the Select Committee had full details of the position, and there was no suggestion put forward that a limited salary should be given to the Manager. Sir, like the last speaker I hold no brief for the present incumbent of the post. I know him personally and I am sure he is quite suitable for the post, but I should not expect him to accept a post of this description on a salary of Rs. 850 with the responsibilities which are attached to that position. I understand that there would be about Rs. 3 lakhs after all payments under clause 7 with which he will have to deal.....

Mr. Lalchand Navalrai : May I know how much he gets now ?

Mr. Muhammad Anwar-ul-Azim : Rs. 2,000.

Mr. G. Morgan : I do not know. With regard to the second part, I do not know really what the Honourable Member has in mind, but, as the last speaker said, the Nawab Bahadur is in the position of a minor under the Court of Wards. He gets Rs. 9,583-5-4 out of the estate and the management of the estate and the responsibility for that management lies on the shoulders of the Manager. I am quite certain that the Local Government will exercise the greatest care in the selection of a Manager for an estate of this description and I personally would feel every confidence in the selection made by the Local Government. Sir, I oppose the amendment.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : It appears to me from the title of the Bill that the present amendment is wholly outside the scope of the present Bill. The title of the Bill is :

"A Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager."

That is all, and not emoluments, not to fix the emoluments. So, it appears to me that the present amendment is outside the scope of this Bill. However, as the amendment has been allowed, I beg to submit that I cannot agree with my Honourable friend, the Mover of the amendment. The first portion of the amendment wants to fix the salary of the Manager. Of course, I would be very glad if a Manager could be had not at Rs. 850, but even for Rs. 500 which is the maximum salary fixed for the Governor General under the Swaraj Government in future years. If my Honourable friend had moved his amendment on that ground I would have supported him. But, Sir, I cannot make out how he arrives at the figure of Rs. 850, and not Rs. 800 or Rs. 1,000.

The Honourable Sir Bepin Behary Ghose (Law Member) : Probably on account of the value of the gold mohur on the Original Side. I understand he is a Barrister.

Mr. Amar Nath Dutt : I am not a Barrister, I am an Indian Advocate for whose rights I have been fighting in spite of Government opposition. Probably 50 gold mohurs. I think his standard seems to me to be that of a member of the Provincial Executive Service. Even in that case, if my Honourable friend turns over the pages of any Civil List he will find that a selection grade Deputy Magistrate gets Rs. 1,000, and a selection grade Sub-Judge gets Rs. 1,200 now-a-days. So, Sir, he does not even go to the length of paying the highest salary of a member of the Provincial Civil Service and considering the responsible nature of the post and the halo and romance that hovers round the connection of the Government of India with that of Murshidabad, I think a more suitable salary is necessary, so long as the present state of salary continues in other departments of Government. (*Interruption by Mr. B. Das.*) About the romance every student of history knows. My friend being an Engineer does not probably know anything except Euclid. The salary provided here is certainly not adequate. I shall not enter into the personal question of whether the present incumbent deserves more or less but the sum suggested is insignificant. Then, Sir, the second proviso says

3 P.M.

"Provided that the Manager so appointed shall be a person on whom the Nawab Bahadur has full faith."

The present position to which the Nawab Bahadur has been reduced is partially, if not wholly, due to his having been guided by men in whom he had full faith. If he had other advisers then the estate would not have been reduced to the present position. What is wanted is that the man should be one in whom the Government has full faith. I cannot therefore support this amendment.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : As a member of the Select Committee, I think it my duty to oppose this amendment. Very wide powers have been vested in the Manager under this Bill. I can appreciate the standpoint of any gentleman who may be opposed to vesting such wide powers in any man but once it is conceded that considering the exigencies of the situation the Manager must be entrusted with extensive powers, it will be unwise to fetter the discretion of the Local Government to settle the emoluments of the Manager, and an amendment of this kind is not necessary. A low paid man may fail to discharge the duties that have been enjoined on him in this particular Bill. As regards the other point, whether the Manager should be appointed after consultation with the Nawab, I make no secret of the fact that this Bill has been brought forward in order to protect the Nawab against himself. That was the reason why the Select Committee was induced to give such wide powers to the Manager, because in some of these decrees of the courts, there might have been the connivance of the Nawab himself. So under the circumstances it is against the spirit and the principles of the Bill to make the appointment of the Manager conditional to the approval of the Nawab Bahadur. On these grounds, the amendment will not be acceptable, I hope, to the House.

Mr. B. J. Glancy : With regard to the first part of the amendment, therefore, as my Honourable friend, Mr. Jog, has pointed out, a good

many enactments which run on lines similar to this Bill, though I am afraid that the Political Department cannot take the credit for having invented them. There are, for instance, the Oudh Talukdars' Relief Act, the Chota-Nagpur Encumbered Estates Act, etc., and to the best of my knowledge none of these or any other enactments contain any provision on the lines of those which are now proposed and it does not seem to be necessary that they should be incorporated in this Bill. All matters pertaining to the salary or security, etc., of the Manager can, I think, be very safely left to the Local Government, the Government of Bengal. I would only point out that the claims against the Nawab now stand at Rs. 19 lakhs and it seems to me obvious that you must have somebody as Manager in whom perfect confidence can be reposed. It may be possible later on as things settle down to decrease the salary of the Manager and appoint somebody else on lower pay. As regards the second part of the amendment, after what my Honourable friend, Mr. Sarma, pointed out it is unnecessary for me to say anything at all, except that the Nawab Bahadur need have no cause for any apprehensions. In fact he has every reason to congratulate himself.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That to clause 3 of the Bill, the following further provisos be added :

'Provided that the salary of the Manager, so appointed, shall not exceed rupees eight hundred and fifty per month, or a sum equal to the pension of a retired member of the Indian Civil Service whichever is less.

Provided that the Manager so appointed shall be a person on whom the Nawab Bahadur has full faith, and the Manager so selected or appointed shall furnish securities which will be a reasonable sum in the opinion of the Secretary of State for India'."

The motion was negatived.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 4 stand part of the Bill."

Mr. A. Das (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I move :

"That in clause 4 of the Bill, to the paragraph beginning with the word "secondly" the following proviso be added :

'Provided however the clauses firstly and secondly hereinbefore mentioned shall not be applicable to cases where any court of competent jurisdiction has passed a decree declaring any charge or lien on any specified income or incomes'."

In moving this amendment, it is not necessary to go into the details of the previous history of the Nawab of Murshidabad beyond 1838. At that time his stipend stood at Rs. 16,00,000 a year out of which Rs. 7,50,000 were allotted for his personal expenditure. Later on this stipend was reduced and certain privileges enjoyed by the former Nawab were abrogated. The salute of 19 guns was also reduced to 13 guns in 1869. The Nawab went to England to represent his grievances to the House of Commons which in 1871 rejected his appeal, by a majority of 57 votes. He continued to reside in England and following the old traditions of the family became heavily involved on which a Commission had to be appointed to arrange with his creditors on the 1st November, 1880. He resigned his position and renounced all

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rights of interference with the affairs of the Nizamath in consideration of an annual stipend of £10,000 and on payment to him of 10,00,000 in settlement of various miscellaneous claims and a suitable provision for his children born in England. Thenceforward the title of Nawab Nazim was replaced by the title of Nawab of Murshidabad which was conferred on Syed Hasan Ali Khan, his eldest son. Subsequently Syed Hasan Ali Khan was given the hereditary title of Nawab Bahadur of Murshidabad in 1882 and that of Amir-ul-Omrah. Subsequently Act XV of 1891 was passed and an indenture was attached to the Act for the support and maintenance of the Nawab Bahadur and of the honour and dignity of the estate. Since then he has been running recklessly wild in contracting debts in spite of the fact that he had sufficient income. Sir, from that time onwards to the best of my information he has been receiving a monthly sum of about 19,66,000 as a political pension. Besides this the income of the landed property ran to several lakhs annually. The House will easily see that the political pension and the private income is more than that of even the Viceroy of India and if any person cannot manage his household with such a large income whose is the fault ? He cannot be said to be a *purdahnashin* woman with no education. But on the contrary he has not only had Indian education but also European education and if a man cannot cut his coat according to his cloth whose is the fault ? I am of opinion that the passing of the Act of 1889 was itself a mistake and if anything the Government is responsible for inducing the habit of extravagancy in him by making him believe that his estate will be secure and giving him undue liberty to borrow as large as he can without any corresponding obligation of payment. Look at what was the result, although the protection provided was ample in 1891.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : I think my friend has strayed far away from the point at issue. What my friend has been saying is absolutely irrelevant to the amendment which he has moved.

Mr. A. Das : Still instead of having a check on his extravagancy it had the counter effect of increasing his habit of running into fabulous debts partly for consideration and it may be partly without consideration. The Government had paid him amply for relinquishing his title and estate and I do not know what further circumstances have come into light by which the Government have certainly become alive, as if by some prick of conscience, to wipe off his debts and pass another enactment of which the Bill is before the House without any regard to the just claims of those who have advanced money to him. When the money was needed the Nawab Bahadur adopted all sorts of cajolry and inducements to attain his immediate ends either by fair or foul pretences and he did obtain a certain amount of valid consideration. If he, in order to meet his immediate ends, when receiving the full consideration, entered into bonds and agreements for a larger amount, the fault was entirely his, particularly if it is looked at in the light of Act XV of 1891 from the point of view of the creditor, who had no security for his advance, because his immovable property was not liable to attachment under the said Act. Can a lender of money be blamed if, as an additional security for his debts, he took a bond of a larger amount than what had been actually advanced ? It is no argument to say that

because some money-lenders have entered into a partly shady transaction, therefore even the amounts which they have actually advanced should not be looked into. If this position is conceded, I am afraid, then the majority of the Members of this House would like to be in the position of the Nawab Bahadur of Murshidabad to borrow money and get out of their liabilities.

As to the private life of the Nawab, I am only to invite the attention of the House to a memorial submitted to His Excellency the Viceroy, copies of which I presume have been supplied to most Members of the House and since the information is more or less of a public nature, there is no harm in my inviting the attention of the House to the fact that the heir of the present Nawab Bahadur had married a Jewish girl whom he recently divorced and the Jewish wife had obtained a decree for *Denamahar* (for a dower debt of over a lakh of rupees) and the said heir-apparent, it is said, has again married an English girl lately divorced by her Bengalee husband. If a person chooses to enter into such matrimonial relations and after marrying once relinquishes her and thus involves himself in financial difficulties whose is the fault. How does the Bill propose to correct the heir-apparent of this habit, so far as such matrimonial connections are concerned so that he cannot marry as many wives as he likes and divorce them as early as he marries them and get out of his liability for payment of any dower debt and other debts that may be required for all such marriages and festivities concommitant on it with the result perhaps that after a few years another Bill of a more restricted nature will have to be passed in his favour.

Coming to the legal aspect of the case, the claim of one creditor Mr. Gunneriwala. It appears that in July, 1920, the present Nawab and his heir Murshada-Zaida Waris Ali Mirza took a sum of Rs. 5,00,000 as an advance rent of 21 years and gave a lease of certain immovable property and saw a third party. The persons who advanced the money in order to meet the liability transferred their lease rights to Mr. Gunneriwala for 5,45,000 from 1920 to 1927. The rents were regularly collected by the lessees and their representatives and, I am informed, that they made considerable improvements also in the property at their cost. In 1927 it appears that, in order to get out of this huge liability, the Nawab Bahadur filed a suit in the Calcutta High Court which was registered as Suit 1384 of 1927 for cancellation of the lease which was contested and finally Mr. Justice Page one of the well known High Court Judges of the Calcutta High Court passed a decree personally against the Nawab Bahadur for a sum of five lakhs which he had originally taken. Now, Sir, is it fair for one moment that this decree and suit which was contested should be reopened again by the Manager, however able he may be ?

In the first instance I wish to say what the Manager can do under section 9 of the proposed Bill. The argument which may be advanced in favour of the re-opening is that because this claim in the Appellate Court was compromised, therefore the Manager can re-open it. I say that it is a wrong position. I should say this is a wrong position. However, I do not wish to go into that question, but my submission is that when a decree has been obtained after contest that decree should certainly be respected and should not be allowed to be re-opened. Similarly, there are other claims which have resulted in decrees and which run

[Mr. A. Das.]

to the tune of no less than 18 lakhs. I hope the House consisting as it does of people of sound mind and judgment who had considerable experience in business matters and many of them have or are having money dealings in banking will realise that if this Bill is passed into Act, which are the securities for the creditors whose debts extend to about 19 lakhs. Under the old Act the creditors cannot touch the personal or the movable property of the Nawab Bahadur and according to the present Bill, if passed, even no charge on the profits of the estate could be enforced and the litigation which ended in the High Court recently about which a Receiver was appointed for the estate of the Nawab Bahadur and the said Receiver was entitled to collect rents and profits of the leased property and which was confirmed by Privy Council, the highest court available in the land, all the proceedings which were not done behind the back of the Nawab Bahadur could be reopened by the Manager. So this security of appointing a Receiver no longer exists in favour of the creditor. The sacred person of the Nawab Bahadur is already exempt. Lastly all the decrees and claims to the extent of 19 lakhs would last only so long as the present Nawab Bahadur is alive. It is a very important point to which I would invite the attention of the House that he is already 60 years of age and in the interests of the creditors—I pray that he may have a life of over a hundred years—but from a business point of view when the average age in this country is not over forty there is no saying when an order may come from the Almighty to which neither this House nor any other authority in the world has any access and the whole debt of 19 lakhs will be wiped off in a moment. The heir-apparent will get into the estate without any debt and perhaps in a few years will run the same game as his father did and die leaving a large debt and with the death of the present Nawab Bahadur many of his creditors will also die a civil death in losing their money.

No doubt the Bill provides that the Manager can go into such debts and since his appointment is for the preservation and betterment of the estate his sympathies will always naturally be against the creditor and in favour of his present master, if as the saying goes in Hindustani he is at all true to his salt. There will be no judicial finding about it. He is given powers to sit in judgment over decrees even though they may have been passed after contest or consent by the highest court of competent jurisdiction. The appeal is not to any judicial authority but to the Board of Revenue. The Board would be more interested in supporting and maintaining the orders of its subordinate than in meeting its creditors. A pious wish has been expressed by seven members out of 12 who sat on the Select Committee that such decrees "will not be opened lightly" but the word "lightly" is a very flexible term. It has no legal meaning and it is not embodied in any part of the Bill. Therefore it is open to the Manager either to respect or to throw to the winds this pious expression of such opinion. The Bill provides no guarantee in this respect and unless it is embodied in the Act itself that such decrees will be taken as *prima facie* evidence of the respective debts, the creditor cannot be satisfied.

Mr. Lalchand Navalrai : But the Honourable the Political Secretary has given an assurance on behalf of the Government that these decrees will not be lightly re-opened by the Manager.

Mr. A. Das : Yes, he has given the assurance. But what is the objection to embodying this assurance in the Bill itself ? An assurance given by one Member of the House may not be respected by a subsequent Government.

Mr. Lalchand Navalrai : But it is an assurance on behalf of the Government.

Mr. A. Das : But it has no legal effect. It is not law. If it is embodied in the Act itself, then it will be legally binding on the Manager and decrees will be taken as *prima facie* evidence except in those cases where they were obtained by fraud or undue influence. I appeal to the fair sense of the House that in accepting this Bill they ought to be equally fair to the creditors, particularly when their security is so thin and limited to the life time of the present son. I do not know of any Act in India where the solemn decrees of a court of law based either on consent or contest can ever be challenged by any subsequent Act without its being shown that these decrees were obtained by fraud or undue influence. The decree in suit No. 1384 of 1927 which was passed for five lakhs by Mr. Justice Page and in appeal a consent-decree was passed for Rs. 6,50,000. What I want to submit is this. Even this Bill and the Act of 1891 went much further than Chota Nagpur Encumbered States Act or other similar Acts of any other province in limiting the liability to the life of the present Nawab Bahadur, the debtor.

So far as Act XV of 1891 existed although it limited the liability to the lifetime of the borrower, but it was under that Act that the lender had the right at least to the appointment of a Receiver who took the profits of the estate of the debtor and apply it towards the liquidation of the debt but even this small right is being taken away by the present Bill. I therefore think, Sir, that without the amendment which I have moved to be incorporated in the Bill it would be a very iniquitous piece of legislation and entirely one-sided for the benefit of a reckless and extravagant borrower without paying any regard to the hard earned money which the various lenders have advanced. I commend this amendment for the acceptance of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

> "That in clause 4 of the Bill, to the paragraph beginning with the word "secondly" the following proviso be added :
>
> 'Provided however the clauses firstly and secondly hereinbefore mentioned shall not be applicable to cases where any court of competent jurisdiction has passed a decree declaring any charge or lien on any specified income or incomes'."

Mr. R. S. Sarma : Mr. President, I must at the outset congratulate my Honourable friend, Mr. A. Das, on the masterly exposition of the legal implications of the powers that are conferred on the Manager under this Bill. Though he is a very quiet and unassuming Member of this House, my friend, Mr. Das, never touches any subject of which he does not make a very thorough study and I think this House ought to be grateful to him for the unselfish service which he has so ungrudingly rendered to the public interest so far as this Bill is concerned. I, for one, would not only have supported this motion but would have also moved an amendment of this character because I do not think there is one single Member of this House who does not feel that the Manager, according to this Bill, is getting

[Mr. R. S. Sarma.]

extraordinary powers. Here is a Manager getting a couple of thousand rupees clothed with powers to re-open decrees of High Courts and of Privy Council and therefore, on the face of it, it appears we are giving him extraordinary powers even over the High Courts and the Privy Council. From that point of view, I am sure that there is a strong feeling that the Manager should not get so much powers and also there is a reasonable apprehension on behalf of the creditors that those decrees might be lightly re-opened and that they would suffer. But we had this afternoon a very thorough and unequivocal assurance from the Political Secretary on behalf of Government with all the responsibility due to his position that he is accepting the note of dissent or the terms of the note of dissent which myself and my colleagues have appended to the report of the Select Committee. On behalf of Government he has admitted that no Manager would lightly re-open any decrees under the powers which this Bill confers upon him but on the other hand these decrees will be accepted as *prima facie* proof of the respective debts. After this assurance which is made with absolute authority on behalf of the Government of India I think the purpose which my Honourable friend, Mr. Das, wants would have been served. Therefore, I should like to make an appeal to my Honourable friend to withdraw his amendment in view of the clear assurance given on the floor of this House. I think we owe it to ourselves that I should mention that in the Select Committee also the Government appreciated the apprehension of many creditors and also of those public men who really fear that there might be something in those apprehensions and the Government very gracefully came forward to make an assurance of this character. I think we are in honour bound to accept that assurance and withdraw the motion. Secondly, the Manager even if he should lightly re-open decrees, he is not the final authority in the matter. There is the Board of Revenue over him and there is the Bengal Government above them. If it is a Law Court, it may not take cognisance of assurances given in this Assembly by the Political Secretary. After all the Bengal Government is a subordinate Government to the Government of India and they cannot repudiate assurances given by the Political Secretary on behalf of Government of India on the floor of this House. Because of this, I will make an earnest appeal to my Honourable friend to withdraw his amendment and to thank the Political Secretary for his graceful assurance that he has given.

Mr. A. Das : Sir, may I ask one question ? Does this assurance confine itself only to those decrees which have been passed after contest or does it also apply to those decrees which have been obtained on consent ?

Mr. B. J. Glancy : It applies to all decrees.

Mr. A. Das : What is the legal difficulty in embodying this in the Act itself ?

The Honourable Sir Bepin Behary Ghose : The legal difficulty would be this that this Bill is not sought to be enacted with regard to a particular man but it is going to be a permanent legislation and will apply to all his descendants.

Mr. A. Das : Sir, I beg leave of the House to withdraw this motion.

The motion was, by leave of the Assembly, withdrawn.

Clauses 4 and 5 were added to the Bill.

Lala Hari Raj Swarup (United Provinces : Landholders) : Sir, I beg to move :

"That in sub-clause (*1*) of clause 7 of the Bill, in the paragraph beginning with the word 'fourthly' the words 'and improvements' be omitted."

My purpose in moving this amendment is very simple. In this Act and the former Act the liability of the estate is only confined to the lifetime of the present Nawab Bahadur and by including improvements we are giving very wide powers to the Manager and if he chooses he can put down any amount on improvements and so the creditors can be deprived of their rights to get a rateable distribution in the profits of the estate. In view of this I will request Government to delete these words.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in sub-clause (*1*) of clause 7 of the Bill, in the paragraph beginning with the word 'fourthly' the words 'and improvements' be omitted."

Mr. B. J. Glancy : I should like to explain, Sir, that this point was discussed in the Select Committee, and these two words were retained because it was felt that sometimes minor improvements may save a great deal of money. They may avoid a multiplicity of repairs. For instance it may be a question of replacing a *kutcha* roof by a *pucca* roof.

Lala Hari Raj Swarup : Then you may say "minor improvements".

Mr. B. J. Glancy : I am afraid there is a certain amount of difficulty in discriminating between major improvements and minor improvements. But here again I think things may very safely be left in the hands of the Local Government who are empowered under the Bill to make rules for the guidance of the Manager.

Mr. Lalchand Navalrai : Sir, as one coming from Sind, where an Act like this is in force, I think I am in a position to say that this amendment should be accepted. We have in Sind an Act, which is called the Sind Encumbered Estates Act, which is on similar lines, perhaps substantially the same with rare variations. There also the Act was enacted for the protection of the zamindars and landholders who have property for which they pay an assessment of more than Rs. 300. I submit that if this word "improvements" remains in the Bill under discussion, the creditors will be very much affected and it is that point which the Members on this side have been urging. If this word is there, any amount of money may be spent on improvements and that will certainly minimise the funds so that the creditors will suffer. I may say that the word "improvements" does not appear in many of the other Acts. In section 11 of the Sind Encumbered Estates Act, it is said :

"From the funds received or recovered under section 10 the Manager shall pay, first, the cost of management including the cost of necessary repairs, etc."

I say that there is every sense in the amendment that has been put forward.

Mr. G. Morgan : Sir, may I ask a question ? Is this the sole power of the Manager under this Act that the Honourable Member has quoted ?

Mr. Lalchand Navalrai : No, there are other powers also.

Mr. G. Morgan : Is it the Manager alone who has the power of repairs or has it to be approved by the Local Government or the Board of Revenue ?

Mr. Lalchand Navalrai : There also schemes have to be sent to the Commissioner for sanction. Sir, I think Government have been very sincere in giving us the assurance about the decrees not being lightly treated by the Manager of the estate although I would have been more glad if they had agreed not to re-open the decrees at all. In this Act, the word used is " claims " to be re-opened. I maintain that claim does not mean a claim which has been declared and determined by a Court of law to be paid.

The Honourable Sir Bepin Behary Ghose : Are there no such words as " decretal claim " ?

Mr. Lalchand Navalrai : The point is that it would have been more graceful for Government to have agreed to not re-opening decrees at all. But still we have accepted the assurance that the decrees will not be lightly treated and we have to thank the Political Secretary for it. But I submit that Government should not insist on retaining this word " improvements " and they should accept this amendment.

[At this stage, Mr. President (the Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

" That in sub-clause (*1*) of clause 7 of the Bill, in the paragraph beginning with the word ' fourthly ' the words ' and improvements ' be omitted."

The motion was negatived.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Mr. A. Das : Sir, after the assurance given by the Honourable the Political Secretary in this House, I do not move my amendment.

Clause 9 was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

" That clause 10 stand part of the Bill."

Mr. Muhammad Muazzam Sahib Bahadur : Sir, I move my amendment which is not even a drafting amendment, but perhaps a printer's devil : it runs as follows :

" That in the proviso to clause 10 of the Bill, for the words ' the further period ' the words ' a further period ' be substituted."

I may point out that in that clause " the further period " would be all right if there was a further period referred to previously ; but there is no further period referred to previously. I really think it is a printer's mistake and I hope the Political Secretary will have no objection to accept it.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

" That in the proviso to clause 10 of the Bill, for the words ' the further period ' the words ' a further period ' be substituted."

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I am thoroughly confused, I must confess, by my friend, Mr. Muazzim's amendment, because when I read the proviso to clause 10, I find " the Manager may admit his claim within the further period of six months from the expiration of the period of six months specified in section 8 ". I understand that his trouble is that " the " and " a " do not refer to the same period : I think he is right : actually there is a further period specified in section 8 : and this clause refers to a further period after that. Is that his point ?

Mr. Muhammad Muazzam Sahib Bahadur : Yes.

Sir Lancelot Graham : So that is correct. It is a very easy slip on the part of the draftsman : that is what has happened : it is not the further period specified in section 8 referred to : it is a further period of six months from that. So we would accept it.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

" That in the proviso to clause 10 of the Bill, for the words ' the further period ' the words ' a further period ' be substituted."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Mr. Muhammad Anwar-ul-Azim : Mr. Deputy President, I do not really know that it is at all necessary to.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member must move his amendment first.

Mr. Muhammad Anwar-ul-Azim : Sir, I move :

" That to clause 11 of the Bill, the following proviso be added :

' Provided always that the Manager consulted the Collector of Murshidabad in this matter and his concurrence obtained thereon '."

From the trend of speeches on both sides of the House, I gather there are quite a large number of friends on both sides who are solicitous for the interests of the creditors, and I am glad to find that some sort of response has come from my friend, the Political Secretary, that these things will be considered by the Manager when they come up before him. But when I move this amendment, I can assure him that the report of the Select Committee is not my gospel, and I do not know that the Select Committee has said the last word for the benefit of the Nawab Bahadur of Murshidabad. If the Government are so solicitous as to do a good turn to the nobleman from whose ancestors they got this vast empire, I am sure, they would not have accepted this thing so blindly. Great capital was made of the Manager's responsibility and that we should not grudge him a few thousands of rupees when his duty would be to handle 19 lakhs of rupees. I have had occasions to work with receivers in my part of the country and I know I had to give securities to the tune of Rs. 50,000 ; and here perhaps this gentleman—who I gather from my friend, Mr. Sarma, will be a retired mem-

[Mr. Muhammad Anwar-ul-Azim.]

ber of the Indian Civil Service—will see that no wrong is done to anybody and that the policy underlying the Bill is faithfully carried out. But that is not my grouse. My grouse is this, that if Government want to be consistent in all matters, they should have asked this gentleman, the Manager, to find a decent security for himself and to give a personal security of a lakh of rupees, at least when he is to deal with this amount of money and the whole property. I, therefore, say that it will not be unfair of Government to consider this small amendment, that, in the determination of these debts, he should consult the Collector of Murshidabad who will be the live agent of the Government of Bengal at that centre.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That to clause 11 of the Bill, the following proviso be added :

'Provided always that the Manager consulted the Collector of Murshidabad in this matter and his concurrence obtained thereon'."

Mr. B. J. Glancy : Sir, I should like to explain that, under the present Bill, an appeal lies from the Manager to the Board of Revenue. It appears to me that that is a much more appropriate arrangement than providing an appeal to the Collector of Murshidabad whose time is very fully occupied, and I am afraid that he would have no leisure whatsoever to deal with such matters. Nobody there has any useful knowledge on the subject, as most of these liabilities are not to people of the Murshidabad district, but to people in Calcutta.

Mr. Muhammad Muazzam Sahib Bahadur : Sir, I entirely agree with the observations made by the Honourable the Political Secretary. I believe that if the intention of the Mover of this amendment is carried into effect, every time the Manager comes to a decision on the amount that is due or on the rate of interest which is to be charged, he will have to consult the Collector whose hands, as I understand from the Honourable the Political Secretary, are already full with work. Sir, I oppose the amendment on the ground that it will create a lot of difficulty and will hamper the work of the Collector of Murshidabad on the one hand and it will not in any way be beneficial to the estate either.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That to clause 11 of the Bill, the following proviso be added :

'Provided always that the Manager consulted the Collector of Murshidabad in this matter and his concurrence obtained thereon'."

The motion was negatived.

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, in view of the assurance given by the Political Secretary, I do not want to move my amendment*.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : There is a similar amendment in the name of Mr. Muazzam Sahib Bahadur.

*"That to clause 11 of the Bill, the following proviso be added :

'Provided that the Manager shall accept the decrees obtained by the creditors of the Nawab Bahadur in the highest judicial courts as *prima facie* proof of their respective debts'."

Mr. Muhammad Muazzam Sahib Bahadur : Nor do I want to move my amendment*. I simply wanted to improve the amendment of my friend, Mr. Dudhoria, by substituting the word "evidence" instead of "proof". I do not want to move my amendment*.

Clauses 11 and 12 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 14 stand part of the Bill".

The motion was adopted.

Clauses 14, 15, 16 and 17 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 18 stand part of the Bill".

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19 was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 20 stand part of the Bill".

Mr. Muhammad Anwar-ul-Azim : Sir, The amendment I wish to move is this :

"That to clause 20 of the Bill, the following further proviso be added :

'Provided always that the leases before they were finally settled had the approval of the District Judge of Murshidabad'."

Mr. Deputy President, it is common knowledge that anybody who handles leases and things of that kind, nay even in cases where big properties are administered by *Mutawallis*, they cannot ride rough shod over a District Judge. Even a *Mutawalli*, a privileged man of his position, has got to come to the District Judge and obtain sanction in cases of leases of wakf properties. Normally the time granted is five years. Of course, without prejudice to the unlimited power which is being given to the Manager under this Bill, I should like to suggest this much, that provision should be made to see that the District Judge of Murshidabad should see whether the leases granted by the Manager are in such form as to safeguard the interests of all concerned, because it is far from me to suggest anything with regard to the powers you propose to give to the Manager, but the outside public will laugh at the

*"That to clause 11 of the Bill, the following proviso be added :

'Provided that the Manager shall accept the decrees obtained by the creditors of the Nawab Bahadur in the highest judicial courts as *prima facie* evidence of their respective debts'."

[Mr. Muhammad Anwar-ul-Azim.]

wide powers which this Bill is granting to the Manager, because when lakhs and lakhs of rupees are involved in big estates, and they are administered in a fiduciary manner, the matter has to come up before the District Judge, and I do not know why the Manager should be exempted from bringing his draft leases to the District Judge in this case also. Permanent leases, when granted, should not be granted so light heartedly.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That to clause 20 of the Bill, the following further proviso be added :

'Provided always that the leases before they were finally settled had the approval of the District Judge of Murshidabad'."

Mr. G. Morgan : Sir, I only want to draw the attention of my friend, the Mover, when he says that this measure gives unlimited power to the Manager, that with the exception of those powers granted under 28 (*c*), the approval of the Local Government has to be obtained before leases are sanctioned and presumably registered. Sir, I oppose this amendment.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I also rise to oppose the amendment just moved by my friend, Mr. Anwar-ul-Azim. Clause 20 of the Bill seeks to clothe the Manager with the power of dealing with immovable properties, and it also gives him power to execute leases of immovable property. From what I can gather, I believe the power of the Manager in this matter is always subject to the approval of the Board of Revenue and ultimately to the Local Government. So I do not think it is either necessary or desirable to interpose the authority of the District Judge in all matters. In the first place, the District Judge is over-worked as the District Magistrate is, and, for the reason adduced in throwing out the last amendment, I think this amendment also cannot be accepted by this House, because the Bill gives power to the Board of Revenue to intervene in these matters when leases are granted, and in case an appeal has to go up, the final authority is the Local Government, and so I don't think it is necessary to add this proviso to clause 20 of the Bill. Sir, I oppose the amendment.

Mr. Muhammad Muazzam Sahib Bahadur : Sir, as a matter of fact, we have in clause 20 itself what I may call a dual check, a check which is referred to in this clause and embodied in clause 28 (*c*) as Mr. Morgan has just pointed out, and we again have it under clause 20 that if the settlement of the estate of the Nawab Bahadur by the Manager is such that it is in perfect accord with the provisions of clause 28 of the Bill, no difficulty arises, but if the settlement goes beyond those provisions, as I take it, he has to obtain the previous sanction of the Local Government,—in this case it is the Government of Bengal. For these reasons, Sir, I oppose the amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That to clause 20 of the Bill, the following further proviso be added :

'Provided always that the leases before they were finally settled had the approval of the District Judge of Murshidabad'."

The motion was negatived.

Clauses 20 and 21 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 22 stand part of the Bill".

Mr. Muhammad Anwar-ul-Azim : I should like to place this also on record, I mean my amendment.....

Mr. Gaya Prasad Singh : Why don't you read the amendment first ?

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member will please read out his amendment first.

4 P.M.

Mr. Muhammad Anwar-ul-Azim : I move :

"That after sub-clause (*3*) of clause 22 of the Bill, the following new sub-clause be inserted :

'(*4*) And that the Collector of Murshidabad or the Commissioner, Presidency Division, shall audit the accounts every year and send a report to the Board of Revenue'."

Mr. Deputy President, I do not know why these amendments are so very touchy or act as a bugbear to my friends on the right. It seems, in their inordinate hurry to pass this Bill, they lose the common courtesy of not disturbing a Member who does not ordinarily take part in debates in season, and out of season. Nowhere in the Bill, from start to finish, do I see any provision as to how these accounts are to be kept as is kept by the Court of Wards. It appears as if the Government of India want to give a blank cheque to the officer. He will not be accountable to anybody and his actions and conduct will not be subject to any check. As regards the Court of Wards, the Manager will have to carefully keep his accounts in the prescribed form, because over him he has the District Magistrate, then the Commissioner, and then the Board of Revenue. In this case, there are no checks, and I should like very much to know from the Political Secretary what check he has provided in the body of the Bill over the vagaries of any Manager of this estate.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That after sub-clause (*3*) of clause 22 of the Bill, the following new sub-clause be inserted :

'(*4*) And that the Collector of Murshidabad or the Commissioner, Presidency Division, shall audit the accounts every year and send a report to the Board of Revenue'."

Mr. B. J. Glancy : Sir, I should like to draw the attention of the Honourable Member to clause 28 (*2*) (*b*) of the Bill which deals with the matter of audit. The Board of Revenue will, no doubt, make rules about the manner in which the audit shall be conducted, and when they come to do so, I should imagine it is more likely that they would entrust that function to the Accountant General or the Examiner of Local Fund Accounts than to a busy administrative officer such as the Collector of Murshidabad or the Commissioner of the Presidency Division.

Mr. G. Morgan : I have been looking through this Bill to see under what clause or rule this audit will take place. I did not catch the Honourable Member's reference.

Mr. B. J. Glancy : Clause 28 (*2*) (*b*).

Mr. G. Morgan : I am sorry. That is all right. I am satisfied and oppose the amendment.

Mr. Gaya Prasad Singh : Sir, I do not understand the head or tail of this amendment. If my Honourable friend had been a little more careful in studying the Bill, he would have found that the check which he likes to insert in the Bill has already been provided, and we in the Select Committee looked into the matter carefully. Clause 22 provides :

"All orders or proceedings of the Manager in the exercise of his functions under this Act shall be subject to the supervision and control of the Board of Revenue."

As has already been pointed out by my Honourable friend, the Political Secretary, under clause 28 (*2*) (*b*) :

"The Board of Revenue may, with the previous sanction of the Local Government, make rules for the purpose of carrying into effect all or any of the provisions of this Act.

(*b*) the procedure to be followed by the Manager in the discharge of his functions under this Act, the accounts which shall be kept by him, and the manner in which such accounts shall be audited."

I understand that the proper authority to audit the accounts will probably be the Auditor General or any authority subordinate to him. It is really meaningless to ask the Collector or the Commissioner of the Division to audit the accounts of a big estate like the estate of Murshidabad. This amendment is absolutely unnecessary, and I strongly oppose it.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That after sub-clause (*3*) of clause 22 of the Bill, the following new sub-clause be inserted :

'(*4*) And that the Collector of Murshidabad or the Commissioner, Presidency Division, shall audit the accounts every year and send a report to the Board of Revenue'."

The motion was negatived.

Clause 22 was added to the Bill.

Clauses 23, 24, 25, 26, 27 and 28 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. B. J. Glancy : Sir, I move that the Bill, as amended, be passed.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill, as amended, be passed."

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, I come from a constituency which is within sixty miles of Peshawar, and, therefore, it seems rather a far cry that a Member interested in the affairs of the extreme north should feel interested in the domestic affairs of a Nawab who is flourishing in the interior of Bengal.

I would not have undertaken this unnecessary responsibility of addressing the House on this question had it not been for a conscientious objection which I have against this class of legislation. A piece of legislation of this kind does no credit to the Government who are promoting it or to the Legislature who are about to pass it. Sir, I take it that the basis of all sound legislation is a just and equitable recognition of the rights of the people whom that legislation affects. The present Bill appears to me to be a flagrant example of the rights established through Courts of justice being flouted and made subject to the whims and arbitrary decisions of a mere "Manager", no matter how lofty his position may be. I know, Sir, that the measure will in all probability go through, but that does not worry me in the least. I have to get my protest recorded against a measure of this kind, passing or not passing the measure depends upon the temper of the House. What really pains me is this, that a distinguished lawyer who has himself adorned the Bench of the premier High Court of the country and who moreover comes from a stock which has produced the greatest modern Indian jurist, the late Sir Rash Bihari Ghose, should be a party to a legislation of this kind, a legislation so fundamentally unjust and iniquitous. What is the principle of this Bill ? The principle of this Bill, put in ordinary plain English, appears to me to be nothing less than this. Here is a man who appears before you with a decree of a judicial tribunal and you turn round to him and say that in spite of the fact that you have got the best authority in your favour, we decline to do anything for you, because we feel bound to protect a person who is a waster and has led an extravagant life, if nothing worse. That, I understand, is the plain and honest truth. It appears to me that these judicial decrees are going to be ignored in order that the Nawab should continue to come out in the public in his "carriage and four", or that he may not be forced to cut down the number of his wives, and that he may still have 30 or 40 dishes on his table, while an ordinary mortal would be content with say $\frac{1}{20}$th of it. In order to maintain such artificial dignity, you are going to the length of flouting and throwing to the winds the judicial decrees of the highest tribunals in this country. If that is really the basis of this Bill, if that is the underlying principle of this Bill, the less we have to do with such a piece of legislation the better for the good name of this House. Look at it from the creditor's point of view. I am free to admit that when dealing with spendthrifts and people of extravagant habits, people do generally get their advances exaggerated in their deeds which they obtain from their debtors. That is common knowledge and one cannot shut one's eyes to that. This is done because there is always the possibility of some of these transactions being held to be unconscionable bargains in a Court of law or else the Court considers that the terms are exorbitant, or the rate is too high and thus sometimes the whole claim is thrown out or materially reduced. Such being the dangers and the risks to which the creditors are exposed, one cannot blame them for exaggerated amounts entered in their securities which they obtain from their debtors, but there must arise some stage or other when all such questions should be deemed to have come to an end. That occasion and that stage comes when the matter is brought up on the judicial anvil, and when both the parties, after having had a fair trial and after contesting the suit, the Court pronounces its

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decree. I think that all doubt should, thereafter, come to an end, and once a decree is passed, nobody has the right to say that the particular claim covered by the decree was in any way or to any extent tainted. That decree must be accepted as the final pronouncement of a Court of law and it will be an evil day if such decrees of judicial tribunals were ignored, because thereby people will come to lose their confidence in the impartiality of the Courts of justice and they will come to believe in the impotency of the Courts and in the ineffective character of judicial decrees. That will be an evil day for us, because there will be no peace and no order left in the land. Sir, the fabric of this Empire depends upon our perfect faith in the judicial pronouncements and I say that a decree passed by any Court of justice, even the lowest, is entitled to the same respect which you show for the decrees passed by the highest Courts. Need I remind my Honourable and esteemed friend, the custodian of the Legal portfolio of the Government of India, of the sacredness and sanctity of the decrees which he himself must have passed as a Judge of the High Court ? They are passed by the grace of God, and, in the name of our Sovereign, under my orders and seal of this Court. If ultimately the decrees are to be flouted, kicked at and ignored, why have this farce of judicial trials, why have all this comic show. You put up palatial structures. You build up your High Courts. You put there High Court Judges in scarlet robes with long wigs. You give them very high salaries and when, ultimately, after parties have had their trial and a decree is passed, instead of respecting that decree which a person has obtained after spending a good deal of money and labour and after having undergone a great deal of expense and worry, does it lie in your mouth to say that for the sake of benefiting an unworthy man, you will trample under your feet such judicial pronouncements as the judicial decrees ? This is from the creditor's point of view.

Now, Sir, with regard to the person for whose benefit all this legislation is being introduced. Let us try and get a clear idea of the person for whom this extraordinary solicitude is being shown by the Government. Sir, I take it that the Nawab is not a charitable institution and, therefore, need not be kept and maintained at public expense. If anything, he is a relic of what the ancient Nawabs and Rajas used to be. He is probably a sample of those Nawabs and Rajas who have contributed in no small measure to our present state of slavery. Why perpetuate such careers in order to put them up to the ridicule and contempt of the world outside ? Has not the time arrived when we should put an end to it ? Are not the past misdeeds of this gentleman your sole excuse for bringing forward this piece of legislation ? Does it lie in your mouth to help and encourage a man who cannot manage his own affairs and who is guilty of having carried on a most extravagant life, so that he may continue and perpetuate that sort of a career ? Sir, if, from higher Imperial considerations, such an exhibit must be preserved, then may I submit that he may be removed to the British Museum and let the British Exchequer pay for him. We have no necessity for him here. So far as we are concerned, we are sick of such-like Nawabs and such-like Rajas. These are the general considerations on the basis of which I conscientiously feel that it would not do us credit to pass such a measure nor will it do the least credit to the Government who are sponsoring this Bill.

Coming now to the measure itself, let us examine it on its own merits. We find it stated in the Statement of Objects and Reasons :

"That the machinery for the exercise of such management by the Secretary of State was not, however, provided for in the Indenture and it is to supply this that the present Bill is designed."

Now, I do not wish to read the whole Indenture as it is a very long-winded document, but the words which bear on the point with which I am dealing are these : in the event of the Nawab behaving or misbehaving in a particular manner, this will be the consequence and I will read that governing sentence. It reads :

"The net rents, issues, profits so to be received and taken by the Secretary of State as aforesaid shall be applied *for the benefit of the said Nawab* Bahadur of Murshidabad."

Now, Sir, the power secured under this Indenture in favour of the Secretary of State is that on resuming and taking over the possession of the properties of the Nawab, he will proceed to realise all the rents and profits, and what will he do with it ? It shall be *applied for the benefit of the said Nawab* of Murshidabad. Now, Sir, what a convenient interpretation the Government are putting on these words. This phrase "for the benefit of the Nawab of Murshidabad" is now being interpreted by means of the present Bill to give the Secretary of State powers unheard of, namely, that he can altogether ignore and refuse to entertain or even consider any claim, no matter even if it is merged into a decree. Sir, I maintain that there is no justification for putting such flagrantly wide interpretation upon the word "benefit". Is it not to the benefit of the Nawab of Murshidabad that all his just claims were paid off ? Is not there a legal as well as a moral obligation *even upon a Nawab* to pay off his liabilities ? Are Nawabs and Rajas beyond the pale and outside the scope of the moral obligations to which we ordinary mortals are bound ? Can it be urged, on behalf of this Nawab, that it is to his benefit if all the people with their decrees in their hands passed by the High Court were kicked out and told : Go back, this Nawab must be maintained at public expense ; your decrees are of no use. Sir, there is no justification either, legal or moral, for putting such a convenient interpretation upon the word "benefit". All that the Secretary of State could ask was that, since he personally cannot manage, he should be given powers to have this estate managed through a Manager, a Deputy or an Agent. That would have been a perfectly legitimate claim. But, while asking for that, they have surreptitiously introduced most diabolical powers, most extensive powers, which this Bill is supposed to confer upon the agent of the Secretary of State when the Secretary of State himself does not possess any one of those. Where is it recorded in this Indenture that the Secretary of State shall have the power to ignore or to refuse to entertain the claims judicially determined by the highest Court in the land ? I would like to know—and I will wait with patience—on what principles of interpretation a case can be made out that this word "benefit" covers and entitles Government to do all sorts of acts of this iniquitous character ? I submit that neither on the broad principles is this Bill a sound measure, a just measure or an equitable measure, nor are on merits the powers, which are now being conferred upon the Manager, the powers which are either consistent with the

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words and the language of the Indenture upon which the whole superstructure is being built. On these grounds, I submit that this measure is bad from every point of view and should be thrown out.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I beg to support the view so eloquently expressed by my Honourable friend, Mr. Puri. I, too, am opposed to such legislations on principle. In spite of the redeeming features of this Bill, in consideration of the peculiar and extraordinary position of the person concerned, this Bill is to be regarded as an extraordinary one. Indirectly this Bill puts a premium on profligacy and extravagance. It is true that the Government have given some assurance in regard to the finality of the judgments passed by the highest Courts. But I understand these assurances have no legal value, and without these safeguards, I am constrained to say, this Bill is opposed to all sense of justice and jurisprudence. It grossly violates the principle of *res judicata*. When a judgment has been finally passed, it cannot be reopened by anybody. Sir, from the point of view of creditors, the consequence of such a legislation will be disastrous. Those people who, instead of taking up more fighting occupations, take up the rather peaceful occupation of money-lending, are, after all, to be regarded as important limbs of the social body, and if the money-lenders lose confidence in the people, as well as in the State, the consequence will be detrimental not only to the poor, but also to the wealthy, all of whom are having hard days at present. With these observations, I beg to record my opposition knowing full well that it will be of no avail.

Mr. S. G. Jog : Sir, I most heartily congratulate my Honourable friend, Mr. Puri, on the righteous indignation which he has shown over the measure before the House. I find he has not been taking any part in this measure, but I thought there was some deliberation behind it. It was a lull before a storm. After all, when the measure had reached the third reading stage, somehow or other a man from the Punjab would not resist the temptation of putting in his emphatic protest at this unrighteous legislation. My Honourable friend had discussed the question from all points of view. He has discussed it from the moral point of view, he has discussed it from the legal point of view and I, for one, have no mind to detain the House any longer. But, really speaking I would not have taken further part in this discussion except for some defects or flaws in this Bill to which I should like to draw the attention of the sponsors of the Bill even at this stage.

Sir, I should like to draw the attention of the House to clause 9 which refers to the presentation of claims and a further provision which relates as to when the claims are time barred. The law, as it appears to me, has ignored all the canons of other laws. I will take particularly one point, I mean the law of limitation. There is a particular provision in the law of limitation to the effect that any claim, so far as persons under disability are concerned, such as a minor, no claim is barred against him. I should like to ask the Honourable the Mover of this Bill whether there is any provision incorporated in this Bill so as to save the rights of minors and other persons under disability. There are a number of creditors who have got their claims against the Nawab and by this measure they are called upon,

after due notification, to present their claims within six months and a further time is given for some reason for another six months. Supposing there are minors amongst the decree-holders or any persons under disability, is it to be understood that, after 12 months, if the minor does not come forward or any other person under disability does not come forward, his claim is barred. Has he no remedy and is he to get nothing out of the estate ? May I respectfully ask whether there is any provision in the measure before the House ? Is it not necessary that there should be some provision in the interests of the minors and other persons under disability or are you going to ignore all the laws ? You want to defraud the creditors by this arrangement and you also want to defraud the minors who may be innocent and who may not be able to present their claims. I hope that before we pass this Bill, I should like to know whether there is any remedy provided in this measure to meet this contingency.

Sir, nobody on this side of the House is happy over this Bill. We must admit that this measure has no moral back ground, but I should like to say that there is no evil without any good and there is no good without an evil. Once in a way this measure will serve as an eye-opener to the creditor class and once in a way it will also serve as an eye-opener to those persons such as Nawabs and Rajas who lead a profligate life. Let the money-lender know that, before having any dealing with these people, he would run great risk of losing his money entirely. If this measure has got the effect of killing the credit of the Nawabs, it will also make the money-lender more wise and teach him a good lesson. I think, to that extent, this measure will serve as a useful one.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I intended to be a silent spectator in the discussion of this Bill and not to say a word, but the speech of my Honourable friend, Mr. Puri, especially when he appealed in the name of God, urged me to say a few words. Had he simply brought forward the legal point of view, probably I would have remained on my seat, but when he has appealed in the name of God, I thought I should say something about it.

In the first place, about the mismanagement of the estate of Murshidabad, I entirely agree with him. Had he and his ancestors not mismanaged their estate, then the history of Bengal and, I may even say, the history of India would have been different. Now, as regards the second part of his speech about the Princes, Nawabs and Rajas. I think probably he put down his note, for the Princes (Protection) Bill, and he delivered it at a wrong time. But I should like to draw his attention and the attention of the Assembly to one point which he as a lawyer ought to have considered. It happens in a large number of cases,—and they have come to my knowledge, and I know it has happened in the case of Murshidabad also as I stayed with the Nawab Bahadur some time ago when I was a member of the Calcutta University Commission,—that several persons secured pro-notes for very large amounts which really they never paid. That is a point which probably a lawyer cannot consider, but which we, who are not lawyers, cannot entirely overlook.

Mr. B. R. Puri : May I inform my Honourable friend that I was speaking on this very point for nearly five minutes ?

Dr. Ziauddin Ahmad : Very often the pro-notes have been written, not on receiving the full amount, and sometimes on receiving no money or a very small portion. Such loans are not honest transactions, but they are speculations. I have no sympathy for speculators in currency or in loan advancing and this point we cannot overlook. And, in this case, I must congratulate—though I seldom congratulate—the Foreign Secretary for bringing a measure of this kind which was urgently needed. And I say that when it is the policy of the Government to protect landlords and other ancient families, I see no reason why that protection should not be extended in this case.

Mr. Muhammad Muazzam Sahib Bahadur : Sir, my Honourable friend, Mr. Puri, in his observations on the Bill referred first of all to the point of view of the creditor. I wonder if my Honourable friend knows that debts due from the Nawab Bahadur are only good for the life of the Nawab. The moment he dies, the creditors cannot recover a pie from his estate. Taking that as the basis of these debts, it is a matter which one can easily understand whether a creditor, who is prepared to advance money to a person in the position of the Nawab Bahadur, will really,—taking the risk that the debt is only good for the life of the Nawab Bahadur in any case,—pay the full amount of any debt. Although I would not ask the Manager to treat this general inference as the basis for his decisions, still one may fairly ask from the nature of the transactions which have been carried on by the Nawab Bahadur, on the basis, as I said, of the duration of the debt for the life of the Nawab Bahadur, whether the element of speculation and dishonesty does not enter into each one of these transactions.

Sir, my Honourable friend, Mr. Puri, when he began his speech, said that measures like these tended to shake the confidence of the public in decrees passed by the highest tribunals of the land. Does my Honourable friend, Mr. Puri, really think that we are legislating in respect of a matter which is of universal application ? It is confined to a single individual, a person who in days gone by,—or at least his ancestors,—had secured to the Government of the day the revenues of Bengal, Bihar and Orissa ; and, in consideration of the services rendered by the Nawab, the Government of the country, in gratitude for those services, if I may say so, allowed him a fairly decent pension to begin with, which from time to time has had to be curtailed and is now at the figure of Rs. 20,000 or so a month. I understand that when the pension was first fixed, it was something like a lakh and a half per month. Is it the idea of Mr. Puri that, in these days of so-called democracy, all high stations and all these princely distinctions should be done away with altogether and that, instead of having awarded to the Nawab Bahadur a monthly pension suited to his rank, Government should have treated him as any other person and should have denied to him what they have given ? I understood him to say at least that much. And am I to understand that even in these days of so-called democracy, we have democracy working to its full extent ? Sir, if the Government had gone out of the way to frame a legislation which might save the honour and dignity of the Nawab Bahadur by implementing the pledges given by the Secretary of State to him, I ask, are the Government doing anything wrong ? Is it not a duty which the Government owe to the Nawab Bahadur ? It is easy to argue on general lines and I personally would agree entirely with

Mr. Puri if this had been a measure of universal application. But it happens to be a restrictive measure and his remarks cannot apply to an extraordinary measure like this. Then, Sir, so far as insolvency proceedings are concerned, I may call my Honourable friend's attention to the fact that the bankruptcy Court has got certain powers which ordinary Courts do not have. The bankruptcy Court can go behind High Court decrees ; it can revise decrees passed by consent ; it can revise decrees passed on compromise. May I read a small paragraph from Halsbury's Laws of England, Volume II, page 57, dealing with non-compliance with bankruptcy notices ? This is what it says :

"Where such an act of bankruptcy is relied on, the judgment is conclusive in the bankruptcy Court, unless the consideration for it can be questioned ; the Court may, however, for the purpose of determining whether a receiving order should or should not be made, go behind the judgment and inquire into the consideration for it, and on finding that there was no valid or legal consideration for it, may refuse to make a receiving order. This may be done at the request of the debtor, even where the judgment was by consent, estoppel not applying as against the bankruptcy court. Even where the Court of Appeal has refused to set aside the judgment, the bankruptcy court may still go behind it and inquire into the liability on which it is founded. So if the judgment has been obtained by the compromise of an action, the bankruptcy Court may none the less inquire into the consideration and reject the debt, if it finds that the compromise, though not fraudulent, was unfair and unreasonable."

With these remarks, I submit that the Bill before the House is very reasonable and should be passed.

The Honourable Sir Bepin Behary Ghose : Sir, when I heard the Honourable Mr. Puri, I thought that I was present at a meeting of radicals. I may confess that I have a little bit of radicalism in me, but I must also point out that the policy of the British Government here in India and also, I may say, in their own country, is to maintain the dignity of ancient families.....

Mr. B. R. Puri : Not at the expense of others !

The Honourable Sir Bepin Behary Ghose : Now, what is the good of these many—I think there are about 20—Acts, Court of Wards Acts, in this country, under which the Court of Wards takes possession of the property of minors, widows and disqualified proprietors who are wasters and cannot manage their own property ? And then what is the good of all these Encumbered Estates Acts, and Acts which protect the Oudh Talukdars ? I do not think there is anything like these in the Punjab for, if there had been, then probably my friend, the Honourable Mr. Puri, when appearing on behalf of minors or widows or disqualified proprietors under the Court of Wards, would not have been so eloquent on behalf of the creditors. In my time I have heard many eloquent speeches, and I must say that the speech of Mr. Puri is a very eloquent one—but rarely did I hear such an eloquent appeal on behalf of money-lenders. Mr. Puri has been insufficiently briefed. He is holding in this matter a brief for the creditors. Now, what sort of creditors are they, advancing money to a person whose tenure is only for his life ? Whether rightly or wrongly, under the Indenture and under the Acts, under which the Nawab Nazim of Bengal surrendered his exalted position and his exalted title and obtained the humbler title of Amir-ul-Omrah and Nawab Bahadur—of course there are hundreds of Nawab Bahadurs, but Amir-ul-Omrah is the Premier Noble of Bengal—protection has been given to him ; and it has been the policy of Government that the Premier Noble of Bengal should not go about the streets begging money from this man or that. Therefore, all the property that has been conferred upon him by the Government which

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was purchased by sale of his own jewellery—and not at the public expense.....

Mr. B. R. Puri : What about the descendants of the Mughal Emperors who are going begging on the streets and starving ?

The Honourable Sir Bepin Behary Ghose : Quite true : when I came first into this Assembly, I heard people shedding tears for the descendants of Tipu Sultan ; but Tipu Sultan was conquered : he did not cede anything by treaty, while the Nawab of Bengal ceded his dignities and territories by treaties. The English did not really conquer Bengal by the battle of Plassey. Mir Jaffar was set up by the great landowners of Bengal and then, after subsequent treaty after treaty, the Nawabs surrendered the sovereignty rights to the English Company ; and, on account of that, the British Government, out of a sense of gratitude, gave them Rs. 64 lakhs at first as an annuity : it was reduced afterwards to a lesser sum of about 16 lakhs ; and, with regard to the State jewellery, these were sold and properties were purchased with that money, and not with our taxes ; and then those properties were given to the Nawab Bahadur of Murshidabad for enjoyment for life only. Now, if a creditor knowing—and he must be supposed to have known this—advances money to a man who holds a life estate only, and knowing also the insecurity of life—what would you say of such a creditor ? If the Nawab Bahadur had died of an attack of cholera that night—would the creditor have had a single pice ? No. Then, what was he ? An honest creditor ? I should say he was a speculator or a gambler ; and if a lawyer of the eminence of the Honourable Mr. Puri stands up and says " Oh, these are just creditors ", I can only say that his heart is flowing with the milk of human kindness for those who do not deserve a single moment's pity.

Mr. B. R. Puri : Does my Honourable friend recognise that he is really putting a slur upon the High Court Judges who decided some of those cases ?

The Honourable Sir Bepin Behary Ghose : I should be the last person to cast a slur on High Court Judges : of course practitioners at the bar may. They are privileged to call a High Court Judge a fool ; and I might have been called so in my time ; but I cannot now question either the integrity or correctness of whatever may have been decided by a High Court Judge : I would not do it even if I had felt it. However, what can a High Court Judge do ? The Nawab is not an infant : he is not a lunatic. If he executes a bond of, say, five lakhs after getting only one lakh, can he stand before the Court and say : " No, I got one lakh, but signed for five lakhs ? " Which Court would listen to him ? Which lawyer would advise him to write such a thing in his written statement ? Therefore, any High Court Judge would say : " Yes here is the bond ; here is the promissory note..."

Mr. Amar Nath Dutt : Is not want of consideration often pleaded in law Courts ?

The Honourable Sir Bepin Behary Ghose : But you must remember this, that when there is an attorney and a barrister drawing up a written statement, these two lawyers, through whose hands the written statement passes, and any lawyer worth his salt would say : if a man, in the position of the Nawab Bahadur, desired to plead want of consideration, " No ; do not urge that plea, because it will at once be considered to be false ". Therefore, the Nawab Bahadur, in order to maintain his respectability, cannot urge such a plea.....

Mr. B. R. Puri : Is that the position, that the Nawab puts up a false plea merely to maintain his dignity ? We would like to know.

The Honourable Sir Bepin Behary Ghose : No, not the Nawab only : but I am speaking for a respectable lawyer, because no respectable lawyer would put his hand to such a written statement of a person who is neither a minor nor a widow nor a lunatic, but who would be considered a confounded liar. Mr. Puri himself is at the bar, and if I borrow money and give a note in favour of a Marwari and say : " Mr. Puri, I did not get that money ", would not Mr. Puri advise me and say : " No, my friend, do not say anything of the sort : I am not going to file a written statement that would at once be held to be false ". That is the position I maintain ; and I maintain the dignity of the profession of law, because I believe no respectable lawyer would encourage false pleas being set up in that way, and I should think any Judge.....

Mr. Amar Nath Dutt : Even when the plea is true ?

The Honourable Sir Bepin Behary Ghose : Who would believe that plea as I have said ? Now, the man who advances money to a person who might die the next day—because in the midst of life we are in death—would you believe that he is an honest creditor ? He knows that his security is absolutely uncertain. Those who advance money to Hindu widows without making any inquiry about legal necessity, would they be considered as honest creditors ?

Mr. B. R. Puri : May I understand, Sir, that people in Bengal advance money only to those people who are not capable of dying ? I would like to know that.

5 P.M.

The Honourable Sir Bepin Behary Ghose : My friend, Mr. Puri, notwithstanding my great respect for him as a lawyer, is absolutely fallacious, because in ordinary cases, where people die, their heirs are bound by their ancestor's debts. This is a very simple point. I wonder that my friend, Mr. Puri, has put that question to me. Evidently, on account of his recent criminal practice, he has forgotten his civil law. (Laughter.)

Then about the sanctity of decrees : as some Honourable Members pointed out, in insolvency matters decrees are liable to be re-opened. One of my Honourable friends quoted from Halsbury, but he might have quoted without going so far afield insolvency laws passed by the Indian Legislature. Decrees may be re-opened, but an honest decree-holder has no reason to fear, because he will be able to point out and say : " Here, Sir, is my decree, which is an honest decree ". Why so much profuse tears are being shed by my friend, Mr. Puri, with all the eloquence, which a renowned advocate like my friend commands, for a speculating creditor whose object it seems to be to catch an improvident waster in his net and gamble on the continuance of his life, I cannot understand. It is really a matter of wonder to me. Yes, Sir, decrees have their sanctity, but, as I have pointed out, in insolvency matters decrees can be re-opened.....

Mr. B. R. Puri : By whom ?

The Honourable Sir Bepin Behary Ghose : They can be re-opened by the Receiver.

And, in this case, although the decrees may be re-opened, there is an appeal, and a second appeal, and we have given an assurance through my friend, Mr. Glancy, that decrees should be taken as *primâ facie* evidence of the correctness of the debt, and that was in accordance with the opinion of several members of the Select Committee, and if I may say so without any disrespect to any person, we had a Select Committee as strong as this House could provide. There were men of all shades of opinion, and all of them discussed the Bill clause by clause and sometimes had great discussions about certain matters connected with the Bill, and after full consideration the Report is an unanimous one. Only an opinion was expressed by some Members, about which I gave them an assurance, that that opinion would be respected. I don't think I need say anything further about the solemnity of the decrees. I am quite sure, my friend, Mr. Puri, has not read the judgments. I do not know whether those were supplied in his brief. In the judgment of Sir George Rankin, which was affirmed by Their Lordships of the Privy Council,—the judgment, being delivered by Lord Macmillan,—it is said that the lien which was declared would *ipso facto* fall to the ground as soon as the Secretary of State takes possession. If I may read one passage from the judgment of Sir George Rankin, who adorns the Calcutta Bench as Chief Justice, this is what he says :

" As regards the course of extravagance by which a Nawab might cripple himself anticipating the future income to accrue in his own lifetime, it appears to me that contingency is one of the things contemplated by the concluding provision, a provision which enables the Secretary of State to step in if by a course of extravagance the Nawab of the day should disable himself from duly maintaining his dignity and position ".

Mr. B. R. Puri : You cannot go behind the Indenture.

The Honourable Sir Bepin Behary Ghose : These interruptions do no good. I would ask my friend, Mr. Puri, with all the respect that I owe to him, to go through these judgments, to go through the laws, and then say that this is not right. Of course, as a radical he is entitled to say : " Wipe out these ancient families, wipe out the Nawab of Murshidabad ", but that is another question. So long as there is the policy of the British Government which maintains the Zamindars—I think, as I have said, it is a question of gratitude in the case of the Nawab of Murshidabad, because he gave the British Government the first foothold in India—I should say,—so long as there is this policy of the British Government, we must protect these noblemen. This legislation, I submit, Sir, is necessary, and I have nothing to say further. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 15th September, 1933.

LEGISLATIVE ASSEMBLY.

Friday, 15th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Major W. K. Fraser-Tytler, C.M.G., M.C., M.L.A., (Foreign Secretary).

CANCELLATION OF THE EVENING PARTY IN HONOUR OF THE MEMBERS OF THE CENTRAL LEGISLATURE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform Honourable Members that His Majesty the King has commanded that flags will be flown at half mast on all the Government buildings throughout India today as a mark of respect on the occasion of the funeral of His Majesty the late King Feisal of Iraq. On account of this reason, Their Excellencies the Viceroy and Countess of Willingdon have asked me to convey to the Honourable Members that they have to regretfully cancel the Evening Party which was to have been held this evening in honour of the Members of the Central Legislature.

QUESTIONS AND ANSWERS.

REPRESENTATION FOR THE POSTPONEMENT OF THE AUTUMN SESSION OF THE LEGISLATIVE ASSEMBLY.

933. ***Mr. Bhuput Sing :** (*a*) Will Government be pleased to state whether any representation was made to them by Sir Hari Sing Gour, Leader of the Opposition, to postpone the autumn Session of the Assembly to October to enable him and other Members, who as delegates to the Joint Select Committee are in London, to partake in its deliberations ?

(*b*) What are the reasons for which the representation was turned down ?

(*c*) Are Government aware of the view held by some people that opportunity has been taken to keep them off their opposition to important measures which the present Session is likely to deal with ?

The Honourable Sir Joseph Bhore : The attention of the Honourable Member is invited to my reply to Mr. Gaya Prasad Singh's question No. 93, asked on the 28th August, 1933. I have nothing further to add.

EMPLOYMENT OF STATES SUBJECTS UNDER THE GOVERNMENT OF INDIA.

934. *Mr. K. P. Thampan : Will Government be pleased to state :

(a) whether it is a fact that a Christian candidate, who was the subject of an Indian State and stood very much below in rank in the results of the competitive examination held in last November for the recruitment of clerks in the Secretariat, was appointed in preference to a very large number of other candidates who did better in the examination ;

(b) if they are aware that the Indian States, such as Mysore, Travancore and Cochin, preclude British Indian subjects from entering their services ;

(c) whether they have considered the question of debarring States subjects from subordinate services under the Government of India ; and

(d) whether they have any definite policy in regard to this subject ; if so, what it is ?

The Honourable Sir Harry Haig : (a) Yes. This was done in order to redress communal inequalities by securing the appointment of a member of the Indian Christian community.

(b) I am obtaining the information and will lay it on the table in due course.

(c) and (d). I would invite attention to the reply I gave on the 25th February, 1933, to part (b) of starred question No. 516 and to paragraph 4 of the Home Department Resolution No. 1093 (Establishments), dated the 10th May, 1921, a copy of which is in the Library.

Mr. K. P. Thampan : Arising out of answer to part (a), I would like to know whether the Government think that the Christian community in Travancore and Cochin, from where, I understand, this particular candidate was recruited, is either a minority or a backward community ? So far as I know, from the population point of view, they are strong, they are wealthy and well educated, and in those States they are not a minority community. Under the circumstances, is there any justification for treating that candidate as one belonging to the minority classes and entitled to special privileges ?

The Honourable Sir Harry Haig : Sir, the candidate was appointed, not because he belonged to the Indian Christian community of Travancore, but because he was an Indian Christian, and some department, taking account of the communal composition of its staff, required an Indian Christian.

Mr. B. Das : If the Government of India encourage the Christian subjects of Indian States to get jobs in the Secretariat, what will happen to the Indian Christian community that live in British India ?

The Honourable Sir Harry Haig : I do not think that there is any question of encouragement of subjects of Indian States. But this candidate happened to stand on the list in such a place that, when an Indian Christian was required, he was taken.

Mr. B. Das : May I enquire what will be the condition after the Federation ? Will the subjects of Indian States compete for the loaves and fishes of the British Indian provinces ?

The Honourable Sir Harry Haig : Well, Sir, hitherto our policy has been not to bar the subjects of Indian States entering our services.

Mr. K. P. Thampan : There are only very few appointments in the Secretariat and it is the legitimate right and prerogative of the British Indian subjects of His Majesty the King Emperor to get employment in the Central and Provincial Secretariats and other offices in British India. Why should people, who owe their allegiance to Indian States, be imported to those offices ? Is it not a great injustice and hardship to His Majesty's British Indian subjects ?

The Honourable Sir Harry Haig : I notice that the Honourable Member, in one part of his question, to which, I am afraid, I was not able to give an answer, has raised the question whether certain Indian States preclude British Indian subjects from entering their service.

Mr. K. P. Thampan : They do, I know.

The Honourable Sir Harry Haig : I think that might be a relevant point in considering our policy. I cannot at the moment say more than that.

Dr. Ziauddin Ahmad : May I ask, will the Government of India consider the question whether the subjects of all those States, which do not recruit British Indians in their offices, should be excluded from employment in British India ?

The Honourable Sir Harry Haig : Well, Sir, I was saying that that might be a relevant consideration which we would take up when we have got the information.

Mr. K. P. Thampan : Will the Government issue orders advising the several departments under them not to enlist hereafter at any rate the subjects of those Indian States which debar British Indian subjects from their service ?

The Honourable Sir Harry Haig : I have already undertaken that when information is available we will look into the whole matter.

Mr. K. P. Thampan : Thank you.

INDIANISATION OF THE CENTRAL CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

935. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government please state what steps, if any, have been taken to Indianise the Central Cypher Bureau of the Foreign and Political Department ? Is it not a fact that pledges in this respect were given some years ago ? If no steps have been taken, will Government please state the cause of the delay ?

(b) Is it a fact that the typing and despatching section of the above Bureau does not contain any Indian ?

(c) Is it a fact that the duties of the typing and despatching staff of the above Bureau who are routine division clerks are typing and despatching of cypher telegrams after they have been paraphrased, and that they are not required to handle the codes ?

(*d*) Is it a fact that there are in the other sections of the Foreign and Political Department Secretariat Assistants and clerks who have a good knowledge and experience of cypher work and whose services have been requisitioned for such work in leave vacancies and who are also requisitioned in times of stress ?

(*e*) If the reply to part (*a*) be in the negative and that to parts (*b*), (*c*) and (*d*) in the affirmative, do Government propose to take steps to appoint Indians forthwith to the typing and despatching section of the above Bureau by the transfer of permanent and qualified clerks from the Issue Branch of the Foreign and Political Department, their places being taken by the present staff of the typing section of the above Bureau ? If not, why not ?

(*f*) Will Government please state whether they are prepared to fill the appointments in the typing and despatching section of the above Bureau in future through the Public Service Commission from amongst the candidates at their competitive examinations ? If not, why not ?

Major W. K. Fraser-Tytler : (*a*) Negotiations are in progress with His Majesty's Government in regard to the Indianisation of the Central Cypher Bureau. It is I regret to say impossible for me to divulge the nature of these negotiations which are of a highly confidential nature, but I can assure the Honourable Member that every effort is being made to open the Bureau as soon as possible to Indians.

(*b*) Yes.

(*c*) The typing and despatching staff are expected to familiarise themselves with the working of the cyphers in order to help the cypher-ing staff when work is heavy.

(*d*) At the present time there is only one such clerk who has a competent knowledge of cypher work working in a different section of the Foreign and Political Department Secretariat and he is now actually employed in the cypher bureau in a vacancy caused by sickness. His availability in times of pressure would depend on the state of work in his own branch.

(*e*) Until the negotiations referred to in the answer to (*a*) above are complete it will not be possible to take the action suggested by the Honourable Member.

(*f*) As soon as the negotiations referred to in (*a*) above are complete there will be no difficulty in appointing men to the typing and despatching section through the Public Service Commission when vacancies occur.

Mr. Gaya Parasad Singh : Is it a fact that Anglo-Indians are appointed in the Cypher Bureau without having to pass through the Public Service Commission ?

Major W. K. Fraser-Tytler : Yes, it is.

Mr. B. V. Jadhav : May I know whether the Honourable Members of the Executive Council know these cyphers ?

The Honourable Sir Joseph Bhore : They do not know.

Mr. K. P. Thampan : May I ask how many cyphers are there besides the London Foreign Office cypher ?

Major W. K. Fraser-Tytler : I am afraid I could not give an answer offhand, but I should think there are 9 or 10 probably.

Mr. K. P. Thampan : What objection is there to employing Indians in the other cypher branches besides that of the British Foreign Office cypher ?

Major W. K. Fraser-Tytler : I think the difficulty there is that these cypher clerks take their work in order, that is to say, any clerk at any time may be required to use the Foreign Office cypher, and I do not think it would be possible to have a separate bureau for cyphers that are not in use in the London Foreign Office.

Mr. B. R. Puri : Does the Foreign and Political Department Code stand on a different footing from the other Codes, assuming that there are other Codes ?

Major W. K. Fraser-Tytler : The position is that there are certain Codes which are not ours and those Codes are governed by rules which are not ours either and up to now we have had to follow these rules, but Government recognise that these are very objectionable in certain circumstances to Indian sentiment. These are the rules which we are now altering and I can assure the Honourable Member and the House that Government have every sympathy with the point of view which has been expressed both now and before in this House on this subject.

Mr. B. R. Puri : So far as this particular Code is concerned, it may be that the Government of India are not directly responsible for it, but what about other Codes, for the decoding of which Indians have not been employed ?

Major W. K. Fraser-Tytler : The point there is that we should then have a separate Bureau which would be an extra expense. We will have to have separate people to use the Foreign Office Codes and a separate set of people to use Codes which are purely internal. That would add to the expense and I do not think it would conduce to practical working.

Mr. B. R. Puri : Is there any rule which debars the Indians for employment in the Cypher Bureau relating to the Foreign and Political Department ?

Major W. K. Fraser-Tytler : The Cypher Bureau is a Central Cypher Bureau. It does not relate to the Foreign and Political Department alone.

Mr. B. R. Puri : Am I right in assuming that there is some rule or regulation issued by the London Office, that none but British subjects should be allowed to handle the Codes which relate to their Department.

Major W. K. Fraser-Tytler : I am afraid it will not be in the public interest to disclose what the actual rules are. They were issued by the London Foreign Office. They are pretty obvious and Honourable Members can draw their own inference as to what they are. As I said before, we are doing our best to remove them and they will be removed before very long.

Mr. B. R. Puri : Assuming that there exists a rule which ignores the claim of Indians as such, may I know on what basis and on what principles those who are not British subjects are qualified for employment in that class of job, namely, Anglo-Indians ?

Major W. K. Fraser-Tytler : There, again, the Honourable Member is referring to rules which are, I am afraid, confidential and which I cannot divulge.

Mr. B. R. Puri : May I know if Anglo-Indians stand on a better footing than Indians ?

Major W. K. Fraser-Tytler : So far as the Government of India are concerned, certainly not.

Mr. B. R. Puri : So far as the Government of India are concerned, there ought to be no differentiation so far as their employment in the Cypher Bureau is concerned ?

Major W. K. Fraser-Tytler : Certainly.

Mr. B. R. Puri : Have the Government of India taken any steps to have this injustice remedied very expeditiously ?

Major W. K. Fraser-Tytler : That is just what I have been saying. We have taken and are taking steps and I hope that those negotiations which are going on will be complete inside the next twelve months.

Mr. B. R. Puri : Are the Government of India aware that apart from Anglo-Indians there are some Goanese actually carrying on work in the Cypher Branch of the Foreign and Political Department ?

Major W. K. Fraser-Tytler : I do not think there is anybody in the Cypher Bureau who is not a British subject.

Mr. B. R. Puri : Are the Government of India aware that most of the present personnel, who handle the Foreign and Political Department Code, has got complexions as bright as Mr. Kabeer-ud-Din Ahmed ? (Laughter.)

Major W. K. Fraser-Tytler : I have not studied their complexion.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any law or any rule can be confidential ?

Major W. K. Fraser-Tytler : Rules of this nature are confidential.

Mr. Lalchand Navalrai : Is it under any law that these rules have been made ?

Major W. K. Fraser-Tytler : I do not think so.

Mr. Lalchand Navalrai : Is it a departmental rule ?

Major W. K. Fraser-Tytler : It is a rule of the London Foreign Office, and in respect of the Codes, which belong to the London Foreign Office, the person who owns the Code is at liberty to make certain rules regarding the way that Code should be used.

Mr. B. R. Puri : I trust that the Government of India are not of the opinion that Indians as such cannot be trusted ?

Major W. K. Fraser-Tytler : That is so.

Mr. K. P. Thampan : Is it not a fact that Indians handle all the confidential files before and after the issue of the telegrams in cypher on their files.

Major W. K. Fraser-Tytler : I cannot hear the Honourable Member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Honourable Members must speak up.

Mr. K. P. Thampan : Is it not a fact that Indians alone handle all the confidential files before and after the issue of the telegrams in cypher ?

Major W. K. Fraser-Tytler : I would not say Indians alone. There are Anglo-Indians as well.

Mr. K. P. Thampan : If all classes of Indians, other than Christians and Anglo-Indians, are handling those files, and are deemed to be trustworthy, where is the necessity to confine the Cypher Department to the Anglo-Indians alone ?

Major W. K. Fraser-Tytler : As I have already said, certain of these Codes which we use are governed by certain rules which are not ours.

Mr. K. P. Thampan : Are the Government aware that these clerks are heavily involved and are often taking advances of pay from office ?

Major W. K. Fraser-Tytler : I would ask you, Sir, whether that question arises out of the main question.

Mr. President : (The Honourable Sir Shanmukham Chetty) : How does that question arise out of this ?

Mr. K. P. Thampan : Because if people are in financial difficulties and have decrees against them, as I understand is the case with these people, they are liable to temptation and not trustworthy.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it the Honourable Member's point that they are enjoying special prerogatives and Government are at their mercy and they have to keep them in their posts by giving advances of pay ?

Mr. K. P. Thampan : It might or might not be that.

Dr. Ziauddin Ahmad : Is it not desirable that these people should be above temptation ?

Major W. K. Fraser-Tytler : I entirely agree.

Dr. Ziauddin Ahmad : May I know when vacancies are likely to occur in the Central Cypher Bureau ?

Major W. K. Fraser-Tytler : Not for several years, but in the typing and despatching section there would probably be three or four fairly soon, though I am not quite certain on this point.

Dr. Ziauddin Ahmad : You said you would take action within 12 months and now you say several years ?

Major W. K. Fraser-Tytler : My point is that within 12 months, I hope, the orders, which at present exist, will be repealed. Then there will be no objection to Indians being employed, but they cannot be employed unless there are vacancies.

Mr. Gaya Prasad Singh : Is it a fact that an Anglo-Indian lady typist has been confirmed within the last two weeks or so ?

Major W. K. Fraser-Tytler : I have no information on that point.

GOVERNMENT OF INDIA DEPARTMENTS WITH NO SIKHS, INDIAN CHRISTIANS, DEPRESSED CLASSES AND PARSIS.

936. ***Rao Bahadur M. C. Rajah :** (*a*) Will Government be pleased to state the names of the Department of the Government of India (including the Army Department and Branches of the Army Headquarters) in which no Sikhs, Indian Christians, Depressed Classes and Parsis have so far been appointed ?

(*b*) Do Government propose to appoint them in future vacancies ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) A statement containing the information available is laid on the table. I regret that information regarding the depressed classes is not in my possession.

(*b*) The policy of the Government of India in regard to the redress of communal inequalities in the public services is stated in the Home Department Office Memorandum No. F. 176|25-Ests., dated the 5th February, 1926, a copy of which is available in the Library. I would add that it is impossible to secure the representation of all minority communities in offices the staff of which is small.

Statement showing the names of the Departments of the Government of India and the Branches of Army Headquarters in which no Sikhs, Indian Christians or Parsis were employed on 31st December, 1932.

Sikhs.

1. Office of the Assistant Military Secretary (Personal).
2. Contracts Directorate.
3. General Staff Branch.
4. Judge Advocate General's Branch.

Indian Christians.

1. Imperial Council of Agricultural Research Department.
2. Office of the Assistant Military Secretary (Personal).
3. Engineer-in-Chief's Branch.
4. Judge Advocate General's Branch.
5. Medical Directorate.
6. Military Secretary's Branch.

Parsis.

1. Army Department.
2. Commerce Department.
3. Finance Department.
4. Foreign and Political Department.
5. Home Department.
6. Imperial Council of Agricultural Research Department.
7. Industries and Labour Department.
8. Legislative Department.
9. Office of the Financial Adviser, Military Finance.
10. Adjutant General's Branch.
11. Office of the Assistant Military Secretary (Personal).
12. Contracts Directorate.
13. General Staff Branch.
14. Judge Advocate General's Branch.
15. Medical Directorate.
16. Military Secretary's Branch.
17. Quartermaster General's Branch.
18. Royal Air Force Headquarters.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

937. ***Mr. S. C. Mitra :** (*a*) Will Government please state under what circumstances the political prisoners in the Cellular Jail, Port Blair, gave up hunger-strike on the 26th June last ?

(*b*) Is it a fact that the hunger-strike was given up on assurances from Colonel Barker for the redress of the prisoners' grievances ?

(*c*) What are those assurances ?

(*d*) Was Colonel Barker consulted by Government before their decision was arrived at to introduce the recent changes in the treatment of prisoners ?

(*e*) If so, were the changes made in accordance with his recommendations ?

(*f*) From what date and after how many days of the termination of the hunger-strike the recent changes in the treatment of the prisoners were introduced ?

The Honourable Sir Harry Haig : (*a*) The hunger-strike was abandoned unconditionally on June 26, 1933.

(*b*) There is no truth whatever in this suggestion.

(*c*) Does not arise.

(*d*) and (*e*). I discussed matters arising out of his report with Lieutenant-Colonel Barker on his return from the Andamans but that report was confined to medical and sanitary arrangements and the diet of the prisoners and had no reference to such matters as the supply of lights and of newspapers or the grant of interviews in regard to which changes have been made.

(*f*) The changes were introduced from August 15, 1933.

NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS IN THE ANDAMANS.

938. ***Mr. S. C. Mitra :** Will Government please state the names of the newspapers that are being supplied to the political prisoners in the Andamans after the recent changes in the treatment of prisoners ?

The Honourable Sir Harry Haig : The weekly editions of the *Times of India* and the *Statesman* and two Bengali papers—I am not sure how these Bengali names are pronounced and I hope the Honourable Member will forgive me if I do not pronounce them correctly—The *Sanjibani* and the *Bangabasi*, are supplied to the prisoners.

INTERVIEWS GRANTED WITH POLITICAL PRISONERS IN THE ANDAMANS.

939. ***Mr. S. C. Mitra :** (*a*) How many interviews with the political prisoners in the Andamans have so far been granted ?

(*b*) Will Government please state what they mean by the term " More frequent interviews will be granted " as stated by the Honourable the Home Member in reply to certain questions on the 23rd August last ?

(*c*) At what intervals will interviews be granted ?

The Honourable Sir Harry Haig : (*a*) Two interviews with the terrorist prisoners in the Andamans have so far been granted.

again, and at that time on February 3rd, 1932, Sir James Crerar explained that the position had deteriorated very greatly during the intervening year. In consequence of that deterioration it was clear that much larger numbers were going to be sent to Deoli than had been originally contemplated and I cannot find that throughout the very lengthy debates of 1932 any further reference was made to the point raised by the Honourable Member. The Government of India do not examine each individual case, but there is a clear understanding on policy between the Government of India and the Government of Bengal that only those detenus who come within the category which Sir James Crerar had in mind should be sent to Deoli.

PERMISSION TO A DETENU IN THE DEOLI DETENTION CAMP TO PERFORM THE SRADH CEREMONY OF HIS FATHER.

957. ***Mr. S. C. Mitra** : (*a*) Is it a fact that the father of Mr. Sarat Chandra Dutt, a detenu in the Deoli Detention Camp, has recently died ?

(*b*) Is it also a fact that Mr. Dutt, being the eldest son, applied for leave to perform the Sradh ceremony of his father ?

(*c*) If so, was any leave granted to him for the purpose ?

(*d*) If not, why not ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*), (*c*) and (*d*). An application was received on behalf of the detenu but Government were not able to grant him leave to visit his home for the purpose. I understand that permission was given to him to perform the ceremony in the Deoli Detention Jail.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

958. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state if it is a fact that :

(*a*) at the inception of the Indianisation scheme of 'Storemen and Assistant Storekeepers' in the Indian Army Ordnance Corps, storemen who were graduates were promised in their appointment letters issued to them by the Director of Ordnance Services (M. G. O.'s Branch, Army Headquarters) 'quicker' promotion to the grade of Assistant Storekeepers and eventually to the grade of Storekeepers : 100—120|6|150—10 ;

(*b*) storemen who were graduates were exempted and those who were not graduates were not exempted from undergoing :

(*i*) a course of instructions at the Indian Army Ordnance Corps School of Instruction, Kirkee, or the efficiency bar examination in lieu thereof ;

(*ii*) a competitive examination ;

(*c*) those storemen who were not graduates were required to reach the minimum monthly salary of Rs. 80 before they could be eligible for the said competitive examination, as conditions essential for their promotion to the grade of Assistant Storekeepers ;

(*d*) all the conditions mentioned at (*b*) (*i*) and (*ii*) and (*c*) above have now been waived by the Director of Equipment and Ordnance Stores in respect of non-graduates, and even a matriculate storeman, thus bringing them at par with the graduates in respect of promotion ?

Mr. G. R. F. Tottenham : (*a*) In the letter to candidates selected for appointment as probationary Storemen, no promise was made but it was stated that graduates would have the prospect of rising to the grades of Assistant Storekeeper and Storekeeper more quickly than others.

(*b*) The original orders did not contain any provision to the effect that graduates would have to pass an examination before being considered for promotion. Non-graduates had to pass both an efficiency bar examination and a competitive examination. In no case, however, could a man be promoted unless he was recommended by his Commanding Officer.

(*c*) Yes.

(*d*) Under the orders of Government, no person can now be considered for promotion unless he has passed a Trade test and also the efficiency bar examination for storemen, or the storeman course at the School of Instruction. It is open to a Commanding Officer to recommend for promotion any person who has passed those tests whatever his educational qualifications may be.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

959. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : (*a*) Will Government please state whether it is a fact that (*i*) henceforth only such storemen will be admitted to the competitive examination of the Indian Army Ordnance Corps as would be recommended by their immediate officers, and (*ii*) this condition did not previously apply to the graduates ?

(*b*) Will Government please state whether it is a fact that for the purpose of promotion to the grade of Assistant Storekeeper no regard will be paid to a storeman's seniority on the nominal roll, and a junior-most storeman can be allowed to supersede the most senior storeman ?

(*c*) Are Government aware that the changes in the prospects of service referred to previously are in violation of the promise given to the graduate storemen in their appointment letters, and are consequently greatly resented by them ?

(*d*) Will Government please state the reasons for effecting these changes ?

Mr. G. R. F. Tottenham : (*a*) The competitive examination has been abolished. No person can be recommended for promotion unless he has the qualifications mentioned in my reply to the preceding question.

(*b*) Promotion is made by selection, due regard being paid to seniority.

REPRESENTATIONS MADE BY DR. BHUPAL SINGH AND MR. SATISH PAKRASHI, PRISONERS IN THE ANDAMANS.

943. *Mr. S. C. Mitra : (*a*) Is it a fact that Dr. Bhupal Bose and Mr. Satish Pakrashi, both prisoners in the Andamans, sent representations to the Government of India ?

(*b*) If so what are the dates given on those representations ?

(*c*) When were they received by the Government of India ?

(*d*) Will Government please place those representations on the table of this House ?

(*e*) If not, will Government please state what are the main points referred to in those ?

(*f*) How many pages did those representations contain ?

(*g*) Was any other representation made to the Chief Commissioner, Andamans, or Superintendent, Cellular Jail, by the prisoners ?

(*h*) If so, what action was taken on it ?

The Honourable Sir Harry Haig : (*a*) to (*f*). These two prisoners submitted a joint representation addressed to the Home Member on May 31, 1933. It was withheld by the Superintendent of the Jail under his ordinary powers.

(*g*) and (*h*). I have no information.

Mr. Lalchand Navalrai : Are the powers of the Superintendent with respect to that to be revised by any authority ?

The Honourable Sir Harry Haig : No, Sir. I think they are exactly the same as the powers of the Superintendent in any Jail in India.

Mr. Lalchand Navalrai : Am I to understand that whatever the Superintendent does in the jail is not subject to any revision ?

The Honourable Sir Harry Haig : If any representation is made which appears to be deserving of notice, he will undoubtedly refer it to higher authority. In various cases, of course, the Superintendent has referred complaints to the Chief Commissioner who is the final authority.

Mr. Lalchand Navalrai : Is it also subject to the revision by the Superintendent of the Committee of Visitors attached to the jail ?

The Honourable Sir Harry Haig : I do not think there is such a Committee in the Andamans.

Dr. Ziauddin Ahmad : Is it not desirable that all these letters which the Superintendent may want to suppress may be sent confidentially to the higher authorities so that they may be able to judge that the Superintendent has acted in a *bona fide* manner.

The Honourable Sir Harry Haig : Higher authorities no doubt visit the jail from time to time and I do not think there is any probability that serious and important complaints are not investigated.

Mr. B. V. Jadhav : Is the Superintendent of the Jail the last authority in deciding whether a representation is proper or not ?

The Honourable Sir Harry Haig : Well, Sir, we think it is important in jail administration generally to uphold the authority of the Superintendent of the Jail.

Mr. S. C. Mitra : Supposing the Superintendent in his discretion holds out any representation, is there any remedy for the prisoners to bring it to the notice of the Government of India their grievances if they are very serious ?

The Honourable Sir Harry Haig : I imagine they can represent it when the District Magistrate visits the jail.

Mr. S. C. Mitra : Will it not go against the discipline of the jail if the prisoners were to make any complaint against the Superintendent if he has already prohibited them not to make any complaints to the District Officer ?

The Honourable Sir Harry Haig : If they make complaints about their treatment to any officer who is visiting the jail officially, he is bound to look into them.

Mr. Lalchand Navalrai : Does the Superintendent of the Jail accompany the District Magistrate when he goes through the complaints ?

The Honourable Sir Harry Haig : That is a general question to which, I am afraid, I cannot give a specific answer.

Sardar Sant Singh : Does the Honourable Member know that if a prisoner is bold enough to make a complaint to a non-official visitor or to the District Magistrate, he is punished later on by the jail authorities ?

The Honourable Sir Harry Haig : No, Sir, I do not know that.

Sardar Sant Singh : Will the Honourable Member make an inquiry to find out if this is the case ?

The Honourable Sir Harry Haig : I am not prepared to make any inquiry on such a vague and, on the face of it, unlikely allegation.

Mr. B. Das : May I inquire from my Honourable friend, Sardar Sant Singh, what was his experience when he was in the jail ?

(No answer.)

DR. RABINDRA NATH TAGORE'S MESSAGE TO THE HUNGER-STRIKING PRISONERS IN THE ANDAMANS.

944. *Mr. S. C. Mitra : (*a*) Is it a fact that Dr. Rabindra Nath Tagore sent a message in June last requesting the hunger-striking prisoners in the Cellular Jail to give up the strike ?

(*b*) On what date was the message received by the Superintendent of the Jail ?

(*c*) Was it shown to the prisoners concerned ? If so, when and to how many of them ?

(*d*) Did the prisoners want to meet together to consider the Poet's message ?

(*e*) If so, were they allowed to do so ? If not, why not ?

The Honourable Sir Harry Haig : (*a*), (*b*) and (*c*). On June 1 1933, the Chief Commissioner reported that he had delivered to th prisoners such a telegram which he understood to have been sent b Dr. Rabindra Nath Tagore.

(*d*) and (*e*). Special facilities were given to the prisoners to con sider the telegram.

DISPOSAL OF DEAD BODIES OF CERTAIN PRISONERS IN THE ANDAMANS.

945. ***Mr. S. C. Mitra :** (*a*) How were the dead bodies of the three prisoners—Sjs. Mahabir Singh, Mankrishna Namadas, and Mohit Moitra—disposed of ?

(*b*) Were the bodies thrown away in the waters of the Bay of Bengal ?

(*c*) If so, why were not the bodies burnt according to Hindu rites ?

The Honourable Sir Harry Haig : (*a*) The bodies of the three prisoners were cremated in accordance with proper Hindu rites at the public burning ghat in the settlement.

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

CHANGES IN THE TREATMENT OF PRISONERS IN THE ANDAMANS.

946. ***Mr. S. C. Mitra :** Are Government aware whether the prisoners in the Andamans are now satisfied with the recent changes in their treatment ?

The Honourable Sir Harry Haig : I have no definite information on the point.

Mr. Lalchand Navalrai : Will the Honourable Member please enquire and have the information ?

The Honourable Sir Harry Haig : No, Sir, because I do not think it is my business to satisfy the prisoners, but only to satisfy myself that the terms are reasonable.

Mr. Lalchand Navalrai : How is the Honourable Member going to be satisfied if the Honourable Member does not know what the changes are ?

The Honourable Sir Harry Haig : I do know what the changes are.

Mr. Lalchand Navalrai : I want to know if the rules have been changed in consonance of the reasonable demands of these hunger-strikers ?

The Honourable Sir Harry Haig : The changes have been made in accordance with what I consider to be reasonable demands, but whether the prisoners would consider themselves satisfied, I cannot say.

Mr. Lalchand Navalrai : Will the Honourable Member please place a copy of the rules on the table of the House ?

The Honourable Sir Harry Haig : When I receive a copy of the rules, I shall be happy to place it on the table.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

947. ***Mr. S. C. Mitra :** (*a*) Will Government please place on the table two up-to-date statements showing :

(*i*) the names of prisoners detained under Regulation III of 1818, with dates of their arrest and periods of their detention ;

(*ii*) the number of occasions the prisoners in the Cellular Jail resorted to hunger-strike, and the period in each case ?

(*b*) Will Government please state if it is a fact that the denial of a right to bring their grievances to the notice of the Government of India is one of the main causes for the last hunger-strike in the Cellular Jail ?

(*c*) If so, what were the reasons for depriving the prisoners of this right ?

The Honourable Sir Harry Haig : (*a*) (*i*) I lay a statement on the table.

(*ii*) There have been two hunger-strikes. The first occurred in January, 1933 and lasted for about a week. The second began on May, 12 and ended on June, 26.

(*b*) One of the demands put forward by the prisoners was for facilities to petition the Central and Provincial Governments.

(*c*) In accordance with the normal practice the prisoners have a right to make representations to the Superintendent. If he considers that they raise any question of importance he would forward them to the Chief Commissioner for orders.

Statement.

The information required by the Honourable Member is contained in the statement laid on the table on the 12th September, 1932, in reply to his question No. 163. Since that statement was compiled, the State Prisoner, Subhas Chandra Bose, has been released and the State Prisoner, J. M. Sen Gupta, has died. The following have since been detained as State Prisoners under Regulation III of 1818, namely :

	Date of arrest.
1. Ranbir Singh	20th November, 1932.
2 Vidya Bhusan	1st February, 1933.
3. Kheali Ram Gupta	1st February, 1933.
4. Chaman Lal Azad	4th April, 1933.
5. Bhag Ram	5th July, 1933.
6. V. R. Vaishampayan	12th August, 1933.

ILLNESS OF PRISONERS IN THE ANDAMANS.

948. ***Mr. S. C. Mitra :** Will Government please place on the table a list showing the names of the prisoners who are still suffering from illness in the Cellular Jail, with particulars of disease and present condition of health in each case ?

The Honourable Sir Harry Haig : I am afraid I cannot undertake to furnish information of the kind required by the Honourable Member. The prisoners who went on hunger-strike have all recovered from its effects.

INTIMATION OF THE DEATHS OF PRISONERS IN THE ANDAMANS TO THEIR RELATIVES.

949. *Mr. S. C. Mitra: (a) Was official intimation of the deaths of the three hunger-striking prisoners in the Cellular Jail sent to the relatives of those prisoners?

(b) If so, on what dates and after how many days of the deaths?

The Honourable Sir Harry Haig: (a) and (b). The three prisoners died on 17th, 26th and 28th May and the Government of India asked the Local Governments on the 28th, 29th and 31st to inform their relatives. The delay in the case of Mahabir Singh was due partly to enquiries made by the Government of India for fuller particulars of the cause of his death and partly to atmospheric disturbances in the Bay of Bengal which interrupted telegraphic communications for some days.

Mr. S. C. Mitra: Are the Government of India aware that the Local Governments did not inform the relatives till very late? I know this personally from a relative.

The Honourable Sir Harry Haig: I am afraid I have no information as to the precise dates on which the Local Governments communicated with their relatives.

ILLNESS OF STATE PRISONERS, MANORANJAN GUPTA AND BHUPENDRA KUMAR DUTT.

950. *Mr. S. C. Mitra: (a) Is it a fact that State Prisoners, Messrs Manoranjan Gupta and Bhupendra Kumar Dutt have been suffering from acute diseases for the last few months?

(b) If so, what are the diseases they are suffering from and what arrangements have been made for their treatment?

(c) Has the attention of Government been drawn to a press message that appeared in the *Amrita Bazar Patrika* of Calcutta on the 3rd June, 1933, reporting the possibility of the transfer of the above-named State Prisoners to the Andamans?

(d) Is there any truth in the above report?

(e) If so, when and why will they be transferred to the Andamans?

The Honourable Sir Harry Haig: (a) and (b). The State Prisoners suffered from hydrocele in April last, and were operated upon in the Mayo Hospital, Lahore. They have been gaining in weight since the operations, and are at present in good health.

(c) I have not seen the message.

(d) and (e). There is no intention of transferring these State Prisoners to the Andamans.

NON-GRANT OF AN ALLOWANCE TO THE FAMILY OF STATE PRISONER, MR. MANORANJAN GUPTA.

951. *Mr. S. C. Mitra: (a) Is it a fact that no allowance to the family of State Prisoner, Mr. Manoranjan Gupta, has been granted by Government?

(b) Are Government aware that Mr. Gupta was the main supporter of his family?

(c) If so, why no such allowance has been granted to his family as yet?

The Honourable Sir Harry Haig: (a) Yes.

(b) No. He is unmarried and his relatives were not dependent on him.

(c) Does not arise.

Mr. S. C. Mitra: Is it the conclusion of the Government of India that unmarried people cannot have any dependents?

The Honourable Sir Harry Haig: Not necessarily so, but in this case the information is that his relatives were not dependent upon him.

NON-GRANT OF AN ALLOWANCE TO THE FAMILY OF STATE PRISONER, MR. ARUN CHANDRA GUHA.

952. *Mr. S. C. Mitra: (a) Is it a fact that no allowance is granted to the family of the State Prisoner, Mr. Arun Chandra Guha?

(b) Are Government aware that he had an income as one of the proprietors of the Saraswati Press of Calcutta and he used to maintain his family?

(c) Will Government please explain why this allowance has not been granted?

The Honourable Sir Harry Haig: (a) Yes.

(b) He had an income from the Saraswati Press and Library in Calcutta, and I understand still has that income.

(c) In view of the answer I have given to part (b) this does not arise.

BENGALI STATE PRISONERS CONFINED IN THE RAJAHMUNDRY JAIL.

953. *Mr. S. C. Mitra: (a) Will Government please state the names of the Bengali State Prisoners now confined in the Rajahmundry Jail, Madras, with dates of their transfer to that jail?

(b) What is the present condition of health of those State Prisoners?

(c) Is it a fact that the present condition of health of Messrs. Surendra Mohan Ghose and Benoyendra Roy Choudhury, two State Prisoners in that jail, is serious?

(d) What are the diseases they are suffering from and what arrangements have been made for their treatment?

(e) Has the present arrangement of treatment made any improvement in their health and what is the present condition of the health of those two State Prisoners?

(f) Is it a fact that Mr. Benoyendra Roy Choudhury has applied for permission to proceed to Europe for treatment?

(g) Will permission be granted to him?

(h) If not, why not?

(*i*) Is it also a fact that the sister of Mr. Roy Choudhury applied for permission to nurse her brother in the jail ?

(*j*) Has permission been granted ?

(*k*) If not, why not ?

(*l*) Is there any restriction on Mr. Roy Choudhury's writing letters to his father or other inmates of his family ?

(*m*) How many letters has he so far been allowed to write during his confinement in the above jail ?

The Honourable Sir Harry Haig : (*a*) In addition to the State Prisoners mentioned in the Honourable Member's question No. 255 on the 31st August last the State Prisoner, Pratul Chandra Bhattacharjee, is also confined in the Rajahmundry Jail.

(*b*) to (*h*). The State Prisoner, Pratul Chandra Bhattacharjee, is keeping good health. As regards the other three State Prisoners, I would invite the attention of the Honourable Member to my replies to his questions Nos. 256, 259 and 638 on the 31st August and 5th September, respectively, to which I have nothing to add.

(*i*) to (*k*). A request for the sister and another member of the family to visit and nurse the State Prisoner was made in September, 1932 and permission to interview the State Prisoner on three days was accorded. Another similar request was received by the Government of India in March, 1933, and passed on to the Local Government for disposal under the rules.

(*l*) and (*m*). He is allowed under the rules to write three letters a week.

TRANSFER OF STATE PRISONER, MR. RASIK LAL DAS, TO SOME OTHER JAIL.

954. ***Mr. S. C. Mitra** : (*a*) In which jail is the Bengali State Prisoner, Mr. Rasik Lal Das, now confined ?

(*b*) Is there any other Bengali prisoner, or a Bengali officer, in that jail ?

(*c*) If not, will Government please state why has he been secluded from other Bengali prisoners ?

(*d*) Is it also a fact that this secluded state of life has badly affected his health ?

(*e*) Do Government propose to transfer him to some other jail where there are other Bengali prisoners ?

The Honourable Sir Harry Haig : (*a*) The Peshawar Central jail.

(*b*) Another Bengali State Prisoner is confined in the same jail.

(*c*) to (*e*). Do not arise. But I may add for the Honourable Member's information that the periodical reports show that the State Prisoner is keeping good health.

ACQUITTAL OF MR. NIKHIL RANJAN GUHA ROY BY THE CALCUTTA HIGH COURT.

955. ***Mr. S. C. Mitra** : (*a*) Has the attention of Government been drawn to the fact that Mr. Nikhil Ranjan Guha Roy who was convicted

for six years in the Kandi Bomb Case and is now confined in the Cellular Jail, Andamans, has been acquitted by the Calcutta High Court ?

(*b*) Will Government please refer to the interpellations on my question No. 523 of the 21st September, 1932, in course of which the Honourable the Home Member replied as follows :

> "It was on account of a breach of a definite condition that these two persons (Mr. Narendramohon Ghose Choudhury and Mr. Nikhil Ranjan Guha Roy) were sent back to complete their sentence. This is the condition—He shall take no part directly or indirectly in any thing that is an offence under the Arms Act or the Explosive Substances Act,"

and explain the reasons for his confinement in jail in view of his acquittal from an offence under the Explosive Substances Act ?

(*c*) Will Mr. Guha Roy be released now ?

(*d*) If not, why not ?

The Honourable Sir Harry Haig : I am making enquiries from the Government of Bengal and will lay a statement on the table in due course.

DETENUS DETAINED IN THE DEOLI DETENTION CAMP.

956. ***Mr. S. C. Mitra** : (*a*) Will Government please state the number of detenus now detained in the Deoli Detention Camp ?

(*b*) How many detention camps are there at present ?

(*c*) How many detenus can be accommodated in each camp ?

(*d*) Is it a fact that recently some fresh batches of detenus have been sent to Deoli Detention Camp from Bengal ?

(*e*) If so, how many detenus have been sent to Deoli from Bengal in June, July and August, respectively ?

(*f*) Is it not a fact that Sir James Crerar assured this House that the Government of India would make careful scrutiny of each case of transfer of the detenus outside Bengal ?

(*g*) Was careful scrutiny made by the Government of India in recent cases of transfer ?

(*h*) If so, what are the special reasons for transferring so many detenus within a short period ?

The Honourable Sir Harry Haig : (*a*) 217.

(*b*) and (*c*). Besides the Deoli Detention Jail, which has accommodation for 500 detenus, there are three camps for detenus in Bengal. I have no exact figures of the accommodation available.

(*d*) and (*e*). No detenus were transferred to Deoli in June or August. 97 were transferred in July.

(*f*) to (*h*). I have seen what was said by Sir James Crerar on January 19th, 1931, when the Bengal Criminal Law Amendment (Supplementary) Bill first came under discussion. He contemplated at that time that there were likely to be only a few cases, and he appears to have contemplated that each case would be examined by the Government of India. More than a year passed before the Bill came up in this House

again, and at that time on February 3rd, 1932, Sir James Crerar explained that the position had deteriorated very greatly during the intervening year. In consequence of that deterioration it was clear that much larger numbers were going to be sent to Deoli than had been originally contemplated and I cannot find that throughout the very lengthy debates of 1932 any further reference was made to the point raised by the Honourable Member. The Government of India do not examine each individual case, but there is a clear understanding on policy between the Government of India and the Government of Bengal that only those detenus who come within the category which Sir James Crerar had in mind should be sent to Deoli.

PERMISSION TO A DETENU IN THE DEOLI DETENTION CAMP TO PERFORM THE SRADH CEREMONY OF HIS FATHER.

957. ***Mr. S. C. Mitra** : (*a*) Is it a fact that the father of Mr. Sarat Chandra Dutt, a detenu in the Deoli Detention Camp, has recently died ?

(*b*) Is it also a fact that Mr. Dutt, being the eldest son, applied for leave to perform the Sradh ceremony of his father ?

(*c*) If so, was any leave granted to him for the purpose ?

(*d*) If not, why not ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*), (*c*) and (*d*). An application was received on behalf of the detenu but Government were not able to grant him leave to visit his home for the purpose. I understand that permission was given to him to perform the ceremony in the Deoli Detention Jail.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

958. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state if it is a fact that :

(*a*) at the inception of the Indianisation scheme of 'Storemen and Assistant Storekeepers' in the Indian Army Ordnance Corps, storemen who were graduates were promised in their appointment letters issued to them by the Director of Ordnance Services (M. G. O.'s Branch, Army Headquarters) 'quicker' promotion to the grade of Assistant Storekeepers and eventually to the grade of Storekeepers : 100—120|6|150—10 ;

(*b*) storemen who were graduates were exempted and those who were not graduates were not exempted from undergoing :

(*i*) a course of instructions at the Indian Army Ordnance Corps School of Instruction, Kirkee, or the efficiency bar examination in lieu thereof ;

(*ii*) a competitive examination ;

(*c*) those storemen who were not graduates were required to reach the minimum monthly salary of Rs. 80 before they could be eligible for the said competitive examination, as conditions essential for their promotion to the grade of Assistant Storekeepers ;

(*d*) all the conditions mentioned at (*b*) (*i*) and (*ii*) and (*c*) above have now been waived by the Director of Equipment and Ordnance Stores in respect of non-graduates, and even a matriculate storeman, thus bringing them at par with the graduates in respect of promotion ?

Mr. G. R. F. Tottenham : (*a*) In the letter to candidates selected for appointment as probationary Storemen, no promise was made but it was stated that graduates would have the prospect of rising to the grades of Assistant Storekeeper and Storekeeper more quickly than others.

(*b*) The original orders did not contain any provision to the effect that graduates would have to pass an examination before being considered for promotion. Non-graduates had to pass both an efficiency bar examination and a competitive examination. In no case, however, could a man be promoted unless he was recommended by his Commanding Officer.

(*c*) Yes.

(*d*) Under the orders of Government, no person can now be considered for promotion unless he has passed a Trade test and also the efficiency bar examination for storemen, or the storeman course at the School of Instruction. It is open to a Commanding Officer to recommend for promotion any person who has passed those tests whatever his educational qualifications may be.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

959. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : (*a*) Will Government please state whether it is a fact that (*i*) henceforth only such storemen will be admitted to the competitive examination of the Indian Army Ordnance Corps as would be recommended by their immediate officers, and (*ii*) this condition did not previously apply to the graduates ?

(*b*) Will Government please state whether it is a fact that for the purpose of promotion to the grade of Assistant Storekeeper no regard will be paid to a storeman's seniority on the nominal roll, and a junior-most storeman can be allowed to supersede the most senior storeman ?

(*c*) Are Government aware that the changes in the prospects of service referred to previously are in violation of the promise given to the graduate storemen in their appointment letters, and are consequently greatly resented by them ?

(*d*) Will Government please state the reasons for effecting these changes ?

Mr. G. R. F. Tottenham : (*a*) The competitive examination has been abolished. No person can be recommended for promotion unless he has the qualifications mentioned in my reply to the preceding question.

(*b*) Promotion is made by selection, due regard being paid to seniority.

(*c*) and (*d*). Experience showed that if the substitution of Indians for British other ranks was to be effected without undue loss of efficiency, the original scheme of promotion to the higher grades required modification. No promise was ever made to graduates that they would be preferred to more suitable men with other qualifications ; and they can have no real grievance at the removal of conditions which, without having any bearing on a man's fitness for storekeeping work, delayed the promotion of non-graduates.

STOREMEN OF THE INDIAN ARMY ORDNANCE CORPS.

960. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please lay on the table a statement showing the number of graduates, undergraduates, matriculates, and non-matriculates at present in the cadre of storemen of the Indian Army Ordnance Corps and the number of Hindus, Muhammadans and Sikhs, respectively ?

Mr. G. R. F. Tottenham : A statement is laid on the table.

Statement showing the Classification of storemen employed in the Indian Army Ordnance Corps.

	Graduates.	Under Graduates.	Matriculates.	Non-Matriculates.
Hindus ..	37	9	79	..
Muhammadans ..	16	2	28	1
Sikhs ..	8	4	35	1
Other communities	..	..	16	..
Total ..	61	15	158	2

INDIANISATION IN THE INDIAN ARMY ORDNANCE CORPS.

961. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state in how many years in pursuance of the policy of Indianisation is it proposed to completely replace the warrant and non-commissioned ranks of the Indian Army Ordnance Corps ?

Mr. G. R. F. Tottenham : The scheme of Indianisation now in operation contemplates the replacement of 25 per cent. of British other ranks by civilians, in about 16 years. In addition to this replacement, a beginning has been made with the experiment of substituting Indian Non-Commissioned Officers for British up to the extent of 8-1/3 per cent. ; if this experiment is successful, a further measure of substitution will be tried.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

962. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please lay on the table a summary of the proposals received by the Director of Ordnance Stores

from the Indian Army Ordnance Corps establishments from time to time on the subject of the method and conditions for promotion of storemen to the grade of the Assistant Storekeeper, and the decisions arrived at and communicated to them by the Director of Ordnance Stores from time to time on such proposals ?

Mr. G. R. F. Tottenham : No, Sir. Government are not prepared to lay such correspondence on the table.

SALARIES OF EAST INDIAN RAILWAY EMPLOYEES ON THE TRANSFER OF THAT RAILWAY FROM COMPANY-MANAGEMENT.

963. ***Mr. E. H. M. Bower** : (*a*) Will Government please state whether the substantive salaries of the East Indian Railway Company's employees who were taken over by the State in 1925 are taken as the guiding factors in fixing their initial salary on transfer from one department to another save in cases of inefficiency, misconduct, abolition of the post or general retrenchment ?

(*b*) Will Government please state whether the principles enunciated in Fundamental Rules 15 and 22 are obligatory in so far as the East Indian Railway employees are concerned ?

(*c*) Will Government please state whether a State Railway employee's salary can be reduced without a charge being framed against him and the employee being given an opportunity to defend himself except in anticipation of the abolition of a post or due to retrenchment ?

(*d*) Will Government please state the remedy that is open to a State Railway servant whose salary has been fixed on transfer to another department contrary to Fundamental Rules 15 and 22 ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) The East Indian Railway employees, who were appointed before the transfer of the management from the Company, remain under the rules that were applicable to them before ; the Fundamental Rules quoted do not apply to them.

(*c*) I am sure no disciplinary action is taken against an employee without his being asked for an explanation and given an opportunity to defend himself.

(*d*) When the salary fixed on transfer is contrary to Fundamental Rules, it would probably come to the notice of the Accounts Department, but in any case the railway servant concerned can bring the matter to the notice of higher authority.

WITHHOLDING OF APPEALS ADDRESSED TO THE RAILWAY BOARD.

964. ***Mr. E. H. M. Bower** : (*a*) Will Government please state whether appeals addressed to the Railway Board can be withheld by Heads of departments without advising the appellant of the reasons for the withholding of such appeals ?

(*b*) Will Government please state what avenue is open to the aggrieved subordinate to submit his grievance if such appeals are withheld ?

Mr. P. R. Rau : (*a*) No appeal can be withheld without the appellant being informed of the fact and of the reasons for it.

(*b*) Does not arise.

ARTICLE IN THE *Bombay Chronicle* UNDER THE HEADING " GREAT INDIAN PENINSULA RAILWAY AND WORKERS ".

965. ***Mr. S. G. Jog :** (*a*) Has the attention of Government been drawn to a communication which appeared in the *Bombay Chronicle*, dated Tuesday, July 11, 1933, under the heading " Great Indian Peninsula Railway and workers " ?

(*b*) Will Government please state what action has been taken in the matter ? If no action has been taken in the matter, why not ?

Mr. P. R. Rau : (*a*) Yes, by the courtesy of my Honourable friend.

(*b*) I am sending a copy of the question and the reply thereto to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

" I am directed to inform you that the Council of State has, at its meeting held on the 14th September, 1933, agreed without any amendments to the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 6th September, 1933."

STATEMENT 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. 672 asked by Sardar Sant Singh on the 6th September, 1933.

EXAMINATION FOR RECRUITMENT OF AUDITORS IN THE SUBORDINATE RAILWAY AUDIT SERVICE AND CLERKS IN THE OFFICES OF THE CHIEF AUDITORS AND STATE RAILWAYS.

*672. (*a*), (*b*), (*c*) and (*d*). Yes.

(*c*) The two clerks who were brought under reduction were the most junior of those holding officiating appointments. The orders of the Government of India regarding retrenchment according to length of service have reference to Government servants holding permanent posts and therefore do not apply to the cases in question. The circular issued by the Railway Board regarding the re-employment of retrenched personnel does not apply to the Railway Audit Department. Retrenched personnel of that Department would ordinarily be considered in connection with vacancies in the offices from which they have been retrenched ; but the outsider to whom the Honourable Member refers was given an appointment on the Rohilkund and Kumaon Railway where there had been no retrenchment.

(*f*) As the Director of Railway Audit has already issued instructions that retrenched men should be considered for re-employment wherever possible, Government do not consider it necessary to take any further action in the matter.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the remainder of the Session. Our business for the current Session cannot be completed by tomorrow, and, as indicated in my last statement, I now request you, Sir, to direct that the Assembly shall sit for Government business on Monday, the 18th and Wednesday, the 20th and, thereafter, if necessary, from day to day until the programme which I am going to announce is concluded. I may say that I anticipate that we shall finish our business on Wednesday at the latest.

On Monday, the 18th, leave will be asked to introduce a Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships. I may add, Sir, that no further motion in regard to this Bill will be made during the current Session. Subject to our receiving the necessary messages from the other Chamber, my Honourable colleague will make motions on Monday for the election of Members of this House to the Joint Committees on the Reserve Bank of India Bill and the Imperial Bank of India (Amendment) Bill.

The other items of business which will be brought forward are as follows :

1. Consideration of any business entered in the list of business for Saturday, the 16th and not concluded on that day, in the order in which it appears on the Agenda.

2. A Resolution concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference.

3. A Resolution regarding the amendment of the Indian Legislative Rules in connection with the constitution of the Committee on Public Accounts, and

4. Consideration of the Report of the Public Accounts Committee for 1930-31.

THE INDIAN TEA CONTROL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

" That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration."

It will be within the recollection of Honourable Members, Sir, that on the last day of the Delhi Session the Honourable the Leader of the House announced that the Government of India had decided to support the agreement which the representatives of the tea industry of the three principal producing countries, *viz.*, Ceylon, the Dutch East Indies and India, had reached early in the year to regulate exports of tea and in certain ways to restrict the production of tea. Government, Sir, had reached this conclusion because they were satisfied that the catastrophic fall in prices which had taken place in recent years,—I

[Mr. G. S. Bajpai.]

may mention for the information of the House that prices had fallen from an average of 9 annas a pound in 1930 to 4 annas a pound in 1932,—that this catastrophic fall in prices threatened the smaller concerns, especially the Indian concerns and that some measures to establish equilibrium between supply and demand were absolutely necessary. The agreement, Sir, falls into two parts. First, the regulation of exports. The idea is that during the five years for which the agreement is to be operative there shall be an export quota fixed for each year at a percentage of the highest export figure during any of the three years 1929, 1930 and 1931. This quota is to be then distributed amongst the estates in India by a committee which is to be representative of all the tea interests in the country. The second part of the agreement, Sir, relates to the restriction of cultivation. The international agreement provides that there shall be no extension of cultivation, that is to say, no new virgin land brought under tea, except in the case of those estates whose economic existence would be otherwise imperilled ; and, further, that for the whole of India the extension so permitted shall be limited to half per cent. of the area actually under tea on the 31st March, 1933. The Bill which is now before the House has been drafted by Government in order to implement this agreement. Government have tried to observe three principles. The first is that the industry as the originator of the agreement shall provide the machinery for its administration, subject, of course, to the control of the Government of India, and that it shall also provide the funds for running the administration. If Honourable Members will look at clause 3 of the Bill they will find that we propose to set up a committee which will be responsible both for the issue of licenses for the purpose of export and for regulating applications for the extension of cultivation. The Committee will also have power to raise funds in order to defray the expenses of administering agreements. Then they are being given powers for keeping accounts, appointing officers and generally to carry out functions incidental to the implementing of the agreement. The second principle, Sir, which Government have kept in view is that it shall be worked equitably to all the interests concerned, be they large interests or small interests, be they Indian interests or European interests ; and for that purpose Honourable Members will find from clause 3 that special steps have been taken to give representation to Indian producing interests ; further, that the Governor General in Council is to have general powers of supervision and control over the actions of the committee ; that as regards the planting of tea areas the Local Governments are to be invested with similar powers ; and, finally, that the Governor General in Council has also the power, if necessary, to bring the committee to an end, that is to say, if it does not behave properly, which we hope will not be the case. The third principle which the Government have kept in view is that although the agreement shall be observed by India in the letter and in the spirit, the operation of the agreement shall not press more hardly upon India than it does upon the other countries ; and in this connection I would like to invite the attention of Honourable Members to the proviso to clause 25 which provides that so far as restrictions on cultivation are concerned, they would have retrospective effect only

if the other countries which are parties to the agreement give it such effect.

I do not think it is necessary for me to go into the details of each clause. The Bill has been drafted on a very simple and logical plan : Chapter I deals with the machinery ; Chapter II deals with the regulation of exports ; Chapter III with the extension of cultivations and Chapter IV with such penalties as may be necessary for non-observance of the Act. There are two facts, however, which I think I should like to mention for the information of the House before I conclude. The Bill as first drafted by us was circulated to Local Governments in order to elicit their views and the views of those representatives of the industry ; and the form in which the Bill has been placed before the House generally commands the agreement of all the interests concerned. The second point I would like to mention for the information of Honourable Members is that although constitutionally it is not possible for us to legislate for India as a whole, yet the Indian States primarily concerned, namely, Travancore, Cochin and Mysore, have agreed to observe and give effect to the agreement during its operation. There is nothing more for me to say. Yesterday I had hoped that I would be able to invoke the hour at which the discussion was likely to commence as an argument for according to this Bill a measure of acquiescent amiability. I refer, Sir, to the tea hour. That is no longer possible. But I still hope that the impression, indeed impelling weight of support which I have endeavoured to describe will secure for it prompt and unanimous support. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

"That the Bill be referred to a Select Committee consisting of Mr. G. S. Bajpai, Mr. Abdul Matin Chaudhury, Mr. T. R. Phookun, Mr. T. N. Ramakrishna Reddi, Mr. K. P. Thampan, Mr. Gaya Prasad Singh, Mr. F. E. James, Dr. Francis Xavier DeSouza, Mr. Muhammad Anwar-ul-Azim 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 purpose of my motion is not to delay this very beneficial measure even for a day. I agree with the Honourable the Mover of this Bill that it is necessary for the very existence of the tea industry, both here in India and outside. Government is really helping the tea growers by enacting this legislation. I also accept the general principle of this Bill ; but I have received several communications from tea growers from my constituency and from outside who place before the Government the special interest of the tea planters who have begun to start tea gardens from the year 1925 and 1926, who had not the occasion to have a full crop of tea, during these years—the typical years of 1929, 1930, and 1931, that will be considered as the standard years for the average production of tea gardens on the basis of which this quota will be fixed. I think it may not be necessary for me even to press my motion for referring the matter to the Select Committee

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if the Government or the other tea interests are agreeable to consider favourably the view points of these small tea growers in different parts of India, by incorporating in the Bill some of the suggestions that have been made. Or it may even be provided afterwards, if the assurance is given, in the rule-making power providing for those suggestions in the rules themselves. I got this letter from the Secretary, Tippera Planters' Association. It runs thus :

"The Indian gardens which my Association represents are mainly new and undeveloped gardens with comparatively small output. There are a few which, although older in age could not for various difficulties before 1928 develop properly, and produce crops in proportion to their planted acreage. There are some gardens which began just before the depression set in, and have been struggling against tremendous odds all these times. In order to safeguard the interests of these gardens, my Association submits the following suggestions :

(1) Those gardens which could not be developed properly and show an inadequate output of crop in proportion to their planted acreage even in their hitherto best year of production should be allowed a minimum output on their entire plantations at least at the rate of yield per acre allowed for young plantations of 1928 with further allowances for crops in respect of re-plantations and replacements made since 1929 at the rate given in circular 4.

(2) Those gardens which would be imperilled without further extensions should be allowed to extend according to their needs after a thorough inquiry in each case.

(3) In the proposed Licensing Board there appears to be no room for representation of gardens which do not belong to any Association and particularly the Tripura State gardens which number about 50. In our opinion these gardens should have proper representation in the proposed Licensing Board. The Tripura State area should be regarded as a unit by itself for purposes of such representation and my Association begs to claim one representation for itself."

They further state :

"Those gardens which have not yet produced 1,500 maunds of tea or at least 5 maunds of tea per acre, as has been allowed even for the young areas of 1928, should be allowed their actual outturn of crop up to the limit of 1,500 maunds of manufactured tea or at the rate of 5 maunds per acre of the planted area both in respect of the export quotas and internal consumption instead of 10 per cent. allowances proposed to be allowed to gardens producing 1,000 maunds or yielding 4 maunds per acre, in the proposed tea restriction scheme—otherwise such small and undeveloped gardens will be seriously affected. The proposals made herein will not affect the restriction scheme to any appreciable extent."

I have received similar letters from Indian tea planters of Chittagong and a few from Jalpaiguri also. I had a long discussion with my friend, Mr. Phookun of Assam and also with my Honourable friend, Mr. Abdul Matin Chaudhuri, who really represent the larger Indian tea interests in the whole of India. They also agree with the view that I have already quoted and I shall presently read a statement which has been sent to me by Mr. P. C. Borooch of Sibsaugor a statement of Mr. J. B. Challiha where in a very clear and succinct statement he has put the case of the smaller tea garden Indian owners. With your permission, Sir, I should like to read from that statement.

"Though the restriction scheme for exports of tea holds out hopes to save the industry from ruin, I am afraid the new gardens started after the last tea boom of 1923|24 are hardly getting an equitable treatment in the calculation of the crop basis, and consequently the export quota."

"I shall show below how the principle adopted for calculating crop basis of young gardens hits them hard.

1. Gardens started after 1925-26 never had had the chance to make full crop at any time during the years taken as base years, for the simple reason that the tea bushes were far too young to be full yielding, so the crop basis calculated according to the formula adopted will be too low and remain low even when the bushes are in a full yielding capacity than the crop basis of a garden similarly placed but started earlier.

2. In limiting the crop basis for young tea uniformly for all districts for the next five years, the assumption is that the average production for all districts, whether Darjeeling, Cachar or Upper Assam is the same, which is never the case. Districts with heavier crops per acre generally cannot pay their way with a low output, so gardens situated in locations where the average production per acre is ten maunds an acre will be hardly able to make a profit with maximum of five maunds an acre.

3. These new gardens were planted out at a much heavier cost per acre than the gardens long established, as labour and materials were dearer, and some had to pay as much as Rs. 40 per acre to Government for land alone as premium. This is aggravated by the fact, that having invested all the money they had to start the gardens, when an income was expected the tea and general trade depression set in, and they suffered heavy loss, and many ran into debt. Gardens long established got land cheap and on easy tenures and opening expenses were much lower and a comparatively small capital went a long way. They made profits for years and many had time to build big reserves. With gardens under European Managing agents they had cheap money, even if they had to borrow. All gardens who have got to depend for all their crop on their extensions after 1925-26 should be allowed to make tea at least upto the district average of production, and not limit the crop basis to a maximum of only 400 lbs. per acre which is hardly fair. Unless this is done these new gardens will get very little real benefit from the Government guaranteeing the restriction of exports. These gardens will not only have to cover their expenses but will have to find funds to liquidate the debts incurred during the recent years due to losses sustained. They will also have to be prepared for the next slump which will very likely come off if the restriction of exports is not continued after the present term of five years is over.

The following suggestions are put forward for calculating the crop basis for new gardens started after 1925-26 in order that they may have a fair chance for existence.

1. Take the best crop during 1929, 1930, 1931 and 1932.

2. Make an allowance of 400 lbs. for 1928 plantings, 300 lbs. for 1929 plantings and 200 lbs. for 1930 plantings for 1933|34.

3. Increase these allowances by 100 lbs. per acre, every year up to a maximum of the district average of production during the operation of the restriction scheme.

4. Then fix the export quota at the percentage to be decided for the particular year.

5. Should a new garden started in 1926-27, the crop of which should have been the heaviest in 1932, due to the young plants getting more mature than the previous years, be affected by hail, flood or other natural disaster, and its 1932 crop is lower than any of the previous years, its crop basis should be calculated for 1933 as follows :

(1) 600 lbs. per acre for 1926 plants, or the District average of production, if it is less than 600 lbs. per acre.
(2) 500 lbs. per acre for the 1927 plantings.
(3) 400 lbs. per acre for the 1928 plantings.
(4) 300 lbs. per acre for the 1929 plantings.
(5) 200 lbs. per acre for the 1930 plantings.
(6) For subsequent years, the above figures should increase by 100 lbs. per acre up to the district average of production.

The suggestion about allowing the young gardens to make up to the district average of production will not affect the quantity of tea allotted to the older gardens to any great extent for 1933, and in subsequent years the quota of the new gardens will increase progressively and the maximum allotment will be claimed only during the last year of the operation of the scheme, when perhaps consumption will increase considerably."

Sir, in this statement the tea planters have shown how they think that in the interest of the small tea gardens some special provision

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should be made within the quota as accepted in the International Scheme to give relief to these people, and I sincerely hope that Government as well as the tea interests will be agreeable to accept such a scheme. If that view is acceptable,—and I know I can speak on behalf of the Members on this side because I have discussed the matter in detail with Mr. Phookan and Mr. Abdul Matin Chaudhury, our general object will be served, and if we can have an assurance to that effect, I do not think it is necessary to refer this Bill to a Select Committee.

Then, Sir, the only other matter that I want to refer to is about clause 3. In sub-clause (*b*) I find that members who are to represent Assam and the Surma Valley are to be nominated by the Local Government, and similarly in sub-clause (*d*) the members representing the Southern India tea estates are also to be nominated by the Local Government, while in other cases there is provision for election by the tea growers of the locality concerned. I understand, Sir, there is a tea institution in the Surma Valley, but I am not quite sure if there is one such in the Assam Valley district, but in any case I do not understand why Government should not accept the policy of giving the powers of election to the local tea estates, because it will not be necessary to provide for an extensive electorate. It may be done simply by letters—and thus they can elect their own representatives—rather than making an invidious distinction, by nominating them, in those two cases alone. With these words, Sir, I support the motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the Bill be referred to a Select Committee consisting of Mr. G. S. Bajpai, Mr. Abdul Matin Chaudhury, Mr. T. R. Phookun, Mr. T. N. Ramakrishna Reddi, Mr. K. P. Thampan, Mr. Gaya Prasad Singh, Mr. F. E. James, Dr. Francis Xavier DeSouza, Mr. Muhammad Anwar-ul-Azim 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. G. S. Bajpai : Sir, I have ventured to rise so early in the debate because my friend said that if Government were able to explain their attitude in this matter satisfactorily, he would not press his proposal for reference to Select Committee. My friend has made three points. The first is that, so far as the export quota of certain Indian tea gardens is concerned, it shall be calculated on a more generous basis than is provided for actually in the agreement. Now, Sir, the position as regards that, is, that the Governor General in Council is taking power under the rules—I would refer my friend to sub-clause (*a*) of clause 23—to prescribe the manner in which the export quotas of tea estates shall be determined. This, Sir, is a matter of domestic regulation which is subject to the power of control of the Governor General in Council, and I said in the course of my remarks when moving that the Bill be considered, that the Government were most anxious to safeguard the interests of the Indian producer, and my friend may rest assured that the suggestions which he has read out will be most carefully considered, and that, so far as there is any legitimate grievance in the matter, Government will endeavour to have it redressed. I hope that that is an assurance which is satisfactory to my Honourable friend with regard to this matter.

The second point of my Honourable friend was that there shall be sympathetic consideration given to applications for extensions of certain gardens. As regards that, my Honourable friend will observe that there is a governing limitation under the agreement, namely, that extensions are to be subject to a limit of half per cent. of the area under tea on the 31st March, 1933. Now, the parties to the agreement—I am talking of countries other than India, namely, Java and Ceylon,—look upon that as a vital condition, so it is not possible for Government to promise that that limit will be exceeded. But subject to that limit, my Honourable friend may rest assured that the claims of those who are in the greatest peril will have the first consideration, and the most sympathetic consideration.

The third point was as regards the representation of the various interests. I am afraid I did not have timely notice that my Honourable friend was going to make this suggestion for amendment of the constitution of the Committee, but I would bring to his notice certain considerations. As regards South Indian plantations, the position is that South India includes not only Madras but also certain Indian States. We cannot legislate for areas outside British India. That is why power has been given to the Local Government and not to a general electorate to choose Indian representatives. I believe that as regards Assam also the position is that this appears to be the best method of securing proper representation because the Indian producers in the two valleys mentioned by the Honourable Member are not adequately organised. But I would say this for my Honourable friend's satisfaction that we propose to put the suggestion to the Local Government,—not that under the Bill, if it is passed, it will be possible for them to have recourse to election,—that they might make their nominations in consultation with any representative Indian organisation of the industry that might exist. I would also like to mention that both the Ceylon and the Dutch Governments have already passed legislation to implement the agreement. We are the only Government who, because of the programme of our legislative business, have not been able to do so. If there is any delay in placing this Bill on the Statute-book it might have an unfortunate effect upon the tea market which has been showing very healthy signs indeed since the agreement was announced. I hope, therefore, that my Honourable friend will not press his motion and that we shall be able to put this legislation on the Statute-book without any more delay.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I rise to support the motion moved by my Honourable friend, Mr. Bajpai. The export restriction scheme to which this Bill seeks to give legislative sanction is a very well thought out scheme, but it has its attendant dangers and my sole anxiety is that those dangers should be guarded against.

It is an obvious fact that the tea industry is passing through a period of depression. The depression is due to the fall in prices because of overproduction, and this scheme is designed to raise prices by restoring as my Honourable friend, Mr. Bajpai, explained the equilibrium between supply and demand. For this purpose the producers in all the tea pro-

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ducing countries like Java, Sumatra and Ceylon have entered into an agreement to restrict the export from their respective countries, and this Bill is intended to implement that agreement. With this object I am in whole-hearted agreement. According to this scheme 320 million lbs. have been fixed as the export quota for India. Now the estimated output for the year 1932 is, I believe, 429 million lbs. Now, the question is how the surplus is to be disposed of. The maximum consumption for India is 65 million lbs., while the surplus over the export quota is 109 millions. This will glut our Indian market. Overproduction produced the slump in the tea industry, and this Bill is intended to remedy that evil so far as the export market is concerned, but it will create slump in the Indian market, in an aggravated form. So, the only remedy for this state of affairs is, just as this export scheme is intended to restrict export, there must be some restriction of production also in order to save the Indian market as well.

In this connection I would like to bring before the House one fact with regard to Indian gardens. Most of the Indian gardens I think, practically all in Bengal and Assam, do not export their tea direct owing to the absence of proper banking facilities and having no agency of their own in England or the continent. They sell their tea by auction in the Calcutta market, and that does not fetch them the prices that the direct exporter gets in the London market.

Mr. E. Studd (Bengal : European) : May I point out that until about a fortnight ago the Calcutta market was selling between 1½ to 2 annas above the London market, and therefore the Indian who sold his tea in the Calcutta market got better prices than he would have got if he had shipped the tea to London.

Mr. Abdul Matin Chaudhury : Can my Honourable friend assure me that that state of things will continue ?

Mr. E. Studd : That, nobody can prophesy, but it is a fact that the prices realised in the Calcutta auctions are still quite as good as the prices realised in England.

Mr. Abdul Matin Chaudhury : The position with regard to Indians is that because they do not export directly many of them have to sell their produce in the Calcutta market and the advantages under this Bill are not available to them to the same extent as to the direct exporters. It may be said that the right of export is a right that is transferable and saleable. But it does not mean that it can be easily transferred or sold, and if and when that right is transferred or sold it is not always possible to get a fair price for the transfer of that right. I do admit that this right of transferring and selling this export quota is a valuable right, but it does not solve the difficulty of the Indian planters. The only remedy, as I suggested, is that restriction of production must follow restriction of export, and while I advocate restriction of production I do so with certain reservations. The European planters have been long established in the field and they own extensive acreage. The Indians have come into the field only in recent years and they mainly own very small tea gardens. If they have also to restrict their output it will affect their very existence. So, I suggest that under any scheme that may be devised for restricting production, at least those gardens which produce about 1,000 maunds or less should be exempted from the operation of this

restriction scheme. I hope the Government will be pleased to tell us how they propose to deal with this menace to the Indian industry on account of the glutting of the Indian market with the surplus of the export quota. I have suggested one method for restricting the output, but I claim no originality for that suggestion. For I understand that the Indian Tea Association has taken up that matter. There is also another suggestion that I would like to make and that is as regards the expansion of the Indian market, to absorb the balance of the surplus quota. The Indian Tea Cess Committee was established in 1903 with a view to increasing the sale and use of tea in India and outside. There is a growing feeling among Indian tea planters, and I think it is shared by some of the European tea planters also, that this Indian Tea Cess Committee devotes disproportionate attention to outside market to the neglect of developing the indigenous market in India. As an illustration, I might refer to the money that they are spending on American propaganda. They are spending £40,000 a year for propaganda in America and the result has been that in the year 1931 the export to the United States of America was reduced by 100,000 pounds. From the year 1888 to 1908 Ceylon carried on a propaganda in the United States of America. They spent £12,000 a year and they had to give it up because the result was not satisfactory, but the Indian Tea Cess Committee does not seem to have profitted by the experience of Ceylon in this matter. As regards the possibility of the Indian Market, I should like to read out to the House the opinion of the Imperial Economic Committee on Tea. This is what they say :

> "As the greatest among the exporting countries, India is the most severely affected by the present necessity for an expansion of the market, and it is therefore important to realise that no market in the world offers such ultimate opportunities for an increase in tea consumption as India itself."

Further on they say :

> "This market at India's own door may yet prove the answer to the problems of the industry. While the slowness of the Russian recovery is one of the principal causes of the present depression, India may perhaps provide the remedy."

I should like the Tea Cess Committee to devote greater attention to India than they are doing just at present. With regard to the amendment of my friend, Mr. Mitra, for the reference of the Bill to the Select Committee, I am very anxious that this Bill should be passed this Session. I have received telegrams from planters in Jalpaiguri, from Assam, from the Surma Valley and from all parts of Bengal urging us that passage of this Bill should be expedited because otherwise it would be disastrous to the industry and my friend, Mr. Mitra, has himself said that his intention is not to delay the measure. He only wants an assurance that in the rules special provision should be made for the gardens started after 1925, with regard to making generous allowance for young clearings. I hope, Sir, that in making the rules this point will be borne in mind.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I support the principles of the Bill but I should like to draw the attention of the Honourable Member to one or two points. India is a peculiar country. The conditions here are different from the conditions in other countries. In other countries the conditions of production are uniform. Here we have got companies managed by Europeans, companies managed by Europeans and Indians combined, companies managed by Indians alone, companies managed by individuals and above all the very small farms which are just springing up in the

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nature of enterprise. This Bill appears to me to amply safeguard the interests of the big planters. All those persons who have just started their business have, to my mind, not been sufficiently safeguarded. Perhaps in the rules their interests will also be safeguarded. The other point is that the rules are not so important really as the methods by which the rules are put into practice. The manner in which the rules are carried out is much more important than the rules themselves and we should like to know whether the committee or any other body which will come into existence by virtue of this Bill will really exercise the powers conferred by these rules impartially and in the interests of the small planters and I think that in making the rules this point might be considered. Any person who is not satisfied with the decision of this committee, which might be set up, may perhaps appeal to a small committee which might be set up by the Government at their Headquarters. This can conveniently come under the rules, the framing of which is not really the business of the Legislature. Therefore when the Government frame the rules, they should see that the rules are not enforced to the disadvantage of the small tea planters. I hope that a copy of these rules will also be laid before the Legislature. The next point to which my friend, Mr. Abdul Matin Chaudhury, has drawn attention is the lack of propaganda in India. It is really much more important than propaganda outside. Propaganda outside may be useful but the propaganda in this country is still more useful. For some years ago after this committee came into existence they carried on a propaganda in every village and even village tradesman had stock of loose tea to sell in small quantities. All that has disappeared on account of the indifference of the Cess Committee. It is rather important that we ought to provide the Home market for over production and the only way in which we can do this is to have a large number of travelling agents and see that tea is available for sale even in small villages. This will increase the sale and find a market for the overproduction stock of tea of which Mr. Abdul Matin Chaudhury has already spoken. I hope this point will also be looked into. I emphasise once more that the safeguards of the interests of the small tea planters will be provided for in the rules and sufficient money will be spent in India for home propaganda.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have two matters in my view in speaking on this Bill. One is the interests of the consumer and the other is the interest of the small interests who are dealing in tea. I know that the bigger interests will take care of themselves. I note that an assurance has been given by Mr. Bajpai for whom I have regard and in whose assurance I have great faith. He said that this Bill is intended to vouchsafe the small interests and I think that in these days it is the small interests which should be protected first. As a result of the depression that is going on, these small interests are suffering. On account of the price being very low, the small interests are giving up their undertakings. It is very good for the consumer that the price has come down from 9 annas to 4 annas. This is specially helpful to people who take tea and India has now been taking more tea than it used to do. Some do it on account of necessity and some out of a mere fashion that is going on now-a-days. What I am submitting is this that if the interests of the smaller traders are protected there is no reason why we should not agree to this arrangement. Sir, in support of what the Honourable the

Mover has said I find that in the Statement of Objects and Reasons it is said :

"The results of a referendum issued to all known estates have been examined and it appears that over 92 per cent. of the industry, reckoned in terms of production, have expressed themselves in favour of the scheme."

Sir, we are not, at any rate I am not, so very familiar with this trade business that I can offer myself any opinion. In that case we have certainly to rely upon those who are interested in it and who deal in it. Here is a statement that 92 per cent. of that industry have consented to the scheme. Then, Sir, it is further said :

"The Governments of Madras, Assam and Bengal, within whose jurisdiction bulk of the tea in British India is cultivated, are prepared to restrict the issue of fresh leases for tea cultivation and have also agreed to the restriction of planting of areas already leased."

Therefore we have got an assurance but I must say that this referendum and these opinions should have been given to the House in which case we should have been in a position to judge for ourselves. And I believe it is with that intention that an amendment has been moved for a Select Committee. If a Select Committee is appointed and all these papers and referendum are placed before them we will be fortified in giving our strong support and giving it without doubt or suspicion. But it appears that the object is to pass this Bill speedily through this House and it is pointed out that the people who are concerned with it have actually wired that this scheme should be accepted and that it should be given effect to. I therefore hope that the rules to be made under this measure will be made in consultation with those who are concerned in it, because we know that when an Act is passed here many a time all the good principles are whittled down by the rules framed under it and it sometimes deteriorates. Therefore I submit that rules should be made in consultation with those persons who are interested in this. I would in the end put two questions to my Honourable friend for my own information. I should like to know if the Honourable Member is really in possession of facts to show that since this price has gone down the smaller interests have actually suffered to this extent that they have given up their business or their cultivation of tea. The second question is whether the committee, that is going to be appointed, will have also power to fix the rates of the tea or whether it will be beyond them. These are the two points that are necessary for deciding the question that I have placed before the House, namely, the interests of the consumer and the small interests concerned.

Mr. F. E. James (Madras : European) : Sir, I should like in a very few words to associate myself with much that has been said by my Honourable friends, Mr. Mitra and Mr. Abdul Matin Chaudhury. This Bill gives legislative sanction to what is the first attempt in this country by any large industry at what is called planned economy. And I think it represents an example to other industries which they might well follow. But I suggest that in any such scheme there are three important questions which should be regarded both by the industry and by Government itself. While the scheme of planned economy may include a proposal to restrict exports of a particular production, great care should be taken to see that the smaller interests involved in that industry are protected. Now, my friend, Mr. Abdul Matin Chaudhury, has spoken, and so has Mr. Mitra, of small interests in Bengal and elsewhere which are in Indian hands. I have received similar representations to those he has mentioned from

[Mr. F. E. James.]

small concerns in South India which are in Indian hands and in European hands and in Anglo-Indian hands. There are a large number of small owner-proprietors of estates, particularly in the Nilgiris, and they are very anxious that in connection with the scheme for regulation of exports those who have invested money in gardens recently and whose continued existence may be imperilled by the operation of this regulation scheme should receive very special consideration at the hands of Government and at the hands of the committee. I therefore entirely join with my friend, Mr. Mitra, in asking that we should get some assurance from Government on this point.

Then, Sir, the second point that has been made by Mr. Abdul Matin Chaudhury is that there is little use in a regulation of exports scheme unless at the same time there is a scheme for the restriction of crop. I agree with him that the latter scheme is a corollary to the first and I also agree with him that in such schemes which may be proposed,—and I understand one is now under consideration, perhaps Mr. Miligan will give us that information later on,—special attention should be given to the small gardens which are in the hands of many of my friends and which depend entirely upon the local market for the disposal of their product.

And then the third point which was made, again by my friend, Mr. Abdul Matin Chaudhury, was in regard to the increase of the consumption of tea in this country. In any scheme of planned economy not only must you regulate exports and restrict production but you must take steps to increase local consumption. And I join on behalf of the United Planters' Association in Southern India with my friend, Mr. Abdul Matin Chaudhury, when he says that in the past the Indian Tea Cess Committee has spent far more money in the United States than the results have justified. Therefore I trust that the industry concerned will, as part of this general scheme of controlling its own production and export, take steps to increase as far as possible in the near future the consumption of the greatest market which it possesses, namely, the market at its very doors. If we can get that sort of assurance from the Government and the industry, I assume that my friend, Mr. Mitra, would be willing to withdraw his motion and expedite the passing of this Bill into law.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, in view of the general support which this measure has received it is unnecessary for me to detain the House for long. Lest there should be an impression that this measure is not approved by Indian tea interests, I should like to read just two or three telegrams which I have received recently. Here is one from the Indian Tea Growers' Association of Silchar :

"Strongly urge passing Tea Exports Legislation current Session otherwise tea interest will be imperilled."

Another from the Secretary of the Terai Indian Planters' Association, Darjeeling :

"My Association strongly support export regulation and restriction scheme and urge Tea Control Bill be taken up during current Session."

Another telegram from Jalpaiguri says :

"Indian Tea Planters Association generally approves provisions of tea control Bill introduced in Assembly would strongly urge for passage this Session."

Dr. Ziauddin Ahmad : Please mention the name of the sender.

The Honourable Sir Joseph Bhore : These telegrams are from Associations. My Honourable friend, Mr. Mitra, I think, voiced a general feeling in the House that the small garden proprietors should not be prejudiced. I am entirely in agreement with him and I think we have taken special steps in this legislation by retaining powers to ourselves to see that those smaller interests are really safeguarded. In reinforcement of the assurance which my Honourable friend, Mr. Bajpai, has given and which I think has already satisfied the House, I would once again assure the House that if we are satisfied that any procedure under this Act is bearing heavily and unfairly on any section of the industry we shall most certainly consider the matter and shall not hesitate to make the necessary alterations in that procedure. There is very little further for me to say. I should like to refer to just one or two points raised by my Honourable friend, Mr. Abdul Matin Chaudhury. It is quite true that this restriction scheme may, by throwing larger quantities on the home market than at present, have a depressing effect on prices, but I would suggest to him that that very fact may prove a blessing in disguise and that it may help to popularise the use of tea in that enormous market at the very doors of the industry. May I suggest to those, who are interested, to remember the Biblical injunction to "cast your bread upon the waters and it will return to you after many days".

The only other point is the suggestion that Government should consider a scheme to regulate the production of tea. If the industry as a whole should put up any practical and workable scheme, I can give my Honourable friends the assurance that Government will most carefully consider it. I have nothing further to say beyond expressing the hope that my Honourable friend will withdraw his amendment.

Mr. S. C. Mitra : I am thankful to the Honourable the Leader of the House and to Mr. Bajpai for their assurance and I beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration."

The motion was adopted.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 20 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 21 stand part of the Bill."

Mr. J. A. Milligan (Assam : European) : Sir, I rise to move the amendment that stands in my name :

"That in sub-clause (*2*) of clause 21 of the Bill, after the words 'in pursuance of the purposes of this Act' the following be inserted :

'and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea-producing countries generally'."

This amendment speaks for itself. The wording of the clause as drafted restricts the right of the Committee to spend money only on objects which are mentioned in the Bill itself. The Bill makes no mention of the International Committee which was established within the last few days and that International Committee will depend on subscriptions from Java, Ceylon and India. Therefore this amendment has been considered essential. I move.

Mr. G. S. Bajpai : Sir, I accept the amendment on behalf of Government.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*2*) of clause 21 of the Bill, after the words 'in pursuance of the purposes of this Act' the following be inserted :

'and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea-producing countries generally'."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clauses 22 to 35 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir, I beg to move that the Bill, as amended, be passed.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I wish to make a few observations. I did not interfere while the discussion clause by clause was going on. This Bill has proved that the Ottawa Agreement is a failure. The Ottawa Agreement came into existence in order that the countries in the British Empire should rally round and adopt differential tariff to exclude other foreign States. Sir, while the Ottawa Committee was sitting at Delhi over which my Honourable friend the Leader of the House presided, the representatives of the tea industry were approaching the Honourable the Commerce Member about certain negotiations with certain foreign countries. I do not understand how the industrialists in India, who supported the Ottawa Paet, can discriminate between the various countries of the British Empire and within a few days can enter into negotiations with the Government of Java. Of course, it is well understood that the capitalists want to have everything in their own way. In one breath they wanted to ban the foreign teas from entering into British market or for the matter of that of the Empire market, and in the other breath they were negotiating with the Javanese people in order to restrict the protection so that tea can fetch a higher price. I only want to point this out to

those who were so cock-sure at the time that the Ottawa Pact will bring large resources at the disposal of the British Empire, particularly to the representatives of the tea industry. My friend, Mr. James, is not here but he was very vehement in saying that the tea industry of India will profit enormously. If that was so, why are they entering now into this false pact with a foreign government like the government of Java ? I know it is not in the domain of my Honourable friend, Mr. Bajpai, to answer to this point which I have raised but I do hope that the Honourable the Commerce Member who in season and out of season is so emphatic in his assertion that the Ottawa Agreement has benefited enormously the British Empire and the Indian Empire, will now say that the Ottawa Pact has failed to benefit the producers.

The Honourable Sir Joseph Bhore : Sir, I do not wish to say anything except this that if my Honourable friend can not understand a patent fact, nothing that I can say will possibly cause the light to dawn on him.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. T. N. Ramakrishna Reddi, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah 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, my Honourable colleague, the Finance Member, in introducing the Reserve Bank Bill, told the House that it was the most important measure he had placed or would be placing before it during his term of office. I might have made the same claim for this Bill, for I do not think it will probably fall to my lot to ask the House to consider a measure of greater importance than this. The House may think that, in speaking of this Bill and the Reserve Bank Bill in the same breath, I am comparing great things with small. That may be so, but I myself am not prepared to admit that it is. I contend that it is as essential that the industrial development of the new India should be based on a contented labour as it is that its financial development should be based on a sound system of credit and currency, and I am convinced that this Bill should do much to bring about that contentment.

I have already given the House an account of the development of the Bill and it is unnecessary for me to cover that ground over again. There is, however, one stage in that development which I omitted to mention when I last addressed the House on this subject. I am glad to have this opportunity of acknowledging the valuable assistance my Department and I received from a Conference we had with the Chief Inspectors of Factories with whom we discussed the measure in detail last month. It is they on whom will fall the burden of administering

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the new Act and it is for this reason that we thought it desirable to consult them before placing the measure before this House. I would remind the House that although I am asking it to appoint a Select Committee now, it is not proposed that the Committee should meet until January. I have no doubt that if the House agrees to this motion, the Members appointed to the Committee will use the interval carefully to study the questions involved. As I said previously, my Department will be very glad to provide them with a very plentiful supply of literature on the subject.

This Bill embodies a mass of detail. There are, I think, over 70 clauses in it and, in asking the House to send it to a Select Committee, I should like to make it clear that I am not asking the House to commit itself to all and every change in the law that it involves. It is, I think, sufficient that the House should be satisfied that the law relating to labour in factories requires revision and as to that I do not think there can be two opinions. The Act which forms the frame work of the Bill that we are now submitting to the House was passed as long ago as 22 years, when factory industries were far from the state of development they have recalled today ; and when many of the problems now facing us were unexplored or even unknown. Extensive amendments were made in 1922, and there have been no less than three other amending Acts since then. As a result, few of the more important provisions of the 1911 Act survive in their original form. The present Act, it is not going too far to say, is a thing of shreds and patches, and it stands in urgent need of consolidation and also of clarification. But that is not the only need. Government have been aware of defects in the law in certain directions for a number of years past. We have realised, for instance, that the Act gives inadequate protection to workers in respect of safety, health and comfort. Experience of its working has revealed other defects and weaknesses. Further, it countenances hours of work, which, I think every one, even those who are not in favour of immediate change, realises, cannot be regarded with equanimity as a permanent feature of Indian industry, but which represented the limit to which it was thought desirable to go when the provisions in question were enacted.

Finally, the work of the Whitley Commission which probed more deeply into this subject than Government have naturally ever had an opportunity of doing, not only brought to light the need for other changes, but gave valuable guidance towards the framing of a new law. As I am not asking the House to commit itself to any particular provisions of the Bill, even those which relate to hours, it is not, I think, necessary for me to discuss those provisions in detail. I hope that, in respect of, at any rate, most of the sections, the Statement of Objects and Reasons affords a sufficient explanation.

I should like to deal specifically if very briefly with one clause, clause 35, which relates to the weekly hours of work, for it is in regard to that clause that I think there is, to say the least, a considerable possibility of some diversity of opinion. Briefly, our proposals are that, in seasonal factories, the limit of 60 hours should remain ; continuous process factories should be allowed a 56-hour week, which is the normal

limit in such factories at present ; in the other non-seasonal factories, the week should be ordinarily limited to 54 hours. This, it is important to remind the House, was the limit already observed by the majority of the factories to which it is proposed to apply it. But there is a large minority of factories which still work up to the 60 hours limit. This minority includes the bulk of the mills in that very important industry, the cotton textile industry. Now, I should like to state the reasons which have led me to the view that this limit, if it were enforced, would be to the advantage both of industrialists and of workers. So far as employers are concerned, it seems to me that, as I have already indicated, stability in any industry must be dependent on a reasonably efficient and contented labour force. It is impossible to my mind to build a sound industrial structure in India or for that matter in any other country, on a foundation of inefficient work. It is unreasonable to expect any high degree of efficiency or any high degree of contentment from men who have to spend ten hours a day—indeed it amounts to eleven hours if the rest interval is included—within the limits of a factory. Shorter hours are, in my view, an essential condition for any substantial advance in efficiency. Further, I would remind the House that there has recently been a very radical change in the labour position. Formerly there was a constant scarcity of labour and many employers were, therefore, naturally anxious to keep the men they had at work as long as possible. Now, we have the spectacle,—to my mind a regrettable and pathetic one—of men sitting idle outside the factory gates, unable to get work, whilst others inside are required to work an unduly long period.

Turning to the workers, I recognise that for many of those in employment, that is those who are working a longer day, the reduction in hours must mean a definite sacrifice. Industry today in India is unfortunately not in such a position that, if production is reduced, it can pay the same wages as it did before, and until workers can make good this reduction by more intense labour, they must face a reduction from the level of earnings prevalent in the last few years. On the other hand, prices have fallen greatly, and any reasonable reduction that would be required on this account, would not bring the workers' purchasing power below the level of only a few years back. There are indeed signs that, in certain industries, particularly in the cotton textile industry, the employers are endeavouring to secure a reduction in wages before any reduction of hours has been offered or enforced. I believe that even from the point of view of those in employment a reduction in earnings would be a reasonable price to pay for a reduction in toil. The man who spends eleven hours a day in a factory throughout the year cannot be said to live at all. He is a machine and he has not the efficiency of the machine nor has he the incapacity of a machine for suffering.

But these are not the only facts that deserve consideration. There is a considerable measure of unemployment. Many men are idle. Many others have their lives shadowed by the fear of idleness. To the one, reduction of hours would bring new prospects ; to the other, greater security.

Now, I would conclude with a special appeal—and I much regret that my Honourable friend, Mr. Mody, is not here today to give the

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House the point of view of the industry he so ably represents. Nothing would give me personally greater satisfaction than to find that in the time between now and the meeting of the Select Committee this issue has ceased to be a live one, because the principal interests concerned have agreed to accept the shorter hours. At present, as I said just now, there is only one industry which stands in the way, the cotton textile industry, and I am certain that, if the leaders of that industry would fall in line with the proposals embodied in this Bill, there would be little opposition from any other quarter. It is an industry on which re-organisation or, to use the more modern term, rationalisation has been long urged from various parts of this House and by important sections of public opinion outside it, and in which the need of increased efficiency all round is paramount. I venture to express the earnest hope that in the months that remain before the Select Committee meets, it may find itself able to introduce voluntarily a system which, after the initial adjustments have been made, will, I am certain, conduce to the benefit of all concerned, and will give new hope to its many supporters and friends. I realise very fully, and, as the House knows, I can claim some special knowledge of the industry, the difficulties against which it has to contend, especially in its most important centre, Bombay, in effecting a change of this character owing to the absence of leaders who can speak with any responsibility on behalf of labour. But I cannot believe that the ability and energy which built up that great industry are still not present today in such ample measure that they will enable it to make the concerted effort necessary to overcome those difficulties.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. T. N. Ramakrishna Reddi, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah 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. T. N. Ramakrishna Reddi (Madras *ceded* District and Chittoor : Non-Muhammadan Rural) : Sir, I want to suggest a small amendment. I propose that, in place of my name, the name of Mr. K. P. Thampan be substituted.

The Honourable Sir Frank Noyce : I have no objection.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I rise to support this motion. It is very satisfactory to notice that labour legislation has become a regular feature of the Assembly Session. During the last 12 months we have passed the Tea Districts Emigration Bill, Pledging of Child Labour Bill, Payment of Wages Bill, Land Acquisition Bill and the Workmen's Compensation Bill. Now, there is another very comprehensive measure to amend and consolidate the labour legislation in India. This measure, Sir, marks an important land mark in the history of labour legislation in India. I do not know if the House realises that behind this steady flow of labour legislation from the Department of Industries and Labour, there lies the unremitting and unobtrusive work of my friend, Mr. Clow, and I want to take this opportunity of paying him my tribute of appreciation and admiration for the work which he has been doing for the amelioration of the conditions of labour in India.

Now, Sir, I should like first of all to deal with the scope of the Bill. This Bill deals with factories, and the factory is defined as a premise in which manufacturing process is carried on with the help of not less than 20 persons. But I should like to see this definition extended in the direction of reducing the numerical limit. I may remind the House that, as far back as 1877, when the first draft of the Factories Act was made, it included a wider definition of a factory. There a factory was defined as an establishment in which certain manufacturing processes were carried on quite irrespective of the number of persons employed, and now, Sir, more than half a century later, the Government of India seem to be content with a definition which limits the factory to an establishment employing not less than 20 persons. The need for the revision of the Factories Act is very urgent. In the evidence that has been adduced before the Royal Commission on Labour, witnesses have pointed out that the conditions in unregulated factories are generally worse than in the factories which come under the operation of the Factories Act. In these factories, the buildings are usually insanitary, and in the buildings themselves ventilation is very insufficient. Many of these factories work for unlimited hours, they employ children of tender age and working conditions are prejudicial to health and safety of the workers. It is, therefore, necessary, Sir, that as large a number of factories as possible should be brought under the operation of the Factories Act. Sir, as a particularly flagrant instance of unregulated factories, I may cite the instance of *bidi* factories working in Madras. The conditions there are revolting. In view of these conditions in the *bidi* factories in Madras, the Madras Youth League started an inquiry into the conditions of labour in these factories, and the report of their inquiry has been incorporated in the evidence volume of the Report of the Royal Commission on Labour. I should like to read a short extract from that Report to show the conditions prevailing in the *bidi* factories in Madras. This is what it says :

"In short, the condition of the boys in these factories is nothing short of slavery of the worst type. In the course of our surprise visits, not infrequently did we meet with the horrid of boys with their feet chained to logs of wood. On inquiries we found that this practice was quite common and was intended to keep the boys at work and not skulk away earlier than the master was inclined to let them go. And in some of the factories we actually saw the boys being subjected to corporal punishments of the most severe type, even for such ordinary acts of negligence as late coming or absence from work for a day or two. In one factory in Triplicane, which we happened to visit quite often owing to the proximity to the office of our League, with tears in our eyes, times out of number we stood aghast and wondered within ourselves whether nothing could be done to save these boys from the clutches of that inhuman and brutal task masteo. In the factory we are referring to, the manager just in the hottest part of the day takes up a cane and goes on indiscriminately thrashing every boy in the factory. For what fault of the boys ? For no fault. Simply because the manager of the factory apprehends that the boys may be inclined to feel drowsy and therefore his work is likely to suffer if they are not whipped up to activity with the help of the cane. This is a daily occurrence. We ask whether a similar treatment of children of school going age can be found in any civilized country ? What has the Government been doing ? What is the Labour Department for ? Is it not the duty of the Government to save these children from the perdition in which they are now placed ?".

I want, Sir, that factories, where conditions like these prevail, should be brought under the operation of the Factories Act, quite irrespective of the number employed.

[Mr. Abdul Matin Chaudhury.]

out on the second reading. Employers like Sir Sorabji Mehta and the Government of Madras favour an all-India legislation for compulsory maternity benefit, and I think provision should be made for that either by an amendment of the Factories' Act or by another separate all-India legislation. These are some of the points that I wanted to raise at present. As the Bill is going to be referred to a Select Committee, I reserve a more detailed criticism for that occasion.

Mr. G. Morgan (Bengal : European) : I must congratulate the Honourable Member in charge on the clear way in which he has placed the provisions of this Bill, before the House. At the outset I would say that I welcome this Bill as there is no doubt the time has come for a revision of labour conditions. I need not go back to the days when the last labour legislation was passed ; the world has changed so considerably since 1929, economic conditions have changed so enormously that the employers have at last come to the conclusion that labour is human and that labour cannot be utilised merely as a machine and wages paid simply on the number of people who come forward for employment, and the lowest wage possible given. That, I think, has entirely changed at the present day.

My Honourable friend, who has just spoken, has drawn attention to the position in the United States of America. There it is rather different. There, there is the idea of partnership between the employers in the industry and the Government in the first instance. The industry itself has to put up what it thinks it can do in the way of wages, labour, and so on ; the Government criticise their scheme and, if they are satisfied, they accept it. If not satisfied, the Government put up proposals of their own and they both come to an arrangement. However, it is impossible to work on those lines in India at the present moment, but, at the same time everything is tending to a reduction of the hours of labour, and a very important chapter in this Bill, Chapter IV, deals with that subject. My Honourable friend, the Deputy President, mentioned the Washington Convention. Now, the difficulty, with regard to the Washington Convention and other conventions of that description put forward by the International Labour Bureau at Geneva, is to get all countries to agree to them. Unless all countries work more or less on a comparative basis, it is very difficult for one country or two countries or three countries to say "We will work so many hours" when the other countries say : "We will work as long as we like". We cannot complain, if their costs are so low, that they compete with the products of our industries which are working on a lower scale of hours. At the same time I feel so strongly about the hours of labour, it is to be hoped that the other countries will adopt the attitude which many countries have adopted, that labour cannot work the hours that it has been working in the past.

Mr. B. Das : Which countries, do you mean, China or Japan or European countries ?

Mr. G. Morgan : At the present moment, Japan has not ratified the Washington Convention and we are up against various difficulties with that country at the present moment. I am not quite sure whether I caught the remarks of my

Honourable friend, the Deputy President, correctly, just now about machinery. I understood him to say something about the regulation of machinery. If that is so, it is a point which will probably be brought forward in the Select Committee. I do not want to stress it at the moment, but under present conditions it is very evident that some steps may have to be taken in that direction. The Honourable Member in charge made a very pointed remark when he said that without an efficient and contented labour force, employers could not expect their industry to flourish, and I should like to endorse that with all the emphasis at my command. This Act provides for the safety, regulation of hours, and so on, which will go a long way to build up an efficient and contented labour force. There is no doubt that 10 to 11 hours a day of work for labour is too long and, if it were possible to come to an unanimous agreement among employers of labour throughout the world for shorter hours of work, it would be very welcome, but I must emphasize the fact that it cannot be done only in isolated cases, unless we are prepared to run the risk of our industries being so competed against that they cannot continue to work. I would like to endorse the remarks which fell from the Honourable Member in charge and express the hope that the cotton textile industry will really do their best to ameliorate the conditions of labour in that industry. The days are gone when labour was treated purely as a machine. Labour must be treated as human and employers must do their utmost to give labour a fair wage in return for its work, which must be regulated in accordance with prices and living expenses. I do not want to go into details which will be thrashed out in the Select Committee. There is no doubt that Chapters IV and V are a great advance in the legislation for labour in India and the provisions of Chapter III do the utmost to safeguard the health and safety of the workers in factories. With these remarks, I support the motion for Select Committee.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I join my friend, Mr. Morgan, in congratulating the Honourable Member in charge for having ushered in this important piece of legislation which is designed to secure humanitarian conditions for the labour population working in factories. I also associate myself with the remarks which fell from the Honourable the Deputy President when he coupled the name of Mr. Clow in connection with the labour legislation which has emanated so many times from the Department of Industries and Labour. My Honourable friend, the Deputy President, has subjected the provisions of this Bill to an exhaustive criticism, and he is quite competent to do so having made a special study of the subject. I do not want to cover the ground which has been traversed by him, but I recognise that this piece of legislation is an advance upon the present state of things so far as the labour conditions in this country are concerned.

This Bill provides among other things for the medical inspection of the workers, and the proper ventilation of the premises where the workers are employed. Clause 18 refers to the provision of cooling apparatus, and clause 19 seeks to prevent overcrowding of workers in a labour factory. Clause 21 refers to the provision of adequate water supply, and clause 25 refers to fencing of machinery, and so on. Clause 29 gives power to the Local Government to prohibit a child from work-

[Mr. Abdul Matin Chaudhury.]

There is another direction, Sir, in which I should like that the operation of the Act should be extended. Mr. Adams, the Chief Inspector of Factories in Bengal, in his memorandum before the Royal Commission on Labour, suggested that the workers in docks, jetties, and railway sidings should also be included under the Factory Act. His argument was that their work involved great hazards, and there was no reason why these workers should not get the benefits of the protection which is given to workers in factories. I hope, Sir, the Select Committee will give due consideration to these suggestions. So much, Sir, about the scope of the Bill.

Now, the most important change that has been made in the Bill is with regard to the hours of work. At present the legal hour is 60. In the Bill, it is proposed to reduce the hours to 54. I may remind Honourable Members that when the Washington Conference adopted 48 hours for workers for all industrial countries, 60 hours limit was fixed for India having regard to the special condition that is supposed to exist in this country. Now, Sir, many industrial countries have adopted the convention of 48 hours a week. This recommendation of the Royal Commission of 54 hours a week is not an unanimous recommendation. My friend, Mr. Joshi, and Mr. Chaman Lall and Mr. Cliff have supported 48 hours a week for India. Now, whatever justification there may have been for the recommendation of the Royal Commission of 54 hours a week, I think, as the Honourable Member in charge has pointed out, circumstances have changed since the Commission made its recommendation. A normal industrial condition was the basis of the recommendation of the Royal Commission, and that normal condition has been disturbed very seriously by the world wide depression. It has aggravated the problem of unemployment, and also the question of reducing the hours of work has become a burning question with the workers all the world over. This question is now being examined not merely in its social aspect, to afford more leisure to workers, but it is being seriously considered in its economic aspect as a means of relieving unemployment. Considering the gravity of the situation, the International Labour Conference at Geneva summoned a Tripartite preparatory Conference in the early part of this year to deal with this question. I think in that Conference all the States except India were represented, and there they passed a resolution recommending 40 hours a week as a means of relieving unemployment. I am not going to discuss the social consequences of unemployment or its pernicious effects. But I think it will be generally recognised that every effort should be made to afford opportunities of employment to as large a number of workers as possible. In every country very serious efforts are being made to collect statistics about unemployment and to deal with this problem. In our country the unemployment is chronic; is on a titanic scale, and it baffles statisticians, and it is necessary that the problem of reducing hours of work should be viewed, not merely as a temporary expedient, but as a permanent measure. While the whole world is moving towards a 40 hours a week, I think the Government should give serious consideration to our suggestion of at least making 48 hours a week for India. Here I want to anticipate one argument which is usually employed by the employers with regard to the reduction of the hours of work. It is always urged that the reduction of hours of work should be accompanied by a reduction in wages also. The Labour Commission, which recommended a reduction in the

hours of work, did not recommend a simultaneous reduction, in wages also. Reduction of wages means a reduction in the purchasing power of the worker; it means a reduction in his standard of life; and surely, this is not the object with which the Factories' Act is being amended. The Geneva Conference, which dealt with this problem, have specifically recommended that in any measure, that might be adopted for giving effect to 40 hours a week, the standard of life of workers must be maintained.

Mr. B. Das (Orissa Division: Non-Muhammadan): May I just enquire from my Honourable friend whether he does not wish to accept a reduction in wages of workers in view of the low level of prices prevailing in the country?

Mr. Abdul Matin Chaudhury: Just to show how higher wages are compatible with reduced working hours, I may draw the attention of my Honourable friend, Mr. Das, to what is happening in America today. They have passed the Industrial Recoveries Act, and General Johnson has been appointed the Administrator of that Act. He has called upon all industries to furnish codes for increasing wages and reducing the hours of work. The first code that has been produced under that Act is the Cotton Textile Code, and, under that code, the wages have been increased by 30 per cent., and the hours of work have been reduced by 25 per cent. Again, in the case of the steel industry, they have fixed working hours at 40 hours a week. When it was suggested to General Johnson that he should adopt 48 hours a week, he refused to consider that proposition and said it was too long. In view of all these facts, it sounds like an anachronism to suggest 43 hours a week for India, but, our conditions being what they are, we should be grateful if even this modest suggestion of ours is adopted.

Coming next to the question of health and safety, it is satisfactory to find that the Government have invested the Factory Inspector with power to adopt measures for mitigating excessive temperature in factories. It is also satisfactory that they have given power to the Local Government to demand a certificate of stability when new buildings are constructed or any structural alteration is made. But I have not been able to understand why the Government have declined to give the Local Government power to issue welfare orders. The Royal Commission was very much impressed with the usefulness and efficacy of these orders from their experience in England and they recommended that the Local Government should be given power to issue welfare orders in matters pertaining to the welfare of the workers. The reason given in the statement of Objects and Reasons is unconvincing. With regard to health and safety, there is another amendment that I should like to suggest in the Factories' Act, which has not been made—I am referring to the question of compulsory provision for maternity benefit. In the Bombay Presidency, the maternity Act is in force.

Mr. A. G. Clow: (Government of India: Nominated Official): And elsewhere.

Mr. Abdul Matin Chaudhury: In the Central Provinces, I understand, the one non-official Member introduced a Bill, but I do not know if it was passed there. In the Bihar and Orissa Council a non-official Resolution was passed by that Council to the effect that compulsory maternity benefit should be introduced. In this House also, my Honourable friend, Mr. Joshi, introduced a Bill which was unfortunately thrown

[Mr. Gaya Prasad Singh.]

ing in a specified class of factories. This is also a very important provision in this Bill, and is calculated to secure the health and the well-being of young children who are made to work in the factories at a very early age. With regard to clauses 35 and 37, I feel that the hours of work is a little longer. I do not know whether it would be possible in the Select Committee to go into this matter very carefully, and to see whether more relief to the labourers could be given in this direction. I am speaking, of course, off-hand without studying the labour conditions in the legislation of other countries. But this is a matter which should be threshed out in the Select Committee.

Now, clause 47 prescribes that extra pay should be given to workers for working over-time or for working on Sundays which are declared as holidays. I am sorry that the cotton textile industry in this country has not seen it fit to introduce wholesome labour conditions in their factories. The warning which has been uttered by my Honourable friend, Sir Frank Noyce, will, I hope, have the desired result, and labour conditions in this industry will generally improve to an extent which will secure adequate humanitarian conditions to the labour population working in factories. This Bill is based on the recommendations of the Royal Commission on Labour. I regret that my friend, Mr. Joshi, is not here as he would have spoken with some authority on the subject. But I find that, on the whole, without committing myself to all the provisions at the present stage, I am prepared to let this Bill go to the Select Committee.

An Honourable Member : If you let this Bill go to the Select Committee, you are accepting the principle of it.

Mr. Gaya Prasad Singh : Yes, I accept wholeheartedly the principle of this Bill which aims at securing a humanitarian improvement in the conditions of the labour population of this country. I find from the preamble of this Bill that it aims to consolidate and amend the law regulating labour factories ; and the provisions which I have read out are designed to secure improved conditions for the labourers who are working in the factories at the present moment. I, therefore, wholeheartedly support the principle of the Bill. I hope that whatever deficiencies there might be in some of the clauses or whatever other improvements may be deemed to be necessary will be carefully looked into by the Select Committee, and, when the Bill comes out from the Select Committee, I hope, it will be an acceptable piece of legislation in the interests of the labour population of this country.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I am neither a capitalist nor do I represent labour. I represent the poor tax-payer and consumer. Therefore, I will take a dispassionate view of the whole situation. Since I came to the Assembly, we have been bombarded with all kinds of labour legislation, legislation for restricting the freedom and liberty of the people, legislation for increasing the taxation and the cost of living of the poor consumers. I have not seen a single Member of the Treasury Benches producing any legislation by means of which the people might become more prosperous, by means of which the nation-building departments might be strengthened and also by means of which the economic

condition of the people might be improved. Sir, much has been said and good many Members have posed themselves as the champions of labour. But when they began to define their attitude, they simply concentrated their attention on labour engaged factories and Government Service. But a very large number of labourers in India are really the agricultural labourers and I would like to ask my Honourable friend on the other side of the House what have they done to improve the condition of the agricultural labourers. The number of the labourers in factories is very small not even one in ten thousand as compared to the number of labourers working on the agricultural fields. Now, those people are not getting even one meal a day. You are looking after the health of factory workers so that these persons may not suffer from diseases, but what have you done for the agricultural labourers who are starving in millions ? Whenever any question with regard to the agricultural labourers is brought on the floor of the House, the Members on the Treasury Benches remain silent. I would like to say one thing and I don't mean to make any reference to Mr. Clow, for whom I have great respect, not only because he represents my province, but also because he is a brother mathematician and we were contemporaries in Cambridge. I emphasise the fact that the recommendations of Commissions, must be examined on behalf of Government by persons who have neither been members, nor the Secretaries of Commissions. They must be examined by disinterested men. Commissions sometimes take one sided view and outsiders can interpret in the two perspective. As an illustration, I would like to give in example a case given by my friend, Mr. Abdul Matin Chaudhury, about the employment of child labour. But, before I give that illustration, I would like to narrate a story. A person dreamt something and said that half of his dream was correct and half was incorrect. People asked him what his dream was. He said : " One man gave me a slap and also a rupee. But, when I got up, I had the mark of the slap, but the rupee was missing." The same is the case with this question of child labour. Commissions and supporters of labour always emphasise, following the example of Europe, that children should not be employed in labour, but they forget one important thing. In Europe they have compulsory education. Boys are expected to visit ordinary schools and industrial schools, and they are not expected to work in factories. The case is different in India. We have no provision for compulsory education. Places are provided in school for about 7 per cent. of the children, the remaining children remain at home or waste time in unhealthy Societies. So, if you do not employ them in factories, their morals will be spoilt. If you provide schools for them, then I will certainly endorse all these recommendations about child labour. But you provide no occupation for them, no schools, no healthy recreation ; yet, at the same time, you come forward and say that they should not even take some work. Then you are not showing any kindness to them. You will be spoiling our children and they will not be good and industrious labourers afterwards. Sir, one very important point has been ignored by all the speakers who have discussed this question. In European countries, the work is done by means of machinery. In India, the work is done by means of hand. The work done by means of machinery in India is infinitesimal as compared to the work done by hand. If you increase the cost of labour, then the cost of production will be increased. Then

[Dr. Ziauddin Ahmad.]

we will not be able to compete with other countries which are producing in large quantities by means of factories. The next thing which also should be borne in mind is that the strain on a labourer working in factories is much greater than the strain on a man who is working in cottage industries by means of his hands.....

The Honourable Sir Frank Noyce : I am sorry to interrupt the Honourable Member, but that is exactly the reason why we are considering this legislation.

Dr. Ziauddin Ahmad : The strain is much less in the case of cottage industries than it is in the case of machinery. So it is not fair to apply the same rule about the hours of work in the case of cottage industries to the labourers in these factories.

I should like to draw the attention of the House to clause 5 of the Bill which perhaps the Select Committee might alter. The clause reads :

Power to declare small ventures to be factories.

"(1) Notwithstanding anything contained in clause (j) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises whereon a manufacturing process is carried on, whether with or without the aid of power, and whereon, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

Even if you employ ten persons even for one day in a year, then it becomes a factory and all the rules of this legislation will be applicable to it. This is a very hard provision, because we always employ ten persons even in a very small undertaking of domestic nature. Sir, I am not opposed to giving facilities to labour and I do not stand to oppose this measure. But for goodness sake, I do beseech that we should have certain principles on which we should proceed to legislate. In the legislation before us I see lack of principles. What is the principle underlying this Bill ? Do you want to unite all the labour in India and make them work against the capitalists so that there may be collision between the two, capitalists dragging on one side and labour dragging on the other ? Is this the situation that you visualise for this country ? You have planted on our soil a number of western institutions. This tug-of-war between capital and labour was unknown in India before the advent of the British institution. Formerly there were no troubles between the employer and the employee. Their interests were identical and they helped each other as if members of the same family. It is only after the European institutions were implanted in our land that these troubles arose. Hitherto the capitalist and labour were living in peace. The capitalist looked after the interest of labour and the labour worked loyally for the employer. It is only now that the tug-of-war has increased day by day between the employer and the employee. There should be certain principles that should guide us in the matter of this legislation. I submit that we should work on two principles. The first is this. If the labourers work harder and more profit is realised by the capitalists, then the profit should not be the sole property of the capitalists, but it should be distributed proportionately amongst all persons who have contributed to earn the profits. That is to say, the capitalists may have a certain proportion of the profit, say, equivalent to the bank rate of interest or slightly higher, and the balance should be given as bonus to all the persons who were engaged in that particular trade and who helped to secure

that profit. That, I consider to be one way in which this problem could be solved. But no attempt has been made till now in any Legislature so that the excessive profits of the capitalists could be divided among the workmen and others who helped to earn this excessive profit. If this is done, the workers would willingly come forward and do the work cheerfully and thereby reduce the cost of production which will result in the increase of profits to the employers and labourers. That profit will be divided not only by the owners of factories, but also by the persons who help in producing the things. This is one method by which you can really solve the problem of capitalists and labour. Can my Honourable friend, the Labour Member, even think of imposing 48 or 54 hours on himself ? The second way in which we can solve the problem is by the method followed by Hitler in Germany. There he is trying to unite capital and labour. It is rather a curious thing that he does not believe in these international labour unions uniting together, nor in international capitalists uniting together. He wants all the people in Germany to unite together, capitalists and labour. I would not preach the example of Russia, because this example, to my mind, is bound to fail. It will never succeed in any part of the world. Some people believe that Bolshevism may find its way into this country. But I never believe that it will. I think Bolshevism will get itself drowned sooner or later in the Baltic Sea. I have got my own reasons for thinking so and, if necessary, I can substantiate what I say. These are the two methods by which we can solve the problem of capital and labour. The method which the Department of Labour is pursuing is not the right method. They are simply following the recommendations of a Commission which they appointed. The Commission has simply copied the drawbacks of capital and labour in European countries and attempted to plant all those drawbacks on our soil. It is a fundamental mistake that the Government, instead of going forward, should be going backward and we ought to be very careful about the methods we pursue in this country in the matter of the solution of the labour problem. We have already had enough of these labour legislations, and let us have some legislation to improve the economic prosperity of our country and let us have some legislation so that we may have our daily bread, which we are not having. Let us have some legislation so that agricultural labourers can get two meals a day which is denied to many. The Government are doing nothing for them. The Government are really raising the cost of production and making life more complicated than it is at present. My Honourable friend may say that if you do not have any legislation, then the workers will go on strike. I submit that this strike is itself a western institution which was unknown to us before the British came to this country. First you have produced a situation and then you want to find a solution.

Mr. B. Das : Sir, I wish to refer only to one passage in the speech of my Honourable friend, Mr. Abdul Matin Chaudhury. I congratulate him on his able defence of the cause of labour and I regret that my Honourable friend, Mr. Joshi, is not here to speak on the floor of this House in the cause of labour and put forward his views. My Honourable friend, the Deputy President, said that we in India should follow the American practice and reduce the working hours of the workers and, at the same time, increase their wages. Sir, I do not know if India today or ten years hence or twenty years hence—even if we have a socialist Government as advocated by Pandit Jawaharlal Nehru were set up, —I do not know if India would adopt the American method. I understand the

Mr. B. V. Jadhav: That will be out of place on this occasion.

Sir, I was saying that in these circumstances it is very difficult to ask the labourers to accept a lower scale of wages. If an appeal is to be made, it ought to be made to the capitalist to accept lower dividends and lower profits. My Honourable friend, Dr. Ziauddin, wants to have factories working on the co-operative principle. I do not think, Sir, that the climate of India is suitable for the co-operative principle. We have got in operation here the principle of co-operation of the wolf with the lamb. The wolf said to the lamb : " Come on, let us make a pact and we shall work together." The foolish lamb accepted the proposal and the next day the lamb was found inside the wolf. That is the sort of co-operation that is prevalent in India, and my friend, Dr. Ziauddin, has been extolling the present situation and he wants to bring about a millenium. He said that in ancient India there were no strikes, there were no quarrels among the employers and employees. But what was the condition of the employees ? They did not know their rights ; there was nobody to tell them what their rights were. They worked merely as slaves and they ultimately died as slaves. They could not raise a voice; they could not unite, because they were not allowed to unite. The condition of slaves in America and other parts of the world, where slavery was rampant, was also of the same sort. The slaves were not allowed to unite ; the slaves were not allowed to go on strike, and so the labourers in ancient India were not allowed to go on strike and were not allowed to unite.

I remember the days when in Bombay a mill labourer was obliged to work for sometimes 13 or 14 hours a day, and Sunday was not at that time prescribed as a compulsory holiday. The first Factory Commission introduced some benefits, but even now the legal hours of work are ten a day. You can imagine what the effect is when the labourer has to work in a warm atmosphere continuously for twelve or ten hours. I welcome the change that is now introduced in the Bill that the weekly number of hours of work should be reduced to 54 ; and I join with my Honourable friend, Mr. Abdul Matin Chaudhury, in urging that the hours should be reduced still further to 48, and not stop at 54. I should like to say something about the word " factory ". In clause 2, the definition of " factory " has been modified so as to cover those establishments which, although they employ more than 20 persons, do not employ that number simultaneously. What is the definition put in here ?

" ' Factory ' means any premises whereon a manufacturing process is carried on with the aid of power, and whereon twenty or more workers are working, or were working on any day of the preceding twelve months but does not include a mine subject to the operation of the Indian Mines Act, 1923."

I do not think that the word " simultaneously " has been introduced in that definition.

Mr. A. G. Clow: It has been omitted.

Mr. B. V. Jadhav: I see. The condition of the labourer is very bad indeed, and the Members of the Labour Commission drew the same conclusions. It is a matter for congratulation that Government are taking seriously to labour legislation and doing so much for ameliorating the condition of the poor labourers. Maternity benefits are now allowed by legislation in Bombay and the same thing has been done in some other Provinces. I wish that the Government of India would undertake

legislation on this subject and make the benefits available for labourers all over the country. With these few words, I support the motion.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to support the principles of the Bill and am of opinion that it should go to Select Committee for consideration. Men of different widely divergent views have spoken about the merits and demerits of the Bill. The labour leader, the Honourable the Deputy President, who adorns the Chair at the present moment, has stated his views before the House. Unfortunately, though I was not present at the time of his speech, still I can well imagine what was uppermost in his mind, considering his activities about the welfare of the labour population. That great social reformer from the province of Bihar, my friend, Mr. Gaya Prasad Singh, has also stated his views. We know his activities have always conduced to the benefit of the people at large in this country and his zeal for social reform has kept him away from his home for months and years. He has been attempting of late to humanise the Penal Code by doing away with capital punishment : I do not know whether he will lay his hand on other obnoxious sections of the Penal Code and also have them eliminated from our Statute-book. Then we have heard that great engineer who now claims to be a socialist, Mr. B. Das. He has asked us to reduce the wages as we have reduced our own standards of living. If I may be permitted to say anything personal, without meaning any offence, I may say that example is better than precept. I have seen Mr. B. Das for the last ten years, and I can say that his wants have increased day by day and his luxuries also. I saw him with a dirty *khaddar* coat when he first came to the Assembly, but now I find him .....

Mr. B. Das : Only in party meetings.

Mr. Amar Nath Dutt : In party meetings and in the Assembly also in that blue *khaddar*. He has asked for lowering the wages of labour. That is not a socialist point of view. I beg to submit that we must raise the standard of living of labour. Then, we have heard that great economist, a great mathematician, and a Wrangler to boot, who has pleaded for the agricultural population. Indeed, here, I am at one with him. Although I am giving my full support to the principles of the Bill, I wish that the Bill had covered the case of agricultural labour also, because as every one knows they form at least 80 per cent. of the labour of India .....

Mr. B. V. Jadhav : How to approach them and deal with them ?

Mr. Amar Nath Dutt : Of course not by introducing legislation, which you intend to introduce, of doing away with the provisions of the Penal Code about miscarriage and by legalising them, but by giving them more food and better lodging and more wages.....

Mr. B. Das : Do not forget that Mr. Jadhav was Minister of Agriculture.

Mr. Amar Nath Dutt : I know that. My friend, Mr. Das, has reminded me that Mr. Jadhav was Minister of Agriculture ; but he has given us a vivid picture of the slum population of Bombay ; and he has asked us to give them better wages and other things.....

Mr. B. V. Jadhav : Many of my relations are there.

Mr. Amar Nath Dutt : In the slum population, I do not think ?

Mr. B. V. Jadhav : Yes ; I am not ashamed to own that.

Mr. Amar Nath Dutt : It must be a very democratic society where we find one gentleman getting Rs. 64,000 a year and another of the same family getting only Rs. 200 a year living among the slum population—one living in a palace and another living in a hovel : that must be a very strange society.

Sir, he has pleaded with all the earnestness at his command as a social reformer for the saving of life in maternity cases. I am entirely at one with him, and I hope that some means will be found to reduce the mortality in maternity cases, but I am not one of those who can agree with him—for I have not yet cut my cables from the orthodox community,—when my friend says that there should be no punishment for miscarriage.....

An Honourable Member : He wants to legalise it.

Mr. B. Das : Birth control.

Mr. Amar Nath Dutt : My friend believes probably in birth control having had experience of it from his short married life of a few years, but I am not one of those who can agree with him.

Then, Sir, it was said by the Honourable the Ex-Minister from Bombay that the climate of India was not suitable for co-operation, and that co-operation would be the co-operation of the wolf and the lamb. I could not exactly follow my friend.....

Mr. B. V. Jadhav : I said co-operative factories.

Mr. Amar Nath Dutt : What he means by co-operative factories, I do not know.

Mr. B. V. Jadhav : If my friend does not know that, I think he should sit down.

Mr. Amar Nath Dutt : I think my friend is perfectly right in asking me to sit down so that he may have a safe passage for his revolutionary social legislation. Sir, co-operation is the one thing needed in every matter,—co-operation between the rulers and the ruled, co-operation between the Minister and those ministered, co-operation between capital and labour, in fact co-operation is necessary in all matters in this world, but I do not know what my friend has in his mind, when he asked me to sit down. However, what I was submitting was that all these safeguards which are meant for labour in factories are equally necessary for agricultural population on which my friend, Dr. Ziauddin Ahmad, laid so much stress. Cleanliness, ventilation, artificial humidification, cooling, prevention of overcrowding, light, water and all these things are as much necessary for the agricultural labouring population as for the factory labourers. However, if we cannot get the whole loaf, we should be satisfied with at least quarter of it, and, therefore, I accord my wholehearted support to the motion that the Bill be referred to Select Committee.

Mr. A. G. Clow : Sir, I must acknowledge with gratitude the very kindly reception which has been given to this Bill. There is a saying

among those who have been brought up as labourers that no one who has not worked with his hands can really enter into the skin of labour or feel as labour feels, and I suppose that is the position of every one here, except perhaps my friend, Mr. B. Das.

Mr. B. Das : I have worked with my own hands.

Mr. A. G. Clow : I excepted you ; But I think it is a very happy augury for the new India that is coming that a Bill of this kind has evoked so much interest and has received so much support in a House of this character.

You, Sir, raised the question of the small factories and I admit that that is a very pertinent, if also a very difficult, question. There is in clause 5 of the Bill a provision which enables Local Governments to bring certain small factories within its scope, but that would not suffice to deal with the factories which you, Sir, had in mind. I think the answer to the suggestion that they should be dealt with here is that, as the Labour Commission have suggested, it really requires a separate Act. It is an extraordinary difficult subject for many reasons ; whereas a millowner cannot remove his factory from one spot to another, nothing would be simpler than for the small *bidi* factory owner, if you were to detect him of improper practices, to move to some other place. Nothing is simpler also than to split up those factories. You cannot split up the ordinary factory using machinery without incurring a loss. After we have made some progress with the question now under discussion, it will be necessary to consider what is to be done about those factories.

You suggested also, Sir, that docks should come within the scope of this measure. That is a matter which has been considered, but the problems in docks are distinctly different, and it is proposed to tackle them separately. The Honourable the Leader of the House this morning said that he intended to introduce a Bill in the current Session to provide for safety in docks, and that will represent an important step on behalf of labourers of that kind.

Dr. Ziauddin Ahmad : So another Bill is coming.

Mr. A. G. Clow : You suggested also that a 48-hour week is preferable, and other Honourable Members agreed with that view. I am not going to try and defend the hours suggested in the Bill as ideal ; but I suggest that, even from the point of view of labour, the attempt to introduce 48-hours just now might be extremely dangerous. There were those who expressed the opinion, it was perhaps more of a hope than an opinion, that a reduction in hours need not involve a reduction in wages. But I think even they would agree that if we went straight to a 48-hour week, it would mean a reduction in wages, and one that would appreciably affect the standard of living which our workers enjoy.

My friend, Dr. Ziauddin's speech I found a little difficult to follow. His charge, as far as I could understand him, was that whereas we do a great deal for labour, and particularly industrial labour, we do nothing for the improvement of the bulk of the peolpe in the country....

Dr. Ziauddin Ahmad : I meant agricultural labourers.

Mr. A. G. Clow : Including agriculture. Well, Sir, Government must work in the sphere allotted to it. He seemed to traverse, if I heard

[Mr. B. Das.]

socialist doctrines of Pandit Jawaharlal not in the way that my Honourable friend, Dr. Ziauddin, does. If I understand Pandit Jawaharlal properly, he wants the income of all people to be equal and that people should adopt the simplicity of rural life. But my Honourable friend, the Deputy President, wants less working hours and, at the same time, higher wages for the working classes. He does not understand why the Honourable Sir Frank Noyce referred to the fact that wages also should be rationalised if in no industry, in the Cotton Textile Industry. Sir, I have no defence for the millowners in this country, but, I submit, if the millowners today are suffering from certain diseases, one of the diseases happens to be the high wages that they pay to their workers.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Is that really so ?

Mr. B. Das : That is my view, but I should like to be corrected by my Honourable friend when he speaks. If we look at the index prices of food stuffs and other commodities that the working classes need today, we find that although a few months ago it was almost the same as the pre-war level, today it is something above 10 to 12 per cent. higher. But what are the wages in the factories ? There also the wages have gone very high. I do not say that the wages should go to the pre-war level. That is not my intention. At the same time, I say those high rates of wages came into existence owing to strikes in factories and also high level of prices after the Great War. The wages should be revised and the employers have the right to seek the co-operation of the representatives of labour in India. The labour in India can accept a rational basis of wages so that the industries do really prosper and so that the industries do not come so often to my Honourable friend, the Commerce Member, for protection. If industries clamour for more protection, one of the evils today is that the Indian workers are getting a scale of wages which is not commensurate with the standard of living of all the people in the country and which is not commensurate with the efficiency of the particular industries. Three years ago, we clamoured for retrenchment in all departments. The salaries of high officials of Government were also reduced, but I have not found that the representatives of labour, either in Bombay or Calcutta or Coimbatore or Madras, have accepted or have come forward themselves to say that the price level has gone down and they will accept a low scale of wages. I am not offering any criticism to throw cold water on my Honourable friend, Mr. Abdul Matin Chaudhury, or on the representatives of the workers, but I think the time has come when we have to face fairly and squarely the fact that the high wages that are prevalent in the factories and mills do contribute to the present clamour among the industrialists for protection or for not improving the condition of the working classes or for not reducing the prices of articles produced. My Honourable friend, Mr. Abdul Matin Chaudhury, knows that even the prices of cotton piece-goods are today almost at the same price or 10 or 15 per cent. higher than they were before the war or in the early period of the war. Prices have gone down and the working classes, I believe, are really "national". They do not live on foreign articles, so far as the price level has gone down as low as possible. If we in our daily life have accustomed ourselves to adopt a lower standard of living than we were accustomed to three or four years ago owing to the great economic depression that is affecting the world and India, I do appeal to the working classes that they will see their way to accept a lower rate of wages so that the industries can be self-supporting and, at the same time, those who control these industries can give them the benefits which my Honourable friend, Sir Frank Noyce, has provided for them in this Factories Bill. Sir, I join in congratulating the Honourable Member for Industries and Labour and also my Honourable friend, Mr. Clow, for bringing out this Factories Bill so expeditiously. I hope it will receive unanimous support from all sides, from the representatives of labour as well as the veteran fighters on behalf of the capitalists in this House.

Mr. B. V. Jadhav : Sir, I am sorry that the President of the Millowners' Association is not at this time present in the House. Had he been here, my friend, Mr. B. Das, would have been a thorough democrat. Now he realises the responsibility of assuming the role of a democrat and a plutocrat at the same time.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

And his speech just now has convinced me of the truth of the allegation by Mr. Mody that Mr. B. Das is at heart a capitalist.

Mr. B. Das : I am only an engineer, I am not a capitalist.

Mr. B. V. Jadhav : All that Mr. Das urges is that the labourers in the factories, specially the weaving factories in Bombay and Ahmedabad I think, should accept a lower scale of wages. It is a very good suggestion indeed ! But has my Honourable friend, Mr. B. Das, ever laid his feet in the chawls occupied by the labourers ?

Mr. B. Das : I lived in Bombay for ten years.

Mr. B. V. Jadhav : In Malabar Hill ? Most of the capitalists are living in Malabar Hill as Mr. B. Das once did ; and from that high hill perhaps he looked at Parel and other localities inhabited by mill hands and is now drawing a very rosy picture of the splendid condition in which they are living and he considers that a reduction of 10 or 20 per cent. of the wages would not matter very much.

Mr. B. Das : I did not say that, I only appealed.

Mr. B. V. Jadhav : You may appeal, but the empty stomachs cannot accept that appeal. If you want to appeal, appeal to the capitalists who are rolling in Rolls-Royces and are living in expensive bungalows on Malabar Hill. These poor men do not get a decent room to live in ; the rents in Bombay are very excessive, and the labourers and their wives and children have to huddle themselves together so much so that the area they inhabit is the slum area. There is a very heavy mortality from tuberculosis, and the infant mortality and the mortality among the maternity cases is simply appalling.

Dr. Ziauddin Ahmad : May I ask the Honourable Member one question ? Have the Government done anything to solve the housing problem in Bombay ? It is certainly not the business of millowners.

Mr. B. V. Jadhav : That is a different question altogether. I am neither an advocate of Government nor an accuser of Government.

Dr. Ziauddin Ahmad : Is it not the legitimate duty of Government to solve the housing problem and not of the capitalists ?

[Mr. G. S. Bajpai.]

opportunity to watch the reaction of the Muslim public generally to the Bill as it had emerged from the Select Committee and watch also the subsequent events. So far as the reaction of the Muslim community to the Bill is concerned, if Muslim newspapers are an index of it at all, it would appear that a considerable number are in favour of our proceeding with the Bill, some of them want changes made in the Bill, and two say that the Bill be not proceeded with at all. As regards events, we have had information that pilgrims, especially pilgrims from up country, continue to suffer at the hands of at least some of the more unscrupulous *muallims*. We had, for example, a report from Bombay that last February some pilgrims went from up country. They were met at the station in Bombay by a relation of theirs. There were rival factions of these *muallims* who were competing for the favour of these gentlemen, but inasmuch as the relation happened to be conversant with these *muallims* and their ways, he wanted to choose somebody who would really look after them. The disappointed *muallims* set upon him, belaboured him, and, I believe, he was actually hurt, though I do not know whether he went to a hospital. That being the position, we thought the best thing would be to send back the Bill to the Select Committee in order to enable them to take into account the suggestions for amendment that had been made, to reconsider the doubts which they had themselves felt as regards certain provisions in this Bill, and also to take account of the fact that there is really a necessity, at any rate, to some extent, to provide for the regulating of the activities of these persons. That is all I have to say at this stage. I hope the House will accept my motion.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommitted to the Select Committee."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I cannot understand why Government are so keen in the matter of *muallims*. We have suggested many things on the floor of this House for the benefit of pilgrims, but I always found that Government were not prepared to accept them. The Government, in spite of our opposition, want to thrust down upon us this kind of legislation. My Honourable friend has just now suggested that some newspapers have supported this Bill. I say that only those newspapers who get advertisement from Government have supported it, and I believe that those newspapers who have supported Government in this connection have not opposed any Government measure for a year or more.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : What about Sir Abdur Rahim ?

Mr. M. Maswood Ahmad : He is not a newspaper. (Laughter.)

Kunwar Hajee Ismail Ali Khan : What about his opinion ?

Mr. M. Maswood Ahmad : That is his personal view. You would have seen in the papers, Sir, that a Hedjaz Day was observed throughout India, and so far as Bihar is concerned, I can say that about 75 meetings were held in different places. I have got the paper *Muslim* with me. In the *Al-Jamiat* as well the names of the places and the President who presided over the meetings have been published. They protested against the measure. The *Al-Jamiat* and other papers have written long articles. The Jamiat-ul-Ulema, which is the representative body of our religious men, passed long resolutions in Moradabad against this Bill.

It is true that the Haj Inquiry Committee has recommended such a measure, but as I said long ago, there were two kinds of reports. In spite of our demand, Government are not prepared to submit that report. We asked the Government to keep a copy of what is called the confidential report in the Library, but Government are not prepared to do so. On a previous occasion the Honourable Member, who was a member of the Haj Enquiry Committee, admitted in his speech that there were confidential recommendations written at the suggestion of Government.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sayyid Murtuza Sahib Bahadur made that statement. He called it a recommendation, but my information is that this is a report. I do not know what has been written in that report about this measure. The other day, my Honourable friend, Mr. Bajpai, said that he was not aware of that report. It is not good on the part of my Honourable friend, being a part of the Government, to say that he was not aware of that report. If he is actually not aware, he has no right to speak any more on this subject. Further, I put a supplementary question the other day and my friend said : "If there is such a report, ..." I did not want those qualifying words. I wanted to know whether there was such a report or not. Then, my friend said that he was not prepared to add anything. That means that there is some confidential report, but for some reason, best known to them, they are not placing it in our hands. We want to know what has been written there about these *muallims*. Unless we see that report, we cannot accept this Bill at all.

You will find that people who will give any sort of advice without having a licence will be punished under this Bill. The Bill says :

"Whoever, not being a licensed pilgrim guide, for a consideration or in the hope of a reward, advises or assists or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both."

Government do not stop there. They want something more :

"Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved the Court may presume that the accused acted in the hope of a reward."

This is very hard. If they do not succeed in proving that a man has taken a reward, then, instead of giving the benefit of doubt to the accused, they say that the Court will presume that the man has advised in anticipation of a reward.

A further objection is that the Jamiat-ul-Ulema and other people in the country fear that Government want to control not only the activities of these bogus *muallims*, but that they want to control the real *muallims*. They want some sort of control over the Hedjaz by licensing them, and this we cannot allow at the moment. All the Muhammadans in this House

[Mr. M. Maswood Ahmad.]

and outside are all unanimous on this point, that Government should not take the control of the Hedjaz.

Sir, when a *muallim* will not be agreeable to them, no licence will be issued to him. Government want some sort of control and influence over these people. There is not absolutely a single case of cheating against a *muallim*. Then, what is the foundation on which you say that this Bill is required ? All Muhammadans say that this Bill is a bad measure and it is an interference with religion.

My Honourable friend, Sir Brojendra Mitter, once said : " They want to have a Bill for those who do not want it ". I want to present the same sentence to my friend. They have now brought forward a Bill for those who do not want it and for those who do not require it. The Mussalmans do not want it. Those, who are habitual supporters of Government, will support the measure. Government should not rely on their support.

(Major Nawab Ahmad Nawaz Khan rose to interrupt.)

You will have your own time to speak and I know what you will say. Sir, if Government want to demolish a mosque, certainly a section will come forward and say that this is not an interference with religion, but they should not rely on such support.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : What is the opinion of your own Leader, Sir Abdur Rahim ?

Mr. M. Maswood Ahmad : I say there are many Mussalmans here who shave their beards. I myself keep small beard. There are others who drink and who do not say their prayers, but what can we do of them ? We are not responsible for all. Some one do intentionally, others do by mistake. My Leader, being a man like others, can commit errors. He is my Leader in politics, but not a religious head.

Now, Sir, India is advancing very rapidly. Rightly it was said the other day by my Honourable friend, the present Law Member, that the reformers wanted to swallow the Hindu religion. This is not the case with our Hindu friends only, but there are Muslim friends also who want to swallow the Muslim religion.

Sir, Government are not ready to circulate this Bill. There is much difference between circulation and publication. Had they circulated it and had they got opinions from Muhammadans that they supported this measure, I would have nothing to say. But the mere sending of this Bill to the Select Committee will not be of much use, because it will go to the same Select Committee which has suggested that this measure should not be proceeded with, I think Government hope this time to carry the day. As far as I remember there was a definite understanding that this measure would not come before the Assembly again. I hope, my Honourable friend will remember that when the proceedings of the Select Committee were written, the man who wrote those proceedings had to cut out all the provisions which you find now. I do not think my Honourable friend can dare to contradict me on that point. The whole thing was cut out and the only thing left was that there was no need to proceed with this Bill. Afterwards, my friend requested me and others to recall that, as we had spent so many hours on this Bill, it was better that

they had all these things for the guidance of the Government. I myself told him that if Government were not proceeding with the Bill, there was no harm in having any thing, they liked. On this suggestion this note was added.

Now, Sir, we do not know whether Government are having this measure again on the recommendation of the Conference which met in Simla or for any other unknown reason. We have got great grievances against that Conference. Sir, a Conference was held in Simla in early August, 1933, to consider certain questions about the pilgrimage to the Hedjaz and for that Conference some nominees were invited by the Government. This Assembly has elected certain Members to advise Government about matters concerning the Haj pilgrimage. But Government, fearing that there were certain elements amongst the elected advisers who might oppose their desire did not consult that Committee at all. They ignored the Standing Committee for Haj Pilgrimage. They selected a new set of men who, they thought, would support them, and who were safe in their opinion.

Kunwar Hajee Ismail Ali Khan : May I know if that Conference discussed the *Muallim's* Bill ?

Mr. M. Maswood Ahmad : I do not know whether Government have brought this measure or their recommendations. If it is on their recommendation, then we have many things to say. Then, Sir, Government prepared a new list of several Members of the Assembly suiting their desire, and called them to attend the Conference. We do not know what matters they discussed with them. We do not know why the representative Members of this House were ignored on that occasion. The right thing for the Government to do was to take advice from the representative Members of this House and not from the nominees of their own. Government, Sir, were afraid that if they consulted the representative Members of this House, they might submit minutes of dissent. But let me say to Government : " Do not play with our religion any longer ; we cannot tolerate your interference with our religion for a moment. We have lost everything, but we are not prepared to allow you to play with our religion ". Sir, this measure is one of those which will certainly interfere with our religion and it will decrease the number of pilgrims who go to the Hedjaz. These *muallims* are the proper persons to give them assistance. We do not know anything about the Hedjaz.

My friend is not going to have a Haj Committee for the province of Bihar and Orissa. Sir, in the Haj Inquiry Committee it was decided that there should be a Haj Committee for the province of Bihar and Orissa also. Even in this House, when Chaudhri Zafarullah was sitting on the Government Benches, he himself said that there was no need for the representation of other provinces on the Haj Committee as they will have a Haj Committee in each province. I was ready to give them hundreds of M. A.'s and Barristers to act as the Secretary of the Haj Committee free of charge, but even that suggestion was not accepted by the Government.

Sir, I say that these *muallims* are the proper persons to give us necessary guidance. Without them, how a man can go to perform his Haj and have the necessary comforts ? The Hajis do not want any kind of control.

[Mr. A. G. Clow.]

him correctly, considerably into transferred subjects. I do not think that any one can say that within the sphere allotted to the Government of India, they have not tried to do their best to improve the material prosperity of the country in every direction. We have been dealing even in this short Session with such matters as the cotton textile industry, the tea industry, and I think the lac industry.

An Honourable Member : All for the benefit of capitalists.

Mr. A. G. Clow : For the benefit, I would say, of the country, and not merely of the capitalists.

Dr. Ziauddin Ahmad : Not for the benefit of the consumers.

Mr. A. G. Clow : He then went on to deal with a number of matters in the Bill. He suggested that we were doing a grave injury in excluding children from factories. But the Bill does not do so. The ages of children in factories remain exactly as they were in the old Act. All that we are seeking to do is to make a small reduction in working hours from 6 to 5 in any day. We sit in this House, at least those who sit continuously, for 4½ hours a day, and I suggest that that time, with another half an hour longer, is quite long enough for any child to work in a factory. I do not know what limit my friend, Dr. Ziauddin, would consider suitable.

He then went on to criticise clause 5 which gives the power to extend the Act to smaller factories, and he seemed to be under the impression that it was a new clause. It is an old clause existing in the present Act, and the only difference we are making is, instead of giving the Local Governments the choice between applying the whole of the Act or none to these small factories, we are proposing to give them the power to apply the Act in whole or in part. I do not think there is any fear of any large extension at present. This is a power used by Local Governments very sparingly, and any large extension would involve such demands on the inspecting staff as to make it impossible for them to agree to it. He then went on to suggest that we were proceeding entirely on the wrong lines, that we were in some way imitating the West, and I think I heard suggestions of profit sharing, co-operative factories, and the methods of Herr Hitler, I should have thought that all these emanated from the West. In fact, industrialism has come upon us from the West. In any case industrialism is here. We have got to face the problems arising from it. We are not slavishly imitating anything in the West. We are using its experience; we are modifying its methods. We are doing our best, in the light of the facts that we have here, and not of the facts in the West, to ensure that those who are doing an important work for India in carrying on its industries, do so under humane and reasonable conditions. (Cheers.)

The Honourable Sir Frank Noyce : I have very little to add to what Mr. Clow has already said. I should like to say that I appreciate very heartily the tribute which has been paid to the part he has played in this legislation. I am almost always in a very fortunate position whenever I introduce labour legislation in this House, the main, almost only criticism against it is that it does not go far enough, and it was with a sigh of relief that I heard a discordant note from

Dr. Ziauddin. I think Mr. Clow has dealt with him very thoroughly and effectively. His main criticism was that the labour legislation we were introducing had no principle behind it and that we were blindly following the recommendations of the Labour Commission. Even if that is so, it does not seem to me a very serious charge. The Labour Commission was composed of experts, representatives of capital, representatives of labour, and people who had great experience in other countries in dealing with labour problems. Why should we be accused of doing something wrong if we accept the recommendations of that Commission? I think the House will have observed from the measures we have brought before it that we do not accept the recommendations of the Labour Commission blindly. They are examined by us very carefully; they are examined by Local Governments very carefully; and again they are examined very carefully by Select Committees of this House. Instead of that course, Dr. Ziauddin suggests that we should bring forward profit sharing legislation. He also suggests that we might adopt the methods followed in other countries of securing peace between capital and labour by knocking their heads together. I must confess that I personally, for the time being at any rate, would prefer to follow the safer course.

I would like to assure the House in conclusion that all the points of criticism that have been brought forward during the course of the very interesting discussion we have had this afternoon will be most carefully examined in the Select Committee, as they always are, and to thank the House for the support it has given to my motion. (Applause.)

4 P.M.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. K. P. Thampan, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah 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 HEDJAZ PILGRIMS (*MUALLIMS*) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommitted to the Select Committee."

Sir, I hope the good fortune which has attended the Honourable Member in charge of Industries and Labour in his motion for referring his Bill to a Select Committee will also attend my perfectly innocuous motion.

The facts of the matter may be briefly stated. The Select Committee considered this Bill last year and they made a report by a majority to the effect that the Bill be not proceeded with. That report was laid on the table of the House, I think, on the 6th February last. The Government considered the recommendation of the Select Committee and said that they would not come to any final conclusion in the matter until they had had

[Mr. M. Maswood Ahmad.]

Further, Sir, they say that the Haj Inquiry Committee has recommended this, but the evidence is not before me. I asked my Honourable friend in a question that the evidence of persons who appeared before the Haj Inquiry Committee should be supplied to us or should be kept in the Library, but he was not prepared to do that. I do not know why they are treating that evidence as confidential. If you have not got a printed copy, may I ask, if you are prepared to show us the typed copy ?

Mr. G. S. Bajpai : I can tell my Honourable friend that if any typed statements are available, I shall be only too ready to place them before the Select Committee.

Mr. M. Maswood Ahmad : Why are you not giving them to all the Members.

Mr. G. S. Bajpai : My Honourable friend is a member of the Select Committee and he will be welcome to make a transcript of what I place before the Select Committee and circulate it to Honourable Members.

Mr. M. Maswood Ahmad : Will you allow me to communicate it to other Honourable Members ? Will you not say that it is confidential as you said on previous occasions ?

Mr. G. S. Bajpai : It must be left to the Chairman of the Select Committee to decide as to what should be treated as confidential and what should not be.

Mr. M. Maswood Ahmad : I am thankful to my Honourable friend that after all I have received an assurance from him for the first time that the evidence will see the light of the day. I hope my Honourable friend will not mind even placing the confidential report before us. May I ask, if the Honourable Member is prepared to place that report also before the Select Committee ?

Mr. G. S. Bajpai : I shall deal with that point when I reply to my Honourable friend's reminiscences as well as imaginary references ?

Mr. M. Maswood Ahmad : Still they maintain, Sir, that this is an imaginary thing. I have no hesitation to put a question in the next Session of the Assembly with a block of the title page of a report, called confidential report, if they will allow me to do so. What is the other alternative. Government are still saying after such clear proofs that it is an imaginary thing. We also have our secret department and that department may supply at least a title page.

I suggest that instead of recommitting this Bill to the Select Committee, the Government should not press this motion ; but that they should circulate the Bill for eliciting public opinion. If public opinion is obtained, Government would come to know the real feeling of the Muslim public with regard to this measure. If the Government do not care for Muslim feelings and if they want to thrust this Bill on the Muslims like the Ordinances, they can do so. If this Bill is circulated for public opinion, then the Government would come to know whether I represent the real Muslim feeling or whether the supporters of Government represent Muslim feeling. I, therefore, suggest that the Honourable Member should either move a motion for circulation of this Bill or he can do so by executive order. I do not mind which course he adopts. The Select

Committee must have certain new information to consult before they decide one way or the other about the measure. On what basis will the Committee proceed if they have not got the public opinion ? The Select Committee have once expressed their opinion on this Bill and, unless you give them new material, what is the use of sending this Bill again to them ? I, therefore, submit that this Bill should be circulated for public opinion either by an executive order or by a motion of this House. (Applause.)

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Sir, my Honourable friend, Sir Frank Noyce, has been congratulated on the Labour Bill, but I am afraid I cannot congratulate my Honourable friend, Mr. Bajpai, for presenting this Bill. I would say that the considered opinion of the Ulemas is against this Bill. I am not speaking only about the Jamiat-ul-Ulema which the Government consider as a hostile body to them. When I consider the opinion of the Maulvis in different provinces, the Maulvis in the Punjab, the Maulvis in my own city of Amritsar, I find that they are all dead against this measure. They consider this Bill a great interference with religion. My Honourable friend, Mr. Bajpai, told us that there were some people who were supporters of this Bill. But, I am afraid, their number must be very small as compared to the number of people who attended public meetings which were held against this Bill. I submit, this Bill is nothing less than an interference with the religious principles of Islam. The Islamic religion is a proselytising religion and the one of the fundamental principles of Islam is to preach and inform the public as to what are their duties. In this Bill what do we find ? Clauses 6 and 7 say :

> "6. Whoever, not being a licensed *pilgrim guide* for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage *other than the performance of religious rites and ceremonies relating thereto*, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.
>
> **Penalty for acting as *pilgrim guide* without a licence.**
>
> 7. Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward."
>
> **Presumption regarding motive.**

What a perversity of ideas ! The presumption is against a person who is going to advise or assist a man in his pilgrimage. Supposing I advise or assist any pilgrim, the presumption is that I am going to take money from that man. I submit, Sir, we Mussalmans are certainly going to defy this law and I say it on the floor of this House that, if this measure is passed into law, it will be defied not only by extremists, but also by moderate people. You cannot prevent us from advising or assisting those people who are going for pilgrimage to Hedjaz. Do you mean to say that you are going to make a law that if any Mussalman advises another Mussalman and puts him in the right direction, the law should presume that that man is going to do so only for the sake of money and you are going to prevent a Mussalman from discharging his fundamental duty of assisting another Mussalman which is enjoined upon him by his religion. Sir, I find the name of my revered Leader, Sir Abdur Rahim, associated with this Bill. I do not say that he is a type

[Mr. Uppi Saheb Bahadur.]

movement among the enemies of Islam to disrupt Islam. Islam is too strong for all that ; it has stood many onslaughts and will stand many more onslaughts. Though we have not got any proofs of this, yet it is in the air that there is an international movement against Islam and that they are trying to minimise the international importance of the Muslims. The Haj has got a great unifying influence. The motive behind all this is to put a stop to that, as far as possible. I do not say my Honourable friend, Mr. Bajpai, is a party to all that. But why has he, in the face of the recommendation made by enlightened and religiously minded Muslims, not to proceed with this Bill, come back to this House with a motion to recommit it to the Select Committee ? What is the necessity for Government to come up with this motion ? We do not want your protection and we do not want your Bill. Save us from our friends. Mussalmans have been suffering at the hands of these *muallims* for centuries ; we are prepared to go on suffering if this is the sort of legislation that is to be offered to us. We are prepared to take the suffering. Where our religious duties and our religious performances are involved, we refuse to take your previous permission. We will do without it. I say, on the floor of this House, that no Mussalman who has a spark of religion in him will be a party to such a Bill or support it in any way. With these words, I oppose the Bill altogether.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 16th September, 1933.

LEGISLATIVE ASSEMBLY.

Saturday, 16th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

GRANT OF PENSION TO TELEPHONE OPERATORS.

966. ***Mr. S. G. Jog** : (*a*) Is it a fact that before the 31st January, 1919, the posts of all telephone operators were pensionable like those of other employees of Government.

(*b*) Is it a fact that after these posts were declared non-pensionable, the operators were asked to state whether they accepted the condition of being non-pensionable ?

(*c*) Will Government please state whether memorials were received from time to time from the telephone operators for their case to be reconsidered, and to declare their posts pensionable ? If so, were they informed that the Telephone Department was on an experimental basis, and so the staff could not be confirmed as pensionable, and that their case was under consideration ?

(*d*) Is it a fact that the employees were eventually informed that the case could not be considered favourably on account of financial stringency ?

(*e*) Is it a fact that in reply to one of the questions in this House, Government stated that employees in service before 31st July, 1919, were pensionable ? If so, why was this date fixed against the 31st January, 1919 ?

(*f*) Is it a fact that the telephone operators are permanent employees of Government ?

(*g*) Is it a fact that telephones have now been extended to the whole of India ?

(*h*) Is it a fact that the Department is no longer on an experimental basis ? If so, why ?

(*i*) Are Government aware that telephones are being extended now even to the other countries of the world ?

(*j*) Is it a fact that Railway and Posts and Telegraphs Departments are running at a loss ?

(*k*) Is it a fact that only the telephone branch is running at a profit and its revenues are increasing every year ?

[Shaikh Sadiq Hasan.]

of man who will run after the Government and do what the Government ask him to do. But sometime even very wise people err and I do think that, in this case, Sir Abdur Rahim has erred,—I do not say intentionally, but unintentionally.

Kunwar Hajee Ismail Ali Khan : Do you mean to say that others have done so intentionally ?

Mr. M. Maswood Ahmad : No, about other man's intention nothing can be said.

Shaikh Sadiq Hasan : I say they have also erred unintentionally. The point is this that the feeling we Mussalmans have got in our minds is that the Government are going to spread this octapus limbs even in Hedjaz. They want to control the activities of the *muallims*. The Government want to extend the activities of their spying department in Hedjaz also. We were informed the other day by the Army Secretary that, after 90 bombs were thrown on the Frontier, only one man was injured and 15 mud houses were destroyed. This is the sort of work that the spying department does and the *muallims* also are to be utilised for such purposes. I would only suggest that, if this Bill is re-committed to the Select Committee, I hope that the members of the Select Committee will rise to the occasion and that they would consider their primary duty towards Islam and towards their fellow Muslims and that no sort of prestige will stand in their way. The question of prestige should be left to the Government. The Government, whatever may happen, whether right or wrong, always stick to their prestige, My Honourable friends on the Select Committee, most of whom are elected Members, should think what is in the interest of their fellow Muslims and they should record their opinion accordingly. It is rather difficult to say about my Honourable friend, Major Nawab Ahmad Nawaz Khan. He, being a nominated Member, must always support the point of view of the Government....

Major Nawab Ahmad Nawaz Khan : I supported and followed your Leader, Sir Abdur Rahim.

Shaikh Sadiq Hasan : Again what do we find in this Bill ? If a man advises another person about pilgrimage and if the latter does not even make a complaint, the man who advises him is going to be punished. Here, in this case, a magistrate having jurisdiction may just find with the help of the police what has been happening and he may catch hold of a man who has advised a pilgrim and punish him for having done so. In this way, I consider that this Bill is no better than the Ordinance Bill which was passed last year. In the Ordinance Act, there is a provision on the same line. According to the Ordinance Act, if the brother of a police sub-inspector wants eggs free and he goes to a man who sells eggs, and if he refuses, he just lodges a complaint that eggs were not sold to him and the result is that the man is punished. In the same way, any policeman who has got a grudge can ask his brother to go and report against a man that he was advising about the Haj and get the man imprisoned. I think it is a most reactionary type of Bill and the least we can expect from Muslim Members is to be sensible and not to do any such thing which may involve other Muslims in trouble and prevent them from advising and guiding their co-religionists in the matter of Haj.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) : Sir, after reading the note of the Select Committee on this Bill, we have to suspect the intentions of Government in this matter. The Select Committee, which consisted of very respectable Muslim Members of this House, in a majority recommended to Government after serious deliberation not to proceed with this Bill. Now, what is the hurry and urgency for Government to bring forward this Bill ? Why are they so anxious to provide their armoury with another weapon to prevent Mussalmans, who take it as a religious duty to advise brother Muslims who intend to perform the Haj, from doing so ? There is something up their sleeves. Let them tell us plainly why they want to go against the deliberate opinions of those pious and respectable Muslims like Sayyed Murtuza, Rajan Baksh, Hajee Wajihuddin, Nawab Ibrahim Ali and others in the Select Committee who recommended to them not to proceed with this Bill. I again want to know what is the urgency and hurry for proceeding with this Bill ?

Mr. G. S. Bajpai : Sir, I do not wish to interrupt my Honourable friend, but I should like to point out that I am not making a motion that the Bill be taken into consideration or proceeded with. I am merely suggesting that the Bill should go back to the Select Committee.

Mr. Uppi Saheb Bahadur : The Select Committee recommended not to proceed with this Bill. As it stands now, it seems to be the thin end of the wedge with regard to this pilgrimage to Mecca, one of the five essentials of Islam. Now, the definition of the word " pilgrim guide " is given thus :

> " any person who, for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim in any matter connected with the pilgrimage, " etc.

For Muslims this pilgrimage is a religious right and duty and we want all sorts of advice, as to the ships, the charges and expenses and the accommodation, etc. ; and this advice we will only get from people who have performed the Haj and have some experience of the country and practice there. According to this Bill, however, no Muslim can ever advise other Muslims ; he cannot open his mouth on this matter unless he obtains a licence from the Government. Is it not the thin end of the wedge ? They are going to drive a wedge into this, one of the fundamental principles of Islam. Can any Mussalman approve of that ? Sir, under clause 6, if I go to Mecca and come back and advise my Muslim brethren as regards their stay and other things, the next day I may be prosecuted. I must get a licence previously from Government to help my brothers by such advice, with regard to my holy place, to my brother Muslims. Is that not curtailing my religious freedom ? Next year they may probably bring another Bill preventing us from performing the Haj itself without previous permission of the Government which is one of the five essentials of Islam. Can the Mussalmans be a party to this Bill ? I do not doubt for a moment that there is not one Mussalman in this House who will give even his silent support to this measure. We will rather go to the gallows than be a party to such Bill. Instead of being a party to any Act which will prevent us from going to Mecca and perform our religious duties, we will rather face your bullets than submit to it. Now, Sir, this Bill is not so innocuous as it appears to be ; there is something international in this. There is a general movement to discourage Haj, and I warn the Government not to be a party to that great international sacred

(*b*) Will Government be pleased to state the dates on which he proceeded to Mecca on different occasions ?

(*c*) Will Government be pleased to state whether Mr. Ismail Ghuznavi was convicted on the two previous occasions before his going for Haj pilgrimage for the first time or after that ?

(*d*) Will Government be pleased to state what were the fresh facts in their possession for not allowing a Muslim, Mr. Ismail Ghuznavi, to proceed to Mecca for Haj pilgrimage ?

Major W. K. Fraser-Tytler : (*a*) Yes. But 18 was a mistake for eight.

(*b*) Government have no precise information as to the dates.

(*c*) The answer to this would depend on the exact date when Mr. Ismail Ghuznavi proceeded on Haj for the first time, as to which, as already pointed out, Government have no precise information.

(*d*) The Honourable Member is referred to the reply given to part (*b*) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933.

Mr. M. Maswood Ahmad : Are Government sure that this eight is also not a mistake, just as 18 was a mistake ?

Major W. K. Fraser-Tytler : I understand, Sir, that eight is correct.

Mr. M. Maswood Ahmad : My information is that it is not so. Very well, but will Government be pleased to give the dates on which he proceeded to Haj ?

Major W. K. Fraser-Tytler : I have already said, Sir, that Government have no precise information.

Mr. M. Maswood Ahmad : When Government have no information on what date this gentleman proceeded to Haj, how do they say that he went to Haj eight times ?

Major W. K. Fraser-Tytler : I understand, Sir, that this information was given by Mr. Ismail Ghuznavi himself.

Mr. M. Maswood Ahmad : Will Government be pleased to lay on the table a copy of his letter in which he has stated that he has gone to Haj eight times ?

Major W. K. Fraser-Tytler : I believe, Sir, the information is correct.

Mr. M. Maswood Ahmad : May I know, Sir, whether this information was given to the Honourable Member who is now answering these questions ?

Major W. K. Fraser-Tytler : The information was not given to me.

Mr. M. Maswood Ahmad : May I know whether the information which was given orally to some other gentleman was written on any paper, and does the Honourable Member say that it was orally mentioned by Mr. Ismail Ghuznavi ?

Major W. K. Fraser-Tytler : The information, Sir, I understand, was given orally and was passed on to the Honourable Member who answered this question in April in writing.

Mr. M. Maswood Ahmad : I want to know whether the information given by Mr. Ismail Ghuznavi to some other gentleman orally stating that he had proceeded eight times to Haj was recorded on paper ?

Major W. K. Fraser-Tytler : I understand it was, yes.

Mr. M. Maswood Ahmad : Government have said that, because he was convicted on two occasions, he was not allowed to go to Haj. May I know whether these convictions took place before he left for Haj for the first time ?

Major W. K. Fraser-Tytler : I have already answered that question, Sir.

Mr. M. Maswood Ahmad : What was the reply ?

Major W. K. Fraser-Tytler : The reply was to part (*c*) of the question, that the answer to this would depend on the exact date when Mr. Ismail Ghuznavi proceeded on Haj for the first time, as to which, as already pointed out, Government have no precise information.

Mr. M. Maswood Ahmad : May I know, Sir, when Government allowed him to go eight times to Haj after his conviction, what were the fresh grounds for not allowing him to go to Haj for the ninth time ?

Major W. K. Fraser-Tytler : My reply to that is given in part (*d*). The Honourable Member is referred to the reply given to part (*b*) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933.

Mr. M. Maswood Ahmad : Do Government propose to consult the *Ulemas* on this question of not allowing Muslims to perform their Haj pilgrimage, this is a kind of interference with our religion ?

Major W. K. Fraser-Tytler : Sir, the position is, I think, that Government have a certain duty to perform in respect to their responsibilities to the State in a matter of this sort.

Mr. M. Maswood Ahmad : I want to know whether Government would now allow Mr. Ismail Ghuznavi to perform Haj in the next season ?

Major W. K. Fraser-Tytler : I cannot give a guarantee about that, but if Mr. Ismail Ghuznavi makes an application for the passport, it will receive the fullest consideration of the Government.

RE-EMPLOYMENT OF RETRENCHED STAFF OF THE NORTH WESTERN RAILWAY.

972. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state whether there are two kinds of retrenched servants of the Indian State Railways in general and the North Western Railway in particular—one retrenched during the last economy campaign and the other retrenched before that campaign ?

(*b*) Are both kinds of retrenched Railway servants kept on the waiting lists for re-employment when vacancies occur ? If not, why not ?

(*c*) Is it a fact that the Government of India have laid down, without making any distinction between these two classes of retrenched Railway servants, that the staff retrenched or to be retrenched would be re-instated ?

(*d*) Is it a fact that Government have issued orders that the said reinstatement should be made in the inverse order in which these two classes of servants were discharged ? If so, what were the reasons for it ?

TRANSFERS FROM AND TO NON-FAMILY AND UNHEALTHY STATIONS IN THE TRANS-FRONTIER IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

976. *Bhai Parma Nand : (a) Is it a fact that the Secretary, All-India (including Burma) Postal and Railway Mail Service Union, has brought to the notice of the Director General, Posts and Telegraphs, that transfers from and to non-family and unhealthy stations in the Trans-Frontier in the Punjab and North-West Frontier Circle are not being carried out in accordance with the Government orders ?

(b) If reply to part (a) be in the affirmative, will Government please state what action has been taken against the present Superintendent, Post Office, Derajat Division, for not observing Government orders ?

The Honourable Sir Frank Noyce : (a) A complaint was received from the Secretary of the Union regarding the non-observance of the Director General's orders on the subject.

(b) None. The orders referred to are not absolute but only lay down the procedure that should ordinarily be followed : the representation of the Union is however being considered with a view to the adoption of measures which may make exceptions from the general rule more infrequent.

EXPENDITURE INCURRED FOR CONVEYANCE OF MAILS BY THE SUB-POSTMASTER, STAFF COLLEGE, QUETTA.

977. *Bhai Parma Nand : (a) Is it a fact that the Sub-Postmaster, Staff College, incurred, in spite of repeated warnings, more expenditure for conveyance of mails or remittances to Quetta Head Post Office, than that incurred in two or three previous years taken together ?

(b) If the reply to part (a) be in the affirmative, will Government please state what action has been taken by them in the matter ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

ALLEGATIONS AGAINST THE LATE ESTABLISHMENT CLERK, SIMLA HEAD POST OFFICE.

978. *Bhai Parma Nand : (a) With reference to the reply given to Question No. 433, in this House on February, 21, 1933, will Government please state if it is a fact that the Establishment Clerk, Simla Head Post Office, was found to have forged the signatures of the late Postmaster, Simla, on an order of appointment of a Muslim Runner who was engaged in excess of the sanctioned establishment and that he ante-dated the said order to give it the appearance of genuineness ?

(b) If the reply to part (a) be in the affirmative, will Government please state the full facts of the case and the punishment, if any, meted out to the offending official ?

(c) Is it also a fact that the same official has since been transferred from Simla to Ludhiana Head Post Office as an Accountant ? Does not this position involve greater responsibility and trust ? If so, are Government prepared to consider the advisability of removing him from his present responsible post ?

The Honourable Sir Frank Noyce : (a), (b) and (c). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of this question is being sent, is competent to deal.

PROCEDURE FOR RECRUITMENT OF ENGINEERING SUPERVISORS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

979. *Bhai Parma Nand : (a) Will Government please state what is the procedure followed in recruiting Engineering Supervisors in the Indian Posts and Telegraphs Department, and since when was this procedure introduced ?

(b) Will Government please state whether the Departmental candidates for appointments as Engineering Supervisors, in view of their service in the Department, are accorded any preferential treatment over outsiders ?

(c) If the reply to part (b) be in the affirmative, will Government please state if any preference is also given to the Departmental candidates in assigning positions on the seniority list before appointing them as Engineering Supervisors ?

(d) If the reply to part (c) be in the affirmative, will Government please state if the concessions have been uniformly shown since the time the appointments have been thrown open to qualified departmental men ? If not, are Government prepared to consider the desirability of redressing the genuine grievances of the staff adversely affected ?

The Honourable Sir Frank Noyce : (a) and (b). The attention of the Honourable Member is invited to the regulations published in the Director General's General Circular No. 31, dated the 16th December, 1930, a copy of which has been placed in the Library of the House. The system of recruitment and training described therein came into force from the 1st January, 1929.

(c) So far two groups of candidates have been recruited under this system. No preferential treatment was accorded to the departmental candidates in the first batch, but in the second batch, telegraphists and other departmental candidates were given seniority over outsiders.

(d) The reply to the first part is in the negative. As regards the second part, Government do not consider that the candidates have any genuine grievance.

VACANCIES OF POSTMEN, ETC., IN THE SAHARANPUR AND DEHRA DUN HEAD POST OFFICES AND THEIR SUB-OFFICES.

980. *Bhai Parma Nand : Will Government please state (i) the number of vacancies, temporary and permanent separately, in (a) postmen's grade and (b) inferior service in Saharanpur and Dehra Dun Head Post Offices and Sub-Offices attached to them which occurred during 1931, 1932, 1933 and (ii) the number of those given to Hindus and other communities ?

The Honourable Sir Frank Noyce : I regret that the information is not readily available.

DECLARATION OF HINDU COMMUNITY AS MINORITY COMMUNITY FOR RECRUITMENT IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

981. ***Bhai Parma Nand** : (*a*) Will Government please state if they have laid down certain principles for recruitment in the Posts and Telegraphs Department and fixed a certain percentage for minority communities ?

(*b*) Will Government please state the criteria for determining minority communities and whether each Postal Division or a District, a Revenue Division, or a Circle is to be taken as a unit ?

(*c*) Will Government please name the community which has been declared as a minority community in the Punjab and North-West Frontier Circle in respect of different classes of officials such as clerks, postmen and inferior servants ?

(*d*) Will Government please state the number of (*i*) postmen including mail guards, (*ii*) inferior servants, and (*iii*) line staff in Engineering employed in the Punjab and North-West Frontier Circle on 31st March, 1933 ? If the number of Hindus is less than Muhammadans, are Government prepared to declare the Hindu community as minority community for the purpose of recruitment to these classes of officials ?

The Honourable Sir Frank Noyce : (*a*) In the case of new recruitment Government have laid down that every third vacancy is to be reserved for minority communities in order to prevent the preponderance of any one class or community in Government service. This is a general rule applicable to all Departments under the Government of India and not only to the Posts and Telegraphs Department.

(*b*) The Honourable Member is referred to the reply to part (*a*) of his own starred question No. 671 in this House on the 7th March, 1933.

(*c*) The Honourable Member's attention is invited to part (*d*) of the reply given to Sardar Sant Singh's starred question No. 566 in this House on the 21st September, 1932.

(*d*) The latest figures in possession of Government which are up to the 31st December, 1932, are as follows :

(*i*) Postmen including Mail Guards	3,482
(*ii*) Inferior servants	4,185
(*iii*) Line Staff in Engineering	888

As regards the latter part, Government regret that they are unable to accept the Honourable Member's suggestion for reasons stated in the reply to part (*a*) of his own starred question No. 671 in this House on the 7th March, 1933.

POSTINGS OF POSTAL OFFICIALS IN THE PUNJAB CIRCLE TO THEIR HOME DISTRICTS.

982. ***Bhai Parma Nand** : (*a*) Are Government aware that under the Punjab Government officers belonging to certain places are not posted for official duty in those places or districts ?

(*b*) If so, are Government prepared to adopt a similar policy in the Posts and Telegraphs Department in the matter of such postings, at least in the Punjab Circle ?

The Honourable Sir Frank Noyce : (*a*) Government have no information.

(*b*) Government do not see any reason to accept the Honourable Member's suggestion.

APPOINTMENT OF HINDU SUPERINTENDENTS IN THE PUNJAB POSTAL CIRCLE.

983. ***Bhai Parma Nand** : Is it a fact that in the Punjab Posts and Telegraphs Circle there is an over-whelming majority of Muslim Superintendents ? If so, are Government prepared to consider the advisability of appointing a few Hindu Superintendents ?

The Honourable Sir Frank Noyce : As regards the first part of the question, the reply is in the negative, since though the number of Superintendents in the Punjab Circle belonging to the Muslim community is greater than that belonging to any other single community it is less than the number of such officers belonging to all other communities taken together.

As regards the second part of the question, the attention of the Honourable Member is invited to the reply given in this House to part (*b*) of his starred question No. 461 on the 22nd February, 1932.

ALLEGATIONS AGAINST KHAN SAHIB MALIK KARAM DIN, TELEGRAPH MASTER, GOVERNMENT TELEGRAPH OFFICE, LAHORE.

984. ***Bhai Parma Nand** : (*a*) Are Government aware that Khan Sahib Malik Karam Din, Telegraph Master of the Lahore Government Telegraph Office, his son Malik Khurshed Ahmad, a clerk in the same office, and Mohammad Khurshed Ahmad, Telegraphist, in that office, made assaults in July, 1933 on certain members of the Hindu staff employed in that office ?

(*b*) Are Government aware that complaints by Hindu staff have been made to the higher authorities against the assaulters concerned ? If so, will Government please state what action, if any, has been taken against the assaulters ?

(*c*) Is it a fact that Khan Sahib Malik Karam Din was the cause of serious troubles at Peshawar Telegraph Office at the time when Mr. E. C. Moore was in charge of that office and also at Lyallpur when he himself was in charge ?

(*d*) Is it a fact that Khan Sahib Malik Karam Din is the same official who has already been given warnings by higher authorities for his undesirable communal activities ? If so, have Government considered the question of his removal from Government service for his continued undesirable activities ? If not, do they propose to do so now ?

The Honourable Sir Frank Noyce : Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

SURVEY OF THE KARACHI-BOMBAY PROPOSED BROAD GAUGE LINE.

985. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if the Railway Board have completed the final survey of the Karachi-Bombay proposed broad gauge line, which they had undertaken to complete by July, 1933 ?

(*l*) Is it a fact that nearly all the employees of the Posts and Telegraphs Department, from the highest to the lowest, are pensionable except the telephone operators and the mechanics ?

(*m*) Is it a fact that the telephone operators are performing the same duty hours as, and on some occasions much harder work than, some other officials of the Department ?

(*n*) Will Government please state the reasons for declaring the operators as non-pensionable ? Are they aware that in the absence of any pension in their old age after retirement from service, they will lead a very miserable life so far as their financial resources are concerned ?

(*o*) Are Government prepared to consider the grant of pension to the operators in view of the increasing revenues of this branch ?

The Honourable Sir Frank Noyce : Certain enquiries are being made and I shall place a reply on the table in due course.

RULES FOR SUING GOVERNMENT FOR BREACH OF TRUST IN RESPECT OF SERVICE CONDITIONS, ETC.

967. ***Mr. S. G. Jog :** (*a*) Will Government state whether there are any rules under which a Government servant can sue them in a court of law, whilst remaining in service, for breach of trust in respect of service conditions or loss of prospects ? If so, will Government kindly lay a copy of those rules on the table ? If not, will Government kindly state the avenue of redress for a Government servant after he has exhausted all the appellate authorities in regard to a grievance ?

(*b*) Are Government prepared to make any rules on the subject ?

The Honourable Sir Harry Haig : (*a*) The answer to the first clause is in the negative. The second clause does not arise. As regards the third clause, Government are not prepared to give an opinion on what is in effect a legal question.

(*b*) No.

HOLIDAY HOMES MAINTAINED BY THE NORTH WESTERN RAILWAY AT HILL STATIONS.

968. ***Mr. S. G. Jog :** (*a*) How many Holiday Homes do the North Western Railway maintain on hill stations ?

(*b*) What are the conditions for the lodgers, and for how many days are they allowed to stay there, and at what rent ?

(*c*) What do Government spend on the maintenance of these Homes ?

(*d*) Is it a fact that there is one such Home in Simla ?

(*e*) Will Government please supply the particulars referred to in the two preceding parts in respect of the Simla Home ?

(*f*) Is it a fact that it is maintained out of the Fine Fund ?

(*g*) Is it a fact that the majority of the subordinate and menial staff who are responsible for the maintenance of the Home are not eligible for making use of the Home ?

(*h*) What is the pay limit of those who can stay in the Home ?

(*i*) Are Government aware of the impression that officials who stay there impose heavy fines on the subordinates in order to find sufficient funds for the maintenance of the Homes ?

(*j*) Is it a fact that there is a proposal to extend the Simla Holiday Home during next year ?

(*k*) What rent do Government pay at present and why do they intend extending it, and at what rent ?

(*l*) Does the extension depend upon the amount of the Fine Fund at Government's disposal ?

Mr. P. R. Rau : I am obtaining information from the Agent, North Western Railway, and will lay a reply on the table in due course.

RELEASE OF WORKERS OF THE JAMIAT-UL-ULEMA-I-HIND, DELHI.

969. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (*a*) Are Government aware that the Jamiat-ul-Ulema-i-Hind, Delhi, which had adopted civil disobedience as their politico-religious creed have given it up now and have drawn up a constructive programme ?

(*b*) Are Government prepared to release all the Ulemas and workers of the Jamiat, who are undergoing imprisonment ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I have seen a report in the Press of the proceedings of a meeting of the Working Committee of the Jamiat-ul-Ulema-i-Hind held at Moradabad from the 19th to the 21st August. From this it would appear that the Working Committee have suspended the programme of civil disobedience, but there is nothing to indicate that they intend really to abandon it, or that there is sufficient reason for Government to take the action suggested in part (*b*) of the question.

REMOVAL OF MR. DEVIDAS GANDHI TO MULTAN JAIL IN A THIRD CLASS COMPARTMENT.

970. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (*a*) Is it a fact that Mr. Devidas Gandhi, an A class prisoner was, while being removed to the Multan Jail, put in a third class compartment ?

(*b*) Are A class prisoners invariably allowed only third class ?

(*c*) Is there no rule to guide the authorities on the subject ?

The Honourable Sir Harry Haig : (*a*) It is probable that Mr. Devidas Gandhi was accommodated in third class compartment as that would be in accordance with the rules applicable to prisoners in the Delhi Province. I have, however, made enquiries and will place the result on the table of the House in due course.

(*b*) and (*c*). There are rules which are made by the Provincial Governments and vary from province to province.

REFUSAL TO ALLOW MR. ISMAIL GHUZNAVI TO PROCEED TO MECCA FOR HAJ PILGRIMAGE.

971. ***Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state whether they have stated that Mr. Ismail Ghuznavi has already proceeded to Mecca not less than 18 times ?

(*b*) If so, will Government be pleased to state whether they will start the construction work this year, as was promised to the Federation of Indian Chambers ?

(*c*) If the survey be not complete, what is the reason for the delay and how long are Government likely to take to come to a definite decision ?

(*d*) Are Government aware of the urgency of this Railway and the anxiety of the people of Sind and Bombay to see this railway opened for traffic soon ?

(*e*) What action do Government propose to take to bring into being this railway at an early date ?

Mr. P. R. Rau : (*a*), (*b*) and (*c*). Government are not aware of having given any undertaking or promise regarding the date of the completion of the survey or the starting of construction work, but the revised traffic survey which was in hand has been completed, and the report of the officer employed on it has been submitted to the Agent, North Western Railway. When it is received by the Railway Board, along with the considered views of the Railway Administration, the question of taking up the construction of the line will be carefully considered in all its bearings. I regret it is not possible to say at present how long it will take to come to a decision. The expenditure involved is about six crores of rupees and the matter is not, therefore, one that can or should be disposed of without very thorough examination.

(*d*) and (*e*). Government are aware that certain sections of public opinion are strongly in favour of the construction of this line and consider it an urgent necessity, but it appears that there is also a not inconsiderable body of opinion who consider that there are more important lines in that area which should have precedence. In any case, Government cannot undertake to start work on it until they are satisfied that it will be remunerative, with which object in view the recent survey was carried out.

Mr. Lalchand Navalrai : I did not quite follow the answer of my Honourable friend with regard to the position which Government take as regards this railway. What is the view that Government hold with regard to this railway ? Are they in favour of its being constructed or not ?

Mr. P. R. Rau : It depends on the results of the traffic survey.

Mr. Lalchand Navalrai : May I know who have been deputed for that survey ?

Mr. P. R. Rau : It was done by an officer of the North Western Railway. I am sorry I do not remember the exact name.

Mr. Lalchand Navalrai : May I know if the report of that survey will be scrutinised by the Agent, and whether he will be the deciding authority ?

Mr. P. R. Rau : No, Sir. It will be scrutinised by the Agent and will be sent to the Railway Board with his comments.

DISCHARGE OF CERTAIN HINDU CLERKS FROM THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

986. ***Rao Bahadur M. C. Rajah** : (*a*) Will Government be pleased to state if it is a fact :

(*i*) that on the 15th August, 1932, on the withdrawal of certain temporary posts from the Office of the Chief Accounts Officer, North Western Railway, about 15 permanent Hindu clerks of that office, who had been appointed as a result of an all India competitive examination held in 1929, were discharged from service ;

(*ii*) that these permanent Hindu clerks were, as per rules, granted all leave due to them on the date of discharge, and, while still on leave, taken back in service about a month afterwards on the intervention of the Controller of Railway Accounts, on the return to their parent Department of about 20 commercial clerks of that Railway ;

(*iii*) that the specific work for which these 20 commercial clerks had been taken on to the administrative control of the Chief Accounts Officer, North Western Railway, had ceased from 1st August, 1932, and that the Chief Accounts Officer nevertheless continued to retain these men in his office against posts sanctioned for Accounts work ;

(*iv*) that the Chief Accounts Officer, North Western Railway, was fully aware, on the date he absorbed these 20 commercial clerks in the Accounts establishment of the Railway even after the work for which they had been loaned from the Commercial Department of the Railway had ceased to exist, of the reduction in his own establishment that he was to effect on 15th August, 1932 ?

(*b*) Will Government please state why the Chief Accounts Officer, North Western Railway, retained against Accounts posts, staff of much inferior qualifications recruited mainly for work at railway stations, and, brought under reduction staff who had been recruited specially for the Accounts Department through an all-India competitive examination, with service in the Accounts office extending to three years and who had been declared by a Chief Accounts Officer, North Western Railway, to be as a class, far superior to others ?

(*c*) Will Government be pleased to state further whether these 15 clerks are, on re-appointment, being treated as temporary clerks and threatened with new scales of pay, etc., simply on the technical plea that they did not hold a lien on their posts during their leave ?

(*d*) Do Government propose to cancel their discharge on 15th August, 1932, or post-date to about 14th September, 1932, the retrenchment of the temporary posts that led to their discharge and restore them to the permanent status that they held before discharge on 15th August, 1932 ?

Mr. P. R. Rau : (*a*) (*i*) Certain temporary and permanent posts of clerks were brought under reduction, with effect from the 15th August, 1932, and 11 permanent Hindu clerks recruited through competitive examination were discharged along with others, the discharges being made in accordance with the orders regulating retrenchment.

(*a*) (*ii*) The permanent Hindu clerks referred to above were granted the leave admissible under rules and were re-appointed during the currency of leave on the occurrence of vacancies in the following circumstances :

110 clerks selected from among the station staff at several stations and belonging to the Commercial Department were working

under the control of the Chief Accounts Officer, North Western Railway, in connection with a scheme which aimed at relieving the station staff of the responsibility of preparing accounts returns. The scheme in its final form required the employment of no more than 33 clerks in the Accounts Office. Consequently, the excess of the staff taken over from the stations over the number required was returned to the Department to which they belonged. Subsequently, however, it was arranged to send back 20 more of the clerks originally taken over from the Commercial Department. This last incident provided an opportunity for re-appointing 20 of the clerks discharged from service from the Accounts Office.

(*a*) (*iii*) As explained above the work did not cease from the 1st August, 1932, and the second portion of the question does not arise.

(*a*) (*iv*) In view of my answer to clause (*iii*) above the question does not arise.

(*b*) In the reply to clause (*a*) (*ii*) I have already explained the reason for taking some of the Commercial Department clerks into the Accounts Department.

(*c*) and (*d*). The questions are under examination with reference to certain memorials received from the staff.

CONTRIBUTION TOWARDS THE BUILDING FUND OF THE PRINCE OF WALES SEAMEN'S INSTITUTE.

987. ***Mr. K. C. Neogy** : Will Government be pleased to state :

(*a*) whether a substantial amount of the Building Fund of the Prince of Wales Seamen's Institute was contributed by the Indian public ;

(*b*) whether that Institute has been receiving an annual grant from the Government of India ?

The Honourable Sir Joseph Bhore : (*a*) Attention is invited to the final reply to parts (*a*) and (*b*) of Mr. B. Das's question No. 1058, which was laid on the table on the 7th November, 1932.

(*b*) Yes.

ADMISSION OF INDIAN OFFICERS AND CADETS IN THE PRINCE OF WALES SEAMEN'S INSTITUTE.

988. ***Mr. K. C. Neogy** : Will Government be pleased to state :

(*a*) if it is a fact that Indian officers and cadets, up to very recently, were not admitted to the Prince of Wales Seamen's Institute ;

(*b*) if it is a fact that the Prince of Wales Seamen's Institute is now prepared to admit only such Indian officers and cadets as are of " European habits of life " ;

(*c*) if it is a fact that no restriction is imposed by the Mayo Marine Club at Rangoon in regard to the admission of Indian officers and cadets as imposed by the Prince of Wales Seamen's Institute ;

(*d*) if the answer to parts (*a*), (*b*) and (*c*) be in the affirmative, the circumstances which have led the Prince of Wales Seamen's Institute to impose such restrictions on the admission of Indian officers and cadets as referred to above ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*). Yes.

(*c*) Government have no definite information on this point.

(*d*) The Prince of Wales Seamen's Institute caters for those who can adapt themselves to the ordinary social usages of a Club of this kind. Government have made enquiries into the matter and they see no reason to apprehend that in practice there will be any restrictions or disabilities on the use of the Institute by Indian officers and cadets.

Mr. K. C. Neogy : Will the Government be pleased to enquire on the point referred to in clause (*c*) of the question ?

The Honourable Sir Joseph Bhore : In regard to the Mayo Marine Club at Rangoon ? Certainly, if my Honourable friend is anxious to have it I shall get the information for him.

Mr. K. C. Neogy : Will the Honourable Member see to it that no discriminatory treatment is meted out to Indians in this particular matter ?

The Honourable Sir Joseph Bhore : I think, Sir, I have said enough to satisfy my Honourable friend that we do not apprehend any discriminatory treatment will result in actual practice.

Mr. Gaya Prasad Singh : Are the Government aware that this question of the Mayo Marine Club at Rangoon came up before the Standing Finance Committee more than once, and that the Standing Finance Committee allowed certain expenditure to be incurred on the distinct understanding that Indian officers would be allowed into this Club without any restriction being imposed ?

The Honourable Sir Joseph Bhore : I am much obliged to the Honourable Member for the information.

Mr. K. C. Neogy : Is there any authoritative definition anywhere of the expression " European habits of life " ?

The Honourable Sir Joseph Bhore : No, Sir. I do not think there is, but if my Honourable friend would do me the honour next time he is in Delhi to come to a Club with me I will give him a practical illustration of its meaning.

Mr. K. C. Neogy : Shall I be permitted with these clothes on ?

The Honourable Sir Joseph Bhore : Yes, most certainly.

STATUS OF BERAR IN THE FEDERAL CONSTITUTION.

989 ***Mr. S. G. Jog** : (*a*) Will Government please state whether the negotiations which were in progress between the Government of India and His Exalted Highness the Nizam as regards the exact method of bringing in Berar into the Federal Constitution have been concluded ?

(*b*) If so, will Government please make a statement on the general position as it stands now ?

(e) Is it a fact that the Agent of the North Western Railway has issued orders, disregarding the aforesaid Government orders, that the names of the men retrenched before the present economy campaign cannot be registered for re-employment ?

(f) Do Government know of such an order having been issued by the Agent, North Western Railway, under his No. 50-E/507, dated about 14th August, 1933, in the case of Mr. Ramdas T. Chugani, *ex*-Fireman and Shed Clerk, North Western Railway ?

(g) Do Government propose to point out to the Agent their policy on the point for due effect being given to it ? If not, why not ?

Mr. P. R. Rau : (a) Government are not aware of any general retrenchment that took place on Indian Railways otherwise than during the economy campaign of 1931 and 1932.

(b), (c) and (d). The instructions issued in connection with the retrenchment during 1931-32 were that employees discharged should be borne on a common waiting list for the whole Railway and be appointed in the inverse order of discharge, subject to communal adjustments, to any suitable vacancy that may occur on the Railways in preference to others. The reason was that the discharges were to be made in a definite order and it followed from these that re-appointments should be as in the reverse order.

(e) Government are not aware that the Agent has disregarded these orders but I am sending a copy of this question and the answer to him for guidance.

(f) No.

(g) Government consider that existing instructions are sufficiently clear and do not consider any further instructions necessary.

Mr. Lalchand Navalrai : May I know, Sir, why this system of inverse order was adopted ?

Mr. P. R. Rau : I have just explained it. I said the reason was that since the discharges were made in a definite order, it followed that re-appointments should be made in the reverse order.

Mr. Lalchand Navalrai : Has the Honourable Member got any information with regard to clause (f) of this question ? One Ramdas was retrenched and then put on the waiting list, and he was again thrown out of the list for no reason ?

Mr. P. R. Rau : I have no information on that point.

Mr. Lalchand Navalrai : Will the Honourable Member kindly send a copy of this question and its answer together with other supplementary questions and answers to the Agent, so that he might go into this matter ?

Mr. P. R. Rau : I shall forward all these questions and answers to the Agent.

Mr. Lalchand Navalrai : Thank you.

TRANSFER OF INSPECTORS AND POSTMASTERS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

973. ***Bhai Parma Nand :** Will Government please lay on the table of this House a statement showing particulars of the officials in the Inspectors' and Postmasters' cadres in the Punjab and North-West Frontier Circle, whose periodical transfers, although due, have been suspended owing to existing financial conditions, and of those who have been transferred without any such consideration, giving the reasons for this distinction ?

The Honourable Sir Frank Noyce : Government have no information. I may, however, point out that there are no orders for the periodical transfer of Postmasters ; and that the orders suspending such transfers of Inspectors, referred to by the Honourable Member, are not absolute and may be departed from at the discretion of the Head of the Circle.

TRANSFERS IN THE INTEREST OF SERVICE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

974. ***Bhai Parma Nand :** (a) Will Government please state what is meant by " interest of the service " generally used in cases of transfers made in the Posts and Telegraphs Department ?

(b) Can an official be transferred from a higher scale of pay to a lower one in the interest of the service at a loss of pay to the official without any fault on his part ?

The Honourable Sir Frank Noyce : (a) The expression " interest of the service " when used in relation to a transfer is intended to distinguish it from a transfer ordered at an official's own request or in consequence of his misconduct.

(b) Government regret that they cannot give a general reply with reference to a hypothetical case, as each case has to be dealt with under the rules and orders that may be relevant to its circumstances, *e. g.*, the Fundamental and Supplementary Rules or the Civil Service Regulations.

IRREGULAR ACTION OF THE LATE DEPUTY POSTMASTER, AMRITSAR.

975. ***Bhai Parma Nand :** (a) Is it a fact that the late Deputy Postmaster, Amritsar, was allowed to leave his Headquarters for Lahore (his home) daily at 15-30 hours thereby leaving his legitimate duties to be performed either by the Assistant Postmaster or by a Supervisor ?

(b) Was this delegation of duties of the Deputy Postmaster to junior officers approved by the Postmaster General ?

(c) If the reply to part (a) be in the affirmative, and to part (b) in the negative, will Government please state why this irregular practice and undue concession was allowed to the Deputy Postmaster by the Postmaster, Amritsar, to the detriment of service involving additional work for the subordinate staff ?

(d) Do Government propose to take due notice of this irregular action and undue favouritism on the part of the Postmaster ?

The Honourable Sir Frank Noyce : (a) to (d). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

(*c*) Will Government please state whether, and if so, when and how an opportunity will be given to the representatives of Berar to discuss the terms of that negotiation before any final decision is taken ?

The Honourable Sir Joseph Bhore : (*a*) No.

(*b*) The question does not arise.

(*c*) Government regret that they are not yet in a position to make a statement on the points raised.

Mr. S. G. Jog : Is it not a fact that in London there was a Committee appointed under the chairmanship of the Under Secretary of State for India very recently and they have considered the question ?

The Honourable Sir Joseph Bhore : My Honourable friend must give me notice of that question.

INQUIRY UNDER CERTAIN PARAGRAPHS OF THE PROPOSALS IN THE WHITE PAPER.

990. ***Mr. S. G. Jog :** (*a*) Will Government please make a statement as regards the result of any inquiry under paragraphs 45 and 61 of the proposals in the White Paper ?

(*b*) If the inquiry is not yet finished, will Government please state when it is likely to be completed ?

The Honourable Sir Joseph Bhore : Paragraphs 45 and 61 of the White Paper Proposals do not suggest any enquiry. If the Honourable Member will indicate what enquiries he has in his mind, I shall be glad to see whether there is any information which Government could give him.

INDIANS IN THE INDIAN CIVIL SERVICE APPOINTED AS EXECUTIVE COUNCILLORS IN THE PROVINCES.

991. ***Mr. S. G. Jog :** (*a*) Will Government please state how many Indians belonging to the Indian Civil Service have been appointed in each province, whether major or otherwise, as Executive Councillors, since the year 1920, *i.e.*, the year of working of the Montford Reforms, till August, 1933 ?

(*b*) Will Government please state what is the proportion of Indians in the Indian Civil Service as compared with Europeans in each province ?

(*c*) Will Government please state what part the Local Governments and the Government of India and the Secretary of State take in the said appointments ?

(*d*) Will Government please state the authority who makes the final appointment ?

The Honourable Sir Harry Haig : (*a*) So far as I am aware no Indian member of the Indian Civil Service has been permanently appointed to a Governor's Executive Council, but three have been appointed in temporary vacancies, one of them after resigning from the Indian Civil Service.

(*b*) A statement is placed on the table. I am afraid, however, the Honourable Member will not be able to base any argument on these figures with reference to the point raised in (*a*) of his question, as the great majority of the Indian members have entered the service within the last 15 years, and clearly would not be considered for appointments of this nature.

(*c*) and (*d*). Members of a Governor's Executive Council are appointed by His Majesty under section 47 of the Government of India Act. Appointments to temporary vacancies are made by the Governor in Council under section 92 of the Act.

Statement showing the number and proportion of officers in the Indian Civil Service on 1st January, 1933.

Province.	Number.			Proportion.	
	Total.	Europeans.	Indians.	Europeans.	Indians.
				%	%
Madras	187	108	79	58	42
Bombay	149	94	55	63	37
Bengal	184	104	80	57	43
United Provinces	209	128	81	61	39
Punjab	151	97	54	64	36
Burma	153	117	36	76	24*
Bihar and Orissa	118	77	41	65	35
Central Provinces	102	61	41	60	40
Assam	44	33	11	75	25

* Including Burmans.

Mr. S. G. Jog : Is there any particular reason why permanent appointments have not been made during the last ten or twelve years ?

The Honourable Sir Harry Haig : No, Sir. There can be no general reason. It is a question of individual selection.

Mr. S. G. Jog : Is there any tendency to make a distinction between the European element in the I. C. S., and the Indian element ?

The Honourable Sir Harry Haig : No, Sir. There is no such tendency.

Mr. S. G. Jog : Have any cases been brought to the notice of the Government of India of supersession in the Central Provinces Government in the case of appointments to the Executive Council ?

The Honourable Sir Harry Haig : There is no question of supersession. These are very essentially selection appointments.

Mr. S. G. Jog : What are the qualifications that weigh with the Government in making selections ?

The Honourable Sir Harry Haig : Suitability.

Mr. Gaya Prasad Singh : Not seniority ?

Mr. B. V. Jadhav : Is it not a fact that an Indian member of the I. C. S. was not found suitable for a permanent appointment as Executive Councillor, but he was subsequently found suitable to fill a temporary vacancy ?

The Honourable Sir Harry Haig : I am afraid I do not know what case my Honourable friend is referring to.

Mr. B. V. Jadhav : Mr. J. N. Ghosal's.

The Honourable Sir Harry Haig : I must ask for notice of that.

Mr. K. C. Neogy : Is there not a tendency in some provinces at least to shunt off the Indian members of the I. C. S. into the judicial line so that the executive line may be the monopoly of the Britishers ?—

The Honourable Sir Harry Haig : No, Sir. I do not think that is the case, nor do I think that that question arises out of the point that we are considering at the moment. So far as selection for the judicial line is concerned, I think as a rule Local Governments try to make their selections in accordance with the wishes of the officers.

CLERKS EMPLOYED ON WORK CONNECTED WITH HOURS OF EMPLOYMENT REGULATIONS ON THE NORTH WESTERN RAILWAY.

992. ***Mr. Uppi Saheb Bahadur :** (*a*) Will Government please state whether it is a fact that some 20 clerks have been employed on the North Western Railway on work in connection with hours of employment regulations ?

(*b*) Is it a fact that all these clerks were given promotion to a higher scale at the time of their appointment to those duties, class II clerks being put in class III and class III clerks in class IV ?

(*c*) Is it a fact that in addition to higher rate of pay these clerks generally earn travelling allowance while on tour ?

(*d*) Is it a fact that no selection was made by a proper selection board for appointment to these posts which involved arbitrary and out-of-turn promotion ?

(*e*) Is it not the declared policy of Government not to give increase of pay for work of a special or different character ? If so, why was increased pay given in this case as a matter of course ?

(*f*) Are Government prepared to consider the question of regrading all these clerks in their substantive grades ?

(*g*) Will Government be pleased to state whether it is a fact that in promoting all these to the next higher grades they were given the minimum pay of such higher grade ?

(*h*) Is it a fact that there was one case, namely that of Mr. Khub Chand, in which the clerk was given nearly the maximum pay of the higher grade ?

Mr. P. R. Rau : With your permission, Sir, I shall answer questions Nos. 992, 993 and 994 together. Government have no information but I have sent a copy of these questions to the Agent, North Western Railway, for such action as he may deem necessary.

WELFARE CLERK IN THE RAILWAY WORKSHOPS AT SUKKUR.

†993. ***Mr. Uppi Saheb Bahadur :** (*a*) Is it a fact that a class IV welfare clerk is in the Workshops at Sukkur whereas there is only a class III welfare clerk in Loco. Shops, Moghalpura ?

(*b*) Is it a fact that the Loco. Shops, Moghalpura, have nearly four times as much staff as the Sukkur Shops ?

(*c*) If the reply to part (*a*) be in the affirmative, will Government please state the special circumstances which warrant the appointment of a senior grade man in the smaller workshop ?

SINDHI AND NON-SINDHI CLERKS IN THE LATE CONSTRUCTION OFFICE, NORTH WESTERN RAILWAY.

†994. ***Mr. Uppi Saheb Bahadur :** (*a*) Will Government please state the number of Sindhi and non-Sindhi clerks in the Construction office, North Western Railway, before the dissolution of that office in 1932 ?

(*b*) Will Government be pleased to state the number of Sindhi and non-Sindhi clerks who were retained and confirmed after the dissolution of Construction Office ?

(*c*) Is it a fact that some of these Sindhi Hindu clerks who were below the educational standard required for the appointment and confirmation as office clerks have been confirmed in contravention of the existing rules ? If so, why ?

(*d*) If the reply to part (*c*) be in the affirmative, are Government prepared to take steps to remedy matters and to avoid a recurrence of such preferential treatment ?

NON-POSTING OF UNQUALIFIED GUARDS AS ASSISTANT STATION MASTERS ON INDIAN RAILWAYS.

995. ***Mr. Uppi Saheb Bahadur :** (*a*) Is it a fact that those Guards who are once sent to the Training School and disqualify themselves are never posted to work as Assistant Station Masters under the general rules on Indian Railways read with subsidiary rules of 1929 ?

(*b*) Are there any exceptions to these rules issued by the Railway Board ? If so, upto what extent ?

(*c*) Are Agents empowered to deviate from these rules without prior approval of the Railway Board ?

(*d*) Are any divisions of the North Western Railway exempt from the operation of these rules ?

†For answer to this question, *see* answer to question No. 992.

Mr. P. R. Rau : (*a*) I have not been able to discover any rule in the General Rules for Indian Railways which has this effect.

(*b*) and (*c*). Agents are bound to follow the General Rules issued by the Railway Board, but are empowered to frame subsidiary rules which they can alter so long as they are not inconsistent with the General Rules.

(*d*) No Railway or Division of a railway is exempt from the operation of the General Rules.

RULES OF EXAMINATION FOR RECRUITMENT TO THE SUPERIOR COMMERCIAL AND TRANSPORTATION SERVICES.

996. ***Mr. Uppi Saheb Bahadur :** (*a*) Is it a fact that the Railway Board recently revised the rules for the competitive examination held for recruitment to the superior Commercial and Transportation Services ?

(*b*) Is it also a fact that the classical languages, like Sanskrit, Arabic and Persian, do not find a place in the syllabus for that examination ?

(*c*) Is it a fact that these languages form part of the syllabus of practically all non-technical examinations, for example Indian Civil Service, Indian Audit and Accounts Service, Imperial Custom Service, Railway and Military Accounts Service, etc. ?

(*d*) If so, are Government prepared to consider the advisability of including these three subjects, *viz.*, Sanskrit, Arabic and Persian, in the syllabus for the recruitment examination of the superior Commercial and Traffic Service ?

Mr. P. R. Rau : (*a*), (*b*) and (*c*). Yes.

(*d*) The syllabus was revised in consultation with the Public Service Commission and the reason why so wide a choice was not proposed for this examination was that the experience of the Public Service Commission had shown that the number of options allowed was excessive. It was also held that these Departments were unlikely to require candidates possessing the qualifications resulting from a prolonged study of the classical languages. My Honourable friend will no doubt have observed that a large number of other subjects with probably as good a claim as the classical languages have been excluded from this syllabus.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT OF INDIANS TO THE INDIAN AIR FORCE.

81. **Rao Bahadur M. C. Rajah :** (*a*) Will Government be pleased to state what are the various "trades" in the Indian Air Force to which they have decided to recruit Indians and what is the sanctioned strength for each ?

(*b*) How much recruitment of Indians for the Indian Air Force has so far been made and how much remains to be made in the near future ?

(*c*) What are the addresses of the various Recruiting or Technical Recruiting Officers through whom applications for recruitment for technical and non-technical trades should be submitted ?

(*d*) How, by whom and when is the final selection of personnel to be made ?

(*e*) What are the various training centres at which the selected apprentices, etc., will be trained and where will the offices and Headquarters of the Indian Air Force be located ?

(*f*) What is the minimum period for which candidates for "trades not involving apprenticeship" must work as aircrafthands before they can be mustered into the trades chosen by or specified for them ?

(*g*) Are free rations, free quarters (single or family), railway warrants and leave concessions allowed to airmen before attestation ?

(*h*) What are the rates of pay and rules for recruitment for (*i*) Warrant officers, and (*ii*) Mechanical Transport drivers for the Indian Air Force ?

Mr. G. R. F. Tottenham : (*a*)

Trades.	*Sanctioned strength.*
Aircrafthand	5
Armourer	1
Blacksmith	1
Carpenter	1
Clerk, General Duties	2
Clerk, Pay Accounting	1
Clerk, Stores Accounting	1
Coppersmith and Metal Worker	1
Electrician	1
Fitter Aero Engine	8
Fitter Armourer	1
Metal Rigger	7
Photographer	1
Storekeeper	2
Wireless Operator Mech.	2
Wireless Operator	2

(*b*) Twenty-two have already been enrolled. The balance required to complete establishment will be enrolled in the near future.

(*c*) Applications for enrolment in highly skilled trades should be submitted to Royal Air Force Headquarters. Applications for enrolment in other trades should be submitted to the Army Recruiting Officer at Rawalpindi, Peshawar, Kohat, Lahore, Jullundur, Delhi, Ajmer or Lucknow.

(*d*) By merit, by the Air Officer Commanding, Royal Air Force, India.

(*e*) Karachi.

(*f*) No minimum period has been prescribed.

(*g*) Free rations, free quarters (single) and leave concessions are allowed to airmen after enrolment. Railway warrants to join the unit at Karachi are allowed to accepted recruits.

(*h*) (*i*) Rates of pay for Warrant Officers have not yet been fixed. Warrant Officers are not recruited direct but are promoted from the junior ranks.

(*ii*) Mechanical Transport Drivers are selected by the Indian Army Service Corps and trained at Chaklala. The rates of pay are laid down in Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force.

INTRODUCTION OF LEAVE RESERVE AND NEW SCALES OF PAY IN THE GOVERNMENT OF INDIA OFFICES.

82. **Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that all Departments of the Government of India Secretariat and some of the Attached Offices have a leave reserve for their establishment ?

(*b*) Do Government propose to introduce a leave reserve in all the Attached Offices and thereby stop the practice of appointing in-experienced officiating men in short vacancies when any permanent incumbent goes on leave ?

(*c*) When do Government propose to introduce new scales of pay in the offices of the Government of India ?

(*d*) Is it a fact that the introduction of new scales of pay will also involve some changes in the strength of staff in the various Divisions in the case of Attached Offices ?

(*e*) Do Government propose to avail themselves of this opportunity to introduce a leave reserve along with the introduction of the new scales of pay in those few offices in which it does not exist at present ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) No such proposal is under consideration.

(*c*) Scales of pay for new entrants to the Governor General's Services are in course of publication.

(*d*) Yes.

(*e*) As the question of the provision of a leave reserve has no connection with the introduction of new scales of pay Government have not considered the suggestion made.

REVISED EDITION OF THE MOORE'S FAMILY MEDICINE.

83. **Rao Bahadur M. C. Rajah** : (*a*) Will Government please state when was the book " Moore's Family Medicine " last revised and what is its price for Government servants ?

(*b*) When do Government propose to print its up-to-date edition ?

(*c*) Do Government propose to ascertain from all Government servants by means of a general circular as to the number of copies required by them when the book is re-printed ?

Mr. G. S. Bajpai : (*a*) In 1920. The price of the present edition was recently reduced and is now Rs. 2-8-0 per copy for Government servants whose salary is below Rs. 500 *per mensem* and Rs. 3 for those whose salary is Rs. 500 and over, *per mensem*.

(*b*) The matter is under consideration.

(*c*) Government consider that when the book is reprinted, it would be sufficient to bring that fact to the notice of Government servants through Local Governments and Heads of Departments.

APPOINTMENT OF DOCTORS AND OPENING OF A DISPENSARY IN NEW DELHI.

84. **Rao Bahadur M. C. Rajah** : (*a*) Will Government please state :

(*i*) the names of doctors appointed for duty with the Government of India at New Delhi for the next winter for various grades of Indian employees ;

(*ii*) the time and place at which they will be available for consultation ;

(*iii*) prescribed rates of fees for their visiting the houses of the Government employees ?

(*b*) Are Government aware that last year both the time and place of consultation of the doctors was not convenient for those for whom they were intended ?

(*c*) Do Government propose to fix the time of consultation *before* office hours in the morning and *after* office hours in the evening, and the place of consultation near the Indian Clerks' quarters, *viz.*, Gol Market, or Baird Road ?

(*d*) When do Government propose to open a dispensary, like the Civil and Military Dispensary of Simla, at a central place (Indian clerks' quarters), in New Delhi from where Government servants may get medicines without unnecessary loss of time ?

Mr. G. S. Bajpai : (*a*) (*i*) Indian employees of the Government of India Secretariat and their Attached Offices will be attended to by the following medical officers :

Those drawing pay of Rs. 500 per mensem and upwards by Major R. S. Aspinall, I.M.S., Civil Surgeon, New Delhi.

Those drawing pay from Rs. 150 to Rs. 499 per mensem in migratory offices by Dr. N. F. Masters, Civil Assistant Surgeon in charge of Junior Secretariat Establishments.

Those drawing pay from Rs. 150 to Rs. 499 per mensem in non-migratory offices by Dr. D. Deish, Civil Assistant Surgeon attached to the Civil Hospital, New Delhi.

Those drawing pay of Rs. 149 per mensem and under by Dr. Randhir Singh and Dr. Muhammad Yunus, Sub-Assistant Surgeons attached to the Civil Hospital, New Delhi.

Indian employees of the Army and Royal Air Force Headquarters drawing Rs. 250 per mensem and upwards will be attended to by the Surgeon to His Excellency the Commander-in-Chief and those drawing less than Rs. 250 per mensem by Dr. N. F. Masters.

(*ii*) At the Civil Hospital, New Delhi, between 8 A.M. and 10 A.M. and between 4-30 P.M. and 5-30 P.M. After these hours at their residences.

(*iii*) All Government servants and the families of those employed in the Army and Royal Air Force Headquarters, if too ill to attend the hospital, are entitled to free attendance at their residences. When a Government servant's family is not entitled to free attendance the appointed medical attendant is permitted to charge a fee not exceeding, in the case of an Assistant Surgeon, Rs. 2 for each day visit and Rs. 4 for each night visit, and, in the case of a Sub-Assistant Surgeon, Re. 1 for each day visit and Rs. 2 for each night visit.

(*b*) No.

(*c*) and (*d*). The time of consultation has always been before office hours in the morning and after office hours in the evening. As the Civil Hospital, New Delhi, is situated at a central place, not far from the Indian Clerks' quarters, the question of opening a new dispensary as suggested by the Honourable Member does not arise.

RATIO OF THE NUMBER OF SUPERINTENDENTS TO ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

85. **Rao Bahadur M. C. Rajah** : Will Government please state what is the ratio of the number of Superintendents to Assistants and Clerks in the Home Department and in other Departments of the Government of India and Attached Offices ?

The Honourable Sir Harry Haig : A statement containing the information is laid on the table.

Statement showing the ratio of Superintendents to Assistants and Clerks in the Governmen of India Secretariat and Attached Offices.

Home	1	Superintendent to	12·8	Assistants and Clerks.
Foreign and Political	1	„	9·8	„ „
Finance	1	„	11·9	„ „
Commerce	1	„	14·8	„ „
E., H. & L.	1	„	13·1	„ „
Legislative	1	„	19	„ „
Industries Branch	1	„	17·7	„ „
P. W. Branch	1	„	7	„ „
Army	1	„	18·7	„ „
F. A., M. F.	1	„	18·2	„ „
I. C. A. R.	1	„	19	„ „
Railway	1	„	16	„ „
Legislative Assembly	1	„	19	„ „
Attached Offices.				
Adviser, I. S. Forces	1	„	10	„ „
D. G., I. M. S.	1	„	10·3	„ „
D. I. B.	1	„	10·3	„ „
D. P. I.	1	„	8	„ „
Director, Civil Aviation	1	„	8·3	„ „
D. G., Archy...	1	„	10	„ „
Indian Stores Department	1	„	29·4	„ „
C. B. R.	1	„	18	„ „
P. S. C.	1	„	15	„ „
D. G., P. & T.	1	„	11·4	„ „
Controller, Printing and Stationery	1	„	16	„ „
G. S. Branch	1	„	18·3	„ „
A. G.'s Branch	1	„	11·25	„ „
Q. M. G.'s Branch	1	„	12	„ „
M. G. O. Branch	1	„	11·2	„ „
M. S. Branch	1	„	13·3	„ „
E.-in-C.'s Branch	1	„	12	„ „
Medical Directorate	1	„	11	„ „
Contracts Directorate	1	„	10	„ „
A. D. O. S. (Provision)..	1	„	13	„ „
R. A. F. Headquarters	1	„	14·5	„ „

NOTE.—(*i*) There are no superintendents in the offices of the A. M. S. (P.) and the J. A. G.
(*ii*) In preparing the statement, the total number of Assistants and clerks has been taken into account, though in a few cases Assistants and clerks are in charge of Sections and many clerks are employed in isolated posts of a special nature not under the charge of Superintendents.

OCCUPATION OF QUARTERS IN NEW DELHI BY THE STAFF OF THE GOVERNMENT OF INDIA AFTER THEY BECOME OUT OF CLASS.

86. **Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the members of the non-migratory establishments of the Government of India at New Delhi are permitted to remain in occupation of the quarters once allotted to them when they become out of class, until a quarter of the proper class becomes available for them ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government please state if the same practice is followed in the case of the migratory staff as well ?

(*c*) Are Government aware that great difficulty is experienced by those who are ousted from their old quarters in finding private residences for themselves after their move down from Simla and that their case is harder than of those who remain throughout the year in New Delhi ?

(*d*) Do Government propose to consider the desirability of making the practice in this respect uniform for migratory and non-migratory staff ? If not, why not ?

The Honourable Sir Frank Noyce : The attention of the Honourable Member is invited to the reply given by me on the 20th March, 1933, to starred question No. 799 by Mr. M. Maswood Ahmad.

LOCATION OF CERTAIN ATTACHED OFFICES IN NEW DELHI.

87. **Rao Bahadur M. C. Rajah** : (*a*) Will Government please state how does the question of the stoppage of the move of the Government of India, and particularly of the Attached offices, stand at present ?

(*b*) Is it a fact that the installation of metres has solved to a large extent the shortage of water problem which was a great obstacle in the way of the Attached Offices being permanently located at New Delhi ?

(*c*) Have Government considered that some of the Attached Offices, *e.g.*, Public Service Commission, Indian Stores Department, Director General of Indian Medical Service (excepting the Branch dealing with Indian Medical Service and Military Department), and Director General of Archæology, can be easily detached from the Government of India and located at New Delhi during summer ?

(*d*) Do Government propose to announce their final decision in the matter sufficiently before the move-down of the offices to enable the establishments concerned to make their future arrangements (regarding lease of houses at Simla for the next year and removal of their household effects from Simla to Delhi) accordingly ?

The Honourable Sir Harry Haig : (*a*) and (*c*). I would refer the Honourable Member to the reply given by me on September 5, 1933, to part (*b*) of Mr. Bhuput Sing's question No. 607.

(*b*) I understand that the recent installation of meters has had a very marked effect on the consumption of filtered water.

(*d*) It is unlikely that any decision will be announced before the offices move to Delhi next month.

NEW SCALES OF PAY FOR ARMY HEADQUARTERS STAFF.

88. **Rao Bahadur M. C. Rajah**: (*a*) Will Government please state whether the new scales of pay for Secretariat and Attached Offices of the Government of India will also apply to the Army Headquarters? If not, what will be the system of recruitment in future for the Army Headquarters?

(*b*) Is it a fact that the clerks of the Indian Army Corps will be appointed for duty in the Army Headquarters, and if so, what will be their scales of pay and allowances?

Mr. G. R. F. Tottenham: (*a*) and (*b*). The matter is under consideration, and no decision has yet been reached.

CERTAIN POSTS IN EACH POSTAL DIVISION OF THE BOMBAY CIRCLE.

89. **Mr. A. Das**: (*a*) Will Government please furnish the following information in respect of each Postal Division of the Bombay Circle:

Number of posts of—

(*i*) Departmental Branch Postmasters,
(*ii*) Overseers,
(*iii*) Overseer Postmen,
(*iv*) Head Postmen,
(*v*) Reading or Sorting Postmen,
(*vi*) Postmen,
(*vii*) Village Postmen,
(*viii*) Runners, and
(*ix*) Other inferior servants,

on the 31st March, 1931 and on the 30th June, 1933?

(*b*) How many of the posts in the categories (*vi*), (*vii*) and (*viii*) of part (*a*) above, were abolished altogether between this period, *i.e.*, between 31st March, 1931 and 30th June, 1933, and how many were substituted by employment of extraneous agents to do the duties attached to their posts?

(*c*) In how many cases, in respect of each Postal Division of the Circle, were the permanent holders of the posts in the categories of (*vi*), (*vii*) and (*viii*) of part (*a*) above, retired compulsorily during the same period for purposes of employment of extraneous agents in their places?

The Honourable Sir Frank Noyce: (*a*), (*b*) and (*c*). Government regret that the information required for a detailed reply to the various parts of the question is not available and could not be obtained without much time and labour; but a statement showing the number of posts in each of the first five categories on the 31st January, 1931 and the 31st January, 1933, respectively, in the Bombay Circle, as a whole, is annexed. In this connection the Honourable Member's attention is invited to the reply given in this House on the 31st August, 1933, to his starred questions Nos. 295 and 296.

Statement.

BOMBAY CIRCLE.

Category.	Number of posts on 31st January, 1931.	Number of posts on 31st January, 1933.
(*i*) Departmental Branch Postmasters	144	27
(*ii*) Mail Overseers	40	37
(*iii*) Overseer Postmen	61	56
(*iv*) Head Postmen	57	31
(*v*) Reader and Sorting Postmen	114	107

POSTING OF HINDU SUPERINTENDENTS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

90. **Seth Liladhar Chaudhury**: (*a*) Will Government please state the number of Superintendents of Post Offices of different communities in the Punjab and North-West Frontier Circle? Is it a fact that the Hindus are in very poor minority and the Muslims in very great majority? If so, will Government please state the action they propose to take to avoid the preponderance of the Muslim community in the posts of Superintendents of Post Offices in the Punjab Circle?

(*b*) Will Government please state the names of the Postal Divisions in the Punjab Circle the charge of which has not been held by a Hindu Superintendent during the last 15 years?

(*c*) Do Government propose to consider the advisability of posting Hindu Superintendents to these Divisions as soon as suitable opportunity occurs in future?

The Honourable Sir Frank Noyce: (*a*) As regards the first part of the question, there are at present nine Muslims, four Hindus, five Sikhs, one European and three Anglo-Indian Superintendents of Post Offices, including Assistant Postmasters-General, in the Punjab Postal Circle. As regards the second part, the attention of the Honourable Member is invited to the reply given in this House to part (*b*) of Bhai Parma Nand's starred question No. 461 on the 22nd February, 1932.

(*b*) Government have no information as such postings are made by the Postmaster-General.

(*c*) Does not arise in view of the reply to parts (*a*) and (*b*).

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

91. **Seth Liladhar Chaudhury**: (*a*) Will Government please lay on the table a statement showing different kinds of allowances attached to all classes of appointments in the Peshawar Postal Division of the Punjab Circle, and how many of the posts carrying such allowances were held by (*i*) Hindus, and (*ii*) Muslims on 31st March, 1933?

(*b*) If the statement referred to in part (*a*) above, indicates that the number of Hindus who held the posts under reference on 31st March, 1933, was much less than those of Muslims, will Government please state the reason for this discrimination?

(*c*) Are Government aware that no Hindu Superintendent has held charge of the Peshawar Postal Division during the last 15 years ? If so, are Government prepared to order the posting of a Hindu Superintendent to the Peshawar Postal Division ?

(*d*) Will Government please lay on the table a statement showing the names of Sub-Offices and of the Sub-Postmasters in charge of the Peshawar Postal Division, together with their length of service on 31st March, 1933 ?

The Honourable Sir Fank Noyce : (*a*) to (*d*). Government are not in possession of the information asked for and do not consider it necessary to call for it as appointments to allowanced posts are not made on communal considerations.

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

92. **Seth Liladhar Chaudhury :** (*a*) Is it a fact that junior Muslims are working as Sub-Postmasters, while senior Hindus are working as clerks in the Peshawar Postal Division ?

(*b*) Is it a fact that the number of Muslim Sub-Postmasters far outsteps the number of Hindu Sub-Postmasters in the Peshawar Postal Division, and if so, are Government prepared to order the replacement of junior Muslim officials working as Sub-Postmasters by senior Hindu officials in the Peshawar Postal Division ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Government have no information and do not consider it necessary to call for it as such postings are not made on communal considerations.

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

93. **Seth Liladhar Chaudhury :** Will Government be pleased to lay on the table a statement showing the number of posts sanctioned in the Peshawar Postal Division in each scale or cadre, *viz.*, Postmasters, Clerks, Overseers, Head Postmen, Departmental Branch Postmasters, Postmen, Menials, Runners and others, and how many of these posts are held by Hindus in each cadre or class of scale ? What action do Government propose to take to remove the Muslim preponderance in the Peshawar Postal Division ?

The Honourable Sir Frank Noyce : As regards the first part of the question, a statement giving the information available is annexed. Although it is not precisely on the lines asked for by the Honourable Member, Government hope that it will meet his requirements.

As regards the second part, Government do not propose to take any special action as existing orders already lay down that in making fresh recruitment one-third of the vacancies are to be reserved for the adjustment of communal inequalities with the object of preventing the preponderance of any one class or community in Government service. In this connection the Honourable Member's attention is invited to the reply given to Bhai Parma Nand's starred question No. 671 on the 7th of March last.

Statement.

PESHAWAR POSTAL DIVISION.

	Total.	Hindus.
Clerical staff in the Upper Division and Higher Grades	141	44
Clerical staff in the Lower Division (including Branch Postmasters, Overseers, Head Reader and Sorting Postmen)	15	3
Postmen and Mail Guards	158	12
Inferior Staff	127	9

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

94. **Seth Liladhar Chaudhury :** (*a*) Will Government please state which is the minority community in the Peshawar Postal Division for the purpose of recruitment ?

(*b*) Will Government please state the number of outsiders of each community employed in the Peshawar Postal Division in each class or cadre since March, 1927 ?

(*c*) Is it a fact that the Hindus are considered a minority community for the purpose of recruitment in the Peshawar Postal Division and that the Hindu community has not been given the adequate share in accordance with the orders of the Government regarding recruitment ? If so, will Government please state the action they propose to take to set matters right and to enforce further recruitment in accordance with their orders ?

The Honourable Sir Frank Noyce : (*a*) In all Divisions, Muhammadans, Anglo-Indias, Indian Christians and Sikhs are regarded as minority communities for the purpose of recruitment to the Posts and Telegraphs Department.

(*b*) I regret that the information is not readily available.

(*c*) Does not arise in view of the reply to part (*a*) above and as no definite share in recruitment for Hindus, as presumed by the Honourable Member, has been laid down in the orders referred to.

DISCHARGE OF CERTAIN HINDUS IN THE DEHRA DUN HEAD POST OFFICE.

95. **Seth Liladhar Chaudhury :** (*a*) Will Government please state the criteria laid down by them regarding the discharge of officiating or temporary officials in connection with the General Retrenchment Scheme ?

(*b*) Is it a fact that the discharge of officials should be according to seniority and length of service beginning with the juniormost officials ? If so, will Government please state why senior Hindu and Sikh officials have been discharged, such as Messrs. Jagat Ram and Bir Singh, while junior Muslims, such as Messrs. Rashid Ahmad and Rafi Uzman, have been retained in service in the Dehra Dun Head Post Office ?

The Honourable Sir Frank Noyce : (*a*) The criteria laid down for the discharge of officiating or temporary officials are the same as for permanent officials so far as applicable—that is to say retrenchment should be effected by the discharge of selected men from among the officials in each distinct category of Superintendents, Stenographers,

Clerks, and Typists, etc., in the following order, subject to the maintenance to the nearest practicable figure in each category of the ratio between the various communities represented by their present numbers in that category :

(1) by the discharge of officers whose work is considered to be so consistently unsatisfactory that to retain them in preference to others would be unjustifiable ;

(2) discharge of selected officers who have attained the age of 55 or have 30 years' service or more ;

(3) discharge of selected officers with less than 10 years' service ;

(4) discharge of selected officers with 10 years' but less than 25 years' service.

(*b*) For the first part of the question reference is invited to the reply to (*a*) above. As regard the second part, Government have no information. If any of the individuals mentioned consider that they have a grievance, it is open to them to make representations to the proper authorities through the usual official channel.

BAUDOT SUPERVISORS IN TELEGRAPH OFFICES.

96. **Seth Liladhar Chaudhury** : (*a*) Is it a fact that there are three classes of Baudot Supervisors in Telegraph Offices, *viz.*, (*i*) those who have passed the Baudot Supervisors' examination and also the Higher Baudot Technique examination, (*ii*) those who have passed only the Higher Baudot Technique examination, and (*iii*) those who have passed only the Baudot Supervisors' examination ?

(*b*) Is it a fact that whenever a permanent or temporary vacancy of a Baudot Supervisor occurs, men in category (*i*) of part (*a*) are given preference over those in category, (*ii*) for filling such an appointment ? If so, why ?

(*c*) Is it a fact that in some Telegraph Offices men in category (*ii*) are supervising Baudot, while those in category (*i*) are not doing so ?

(*d*) Is it a fact that if a telegraphist in category (*ii*) of part (*a*), holding a Baudot Supervisor's post, proceeds on leave, he resumes, on return from such leave, his former appointment of Baudot Supervisor even if it involves displacing a telegraphist in category (*i*) ?

(*e*) If the replies to parts (*b*), (*c*) and (*d*) be in the affirmative, will Government please state the reasons for giving preference for Baudot Supervisor's appointments to men in category (*i*) at one time and to those in category (*ii*) at another time ?

(*f*) Is it a fact that when telegraphists holding the appointments of Testing Telegraphist or Desk Supervisor (carrying special pay) proceed on leave, they do not on return from leave resume their former appointments on the score of having held them previous to going on leave, but can only claim them if entitled by reason of seniority ?

(*g*) If the replies to parts (*e*) and (*f*) be in the affirmative, will Government kindly state the reasons for not applying the same rule in both cases ?

(*h*) Is it a fact that when recently rules of seniority for Desk appointments were revised, those, who were classified as juniors according to the revised rules, were ordered to make room for their seniors immediately ?

(*i*) If the answer to part (*h*) be in the affirmative, will Government kindly state if a similar procedure was observed when rules for seniority among Baudot Supervisors were revised in March, 1932 ? If not, why not ?

(*j*) Is it a fact that this question was referred to the Director General of Posts and Telegraphs by the All-India Telegraph Union about 15 months ago ? If so, will Government kindly state why the position has not so far been rectified ?

The Honourable Sir Frank Noyce : (*a*) Yes,

(*b*) The reply to the first part is in the affirmative. As regards the second part, the reason is that the qualifications of the men in the first category referred to in part (*a*) of the question are superior to those in the second category.

(*c*) and (*d*). Government are not aware of any such cases.

(*e*) and (*g*). As I have explained above Government are not aware of any cases such as those referred to by the Honourable Member, but if he will give me the necessary particulars I will have enquiries made.

(*f*) It is a fact that telegraphists holding the posts referred to by the Honourable Member do not, when proceeding on leave, retain any absolute right to return to those posts.

(*h*) Government have no precise information, but the facts may be as stated by the Honourable Member.

(*i*) The orders of March, 1932, contained no definite instructions on the subject, it being left to the Heads of Circles to select the most suitable men subject to certain general principles.

(*j*) It is presumed that the Honourable Member refers to the question of fixing the order of preference for filling appointments of Baudot Supervisors—if so, orders have recently been issued on the subject.

NON-OBSERVANCE OF CERTAIN ORDERS OF THE POSTMASTER GENERAL, PUNJAB.

97. **Seth Liladhar Chaudhury** : (*a*) Is it a fact that the Postmaster General, Punjab, has ordered that :

(*i*) no combined hand should be employed in the office of the Superintendent, Post Offices, and

(*ii*) no time-scale clerk should be retained in the office of the Superintendent continuously for a period of more than five years ?

(*b*) Will Government please lay on the table a statement in the form given below showing the particulars of the combined hands and

the officials working in the Superintendent's office for more than a period of five years ?

Name of the Division.	Name of Superintendent.	Name of combined hand working in the Divisional Office.	Name of the official working in the Divisional office for over a period of 5 years.

(*c*) If the reply to part (*a*) be in the affirmative and reply to part (*b*) indicates contravention of these orders, will Government please state the steps they propose to take against the Superintendents concerned for the breach of the orders and to ensure that the orders are strictly observed in future ?

The Honourable Sir Frank Noyce : (*a*) to (*c*). Government have no information. The matter is entirely within the competence of the Postmaster General to whom a copy of the question is being sent.

REPLACEMENT OF A FEW MUSLIMS BY HINDUS IN THE INFERIOR ESTABLISHMENT OF THE JHELUM HEAD POST OFFICE.

98. **Seth Liladhar Chaudhury :** Will Government please state the number of Hindus and Muslims in the delivery and inferior establishments of the Jhelum Head Post Office ? Are the Hindus in a minority, particularly in the inferior establishment ? If so, do Government propose to order the replacement of a few Muslims by Hindus in that office ? Are Government aware that the Hindu staff feel much inconvenience in getting even drinking water on account of the absence of Hindus among the inferior establishment, and that this is a cause of genuine grievance to the Hindus ?

The Honourable Sir Frank Noyce : I regret that the information asked for is not readily available. As, however, the matter is within the competence of the Postmaster General, Punjab and North West Frontier Circle, a copy of the question is being sent to him.

GRANT OF PENSION TO TELEPHONE OPERATORS.

99. **Seth Liladhar Chaudhury :** (*a*) Is it a fact that the service of the classes of officials in the Post Office, Railway Mail Service and Traffic Branches of the Posts and Telegraphs Department corresponding to telephone operators in the Engineering Branch of the Department, is pensionable whereas that of telephone operators is not ? Will Government please state the reason for this discrimination ?

(*b*) Is it a fact that the question regarding the pensionable status of telephone operators has been under the consideration of Government for several years past and several memorials have been submitted to them by the telephone operators concerned, but that no order has yet been passed ?

(*c*) Will Government please state when final orders are expected to be issued ?

The Honourable Sir Frank Noyce : (*a*) As regards the first part of the question, the position is that the services of the majority of officials in the Posts and Telegraphs Department on the same scales of

pay as telephone operators are pensionable, whereas the services of telephone operators appointed after the 8th July, 1919, are non-pensionable. As regards the second part, the discrimination was made on administrative grounds.

(*b*) and (*c*). The attention of the Honourable Member is invited to the reply given by Sir Thomas Ryan on the 29th November, 1932, to parts (*a*) and (*b*) of Mr. Muhammad Anwar-ul-Azim's starred question No. 1514.

SUPERSESSION OF TELEPHONE OPERATORS IN THE LAHORE TELEGRAPH ENGINEERING DIVISION.

100. **Seth Liladhar Chaudhury :** (*a*) Is it a fact that a number of lady telephone operators have superseded a number of male operators in the Lahore Telegraph Engineering Division ?

(*b*) Will Government please state the reasons for these supersessions causing discontentment among the male operators superseded ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Government have no information. If any officials have been superseded and consider that they have a grievance it is open to them to represent it to the proper authority through the usual official channel.

POSITION OF AN OFFICIAL APPOINTED IN A NEW OFFICE AFTER THE ABOLITION OF HIS POST IN HIS FORMER OFFICE.

101. **Seth Liladhar Chaudhury :** Have Government issued any orders to the effect that an official, whose post is abolished in one office and is consequently provided in another office, should be shown as junior to all officials of his class in his new office ?

The Honourable Sir George Schuster : It is presumed the Honourable Member refers to re-employed retrenched personnel. Such personnel, if re-employed, are regarded as having entered Government service for the first time on the date of re-employment, which means that they start at the bottom of the time scale.

RAISING THE STATUS OF THE DHOORIA POST OFFICE IN THE RAWALPINDI DIVISION.

102. **Mr. S. C. Mitra :** (*a*) Is it a fact that a circular was issued by the Director General, Posts and Telegraphs, in 1925 in which Postmasters-General were instructed to keep in view the policy of the Government of India for extension of postal facilities, as much as possible, to rural areas where it was justified by circumstances ?

(*b*) If so, will Government please state :

(*i*) how many new village post offices have since then been opened in the Punjab ;

(*ii*) how many village post offices have since then been raised to regular Branch or Sub-Offices in charge of whole-time Branch or Sub-Postmasters ?

(*c*) What is the population of village Dhooria in Rawalpindi Division ?

(*d*) Is it a fact that a large number of the residents of the village are Government officials, including retired civil and military officers, some of whom are holding the King's commission in the Indian Army ?

(*e*) Is it a fact that a large number of the residents of the village have trade connections in the United Provinces, etc. ?

(*f*) Is it a fact that the village has got a well-attended District Board Middle School also ?

(*g*) Is it also a fact that Government have provided it only with a village post office run by a part-time stamp vendor ?

(*h*) Do Government propose to raise the status of the village post office to a combined Post and Telegraph office in charge of a whole time Branch or Sub-Postmaster ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) Yes, but as a result of the unsatisfactory financial position these instructions had subsequently to be modified.

(*b*) (*i*) The number of new post offices opened in the Punjab and North West Frontier Postal Circle was approximately 940.

(*b*) (*ii*) Government regret that the information is not readily available.

(*c*) to (*h*). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

SHORT NOTICE QUESTIONS AND ANSWERS.

MINTUE OF DISSENT OF SIR PURSHOTAMDAS THAKURDAS ON THE REPORT OF THE LONDON COMMITTEE ON THE INDIAN RESERVE BANK.

Mr. B. Das : (*a*) Has the attention of Government been drawn to the extracts from the minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian Reserve Bank, as published in the *Statesman* of the 15th September, 1933 ?

(*b*) With reference to the following observations of Sir Purshotamdas Thakurdas, will Government be pleased to state how they justify the statement that Sir Purshotamdas Thakurdas was against a State Bank ?

"If His Majesty's Government is not prepared to agree to the complete immunity of the Reserve Bank from political influence from or through the Secretary of State for India in London, it is only fair to meet the strong feeling in India in favour of making the State Bank the Central Currency authority. There should be only two alternatives : either a Shareholders' Bank completely free from political influence on both sides of the seas ; or a State Bank directly subject to the control of the Federal Government. I am convinced that the qualification introduced by the Secretary of State in his reply to question No. 8599 undermines the foundations of the agreement arrived at, and if it is persisted in, it makes the consideration of the alternative of a State Bank an imperative necessity."

(*c*) Will Government be pleased to lay on the table all the minutes of dissent in connexion with the London Committee on the Reserve Bank ?

The Honourable Sir George Schuster : (*a*) Government's attention has been called to the publication referred to. But it cannot be accurately described as a minute of dissent, because all the notes of dissent recorded by Sir Purshotamdas Thakurdas are included in the published report of the London Committee.

(*b*) He accepted without reserve or qualification the recommendation contained in paragraph 3 of the Committee's report from which I quote the following sentence :

"The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders and we recommend that this plan should be adopted in the case of India."

(*c*) All the notes of dissent which any member of the London Committee expressed a desire to record are included in the published report of the Committee.

Mr. B. Das : Has the Honourable the Finance Member read the full note published in the *Statesman* ? Did he notice that the wording of that statement was in the present tense ? I will just read one sentence :

"From certain recommendations of the report, I am compelled to dissent. I feel it essential to explain these differences more fully than they are set out in the brief minutes appended to, or forming part of the Report."

Does not that show that he changed his opinion a day or two after he signed the report in London and submitted this minute of dissent ?

The Honourable Sir George Schuster : I think, Sir, that my Honourable friend reads too much in the present tense to which he has referred. I can state as a definite fact that nothing of this kind was handed in in London.

Mr. K. C. Neogy : Were the minutes of the discussion of the London Committee recorded and, if so, are these minutes likely to be published ?

The Honourable Sir George Schuster : No, Sir. There was no full record of the London discussions and all that will be published is a report which was signed after full consideration by all the members of the committee.

Mr. R. S. Sarma : Is it not the past experience of Government that they have found that Sir Purshotamdas Thakurdas' private views and the views that are published are totally different on many occasions ?

The Honourable Sir George Schuster : That, Sir, is a question which I do not think I am called upto to answer.

MINTUE OF DISSENT OF SIR PURSHOTAMDAS THAKURDAS ON THE REPORT OF THE LONDON COMMITTEE ON THE INDIAN RESERVE BANK.

Mr. B. Das : (*a*) Has the attention of Government been drawn to the following lines in the note of dissent of Sir Purshotamdas Thakurdas ?

"Every major country has either been at its pre-war parity for exchange or has been forced to go lower. India is the one country which is above it. Comprehensive measures have been taken in the U. S. A. to raise prices by the inflation of the currency ; further the Executive has been armed with the power to devalue the dollar to the extent of 50 per cent. of its gold content. For India there is a strong and strengthening

opinion that a lowering of the existing ratio of 1s. 6*d.* will give much-needed relief to the cultivator. It is axiomatic that it will put less strain on the currency system of India should world conditions be slow in improving.''

(*b*) Are Government prepared to accept these recommendations in the interests of the Indian people ?

The Honourable Sir George Schuster : (*a*) Yes.

(*b*) No. Government are pursuing the policy which they consider to be best in the interest of India as a whole, and they cannot accept the premises on which the statement referred to in part (*a*) is based. For example, it is not true to say that India is the only country whose currency is above the pre-war parity of exchange. The pre-war parity of the Indian rupee was 1|4*d.* gold. The present exchange value of the Indian rupee is about 1|- *d.* gold.

Mr. B. Das : May I inquire if the Honourable Member will allow the Joint Committee to discuss this note of dissent by Sir Purshotamdas Thakurdas ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think that question arises.

ELECTION OF MEMBERS TO THE SALT INDUSTRY COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that the following Members have been elected to the Salt Industry Committee, namely :

(1) Mr. E. Studd,

(2) Mr. Lalchand Navalrai, and

(3) Mr. B. N. Misra.

RULING AS TO WHETHER A MEMBER OF THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL WHO IS NOT A MEMBER OF THE ASSEMBLY HAS THE RIGHT OF RAISING A POINT OF ORDER ON THE FLOOR OF THE HOUSE.

Mr. President (The Honourable Sir Shanmukham Chetty) : On the 8th April, 1933, the Honourable Member, Mr. S. C. Mitra, raised a point of order whether a Member of the Executive Council of the Governor General, who was not a Member of the Assembly, had the right of raising a point of order on the floor of the House. The Chair undertook to give a ruling on this point. On consideration, the Chair gives the following ruling :

Under section 63-E (4) of the Government of India Act, every Member of the Executive Council, who is not a Member of the Assembly, has the right of attending in and addressing the Assembly. This provision must be construed as conferring on such Executive Council Member the right to take part in any debate in the Assembly. Therefore, it follows that, when so speaking, such a Member is subject to all the restrictions and limitations imposed on Members of the Assembly by the rules

and Standing Orders. Under rule 15 (*2*), any Member may raise a point of order. This rule should not be strictly applied only to Members any more than the rules and Standing Orders referred to above. If a Member of the Executive Council, who is not a Member of the Assembly, has the right to take part in the debate, he should also be permitted to draw the attention of the House to any point of order which arises out of the debate, for example, irrelevancy or misrepresentation of any part of his speech or the attributing to him of any motives, etc., or rising to make a personal explanation. The Chair, therefore, holds that a Member of the Executive Council, who is not a Member of the Assembly and who exercises his right of addressing the Assembly on any occasion, has also the right of raising any point of order during the debate in which he takes part.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to part (*c*) of starred question No. 711 asked by Mr. K. C. Neogy on the 6th September, 1933.

COAL RAISED IN INDIA.

*711. (*c*) Raisings (tons)	..	..	..	17,374,733
Despatches (tons)	..	..	..	14,900,631

THE HEDJAZ PILGRIMS (*MUALLIMS*) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion moved by Mr. G. S. Bajpai :

" That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommitted to the Select Committee."

Haji Chaudhury Muhammad Ismail Khan (Bakarganj *cum* Faridpur : Muhammadan Rural) : Sir, in connection with this motion, I think I should deal with the stage in which the Bill was referred to a Select Committee in 1932, of which I had the honour to be a member. At that stage, Sir, we came to the conclusion that the Bill should not be proceeded with, though I must take this opportunity of congratulating my esteemed friend, Sir Abdur Rahim, who had a better foresight than ourselves, because he, in his minute of dissent, disagreed with the majority in the Select Committee and recommended that the Bill, in its altered form, was harmless and absolutely necessary. In his opinion, the Bill, as amended by the Select Committee, considerably narrowed the opportunity for making mischief of the *muallims*. Though I unfortunately disagreed with him in 1932, I have had to revise my opinion.

Sir, I am a member of the Standing Central and also the Provincial Haj Committees. In the course of our deliberations in those committees, certain facts came to my knowledge which convinced me of the necessity of such a Bill as the present one before the House. The *muallims* or the

[Haji Chaudhury Muhammad Ismail Khan.]

pilgrim guides, in the majority of cases, induce the poor and illiterate pilgrims to purchase return tickets for benefiting the shipping companies from whom they get certain concessions by way of free travelling facilities. The system of *muallims* as pilgrim guides has got no religious sanction and there is no mention about this institution in the *Shariat*. I do not understand and sometimes feel puzzled as to the reason why a section of the Maulanas, who are supposed to be learned, should take up the cause of these *muallims*, but, in any case, to meet their views and wishes, I would like that the Bill be re-committed to the Select Committee, though, so far as I am concerned, if I had been given a free choice, I would urge the Government to proceed with the consideration of the Bill instead of its re-committal to the Select Committee. Sir, I have changed my views and have come to this firm attitude, because two of the Local Governments, such as Bengal and Bombay, have so strongly pleaded for the passing of such a measure, which, in their opinion, is a necessity for the protection of the poor pilgrim. In this connection it will not be out of place to mention here that the Governments of Bengal and Bombay are more vitally interested in this question as they handle the bulk of the Haj pilgrims through their ports. So far as this measure is concerned, public opinion seems to have been mobilised in favour of the measure as is evident from the support given to the Bill by a vast majority of vernacular newspapers all over India.

Before I conclude, Sir, I would like to bring to the notice of the House that the Bengal Government is so much convinced about the mischievous doings of these *muallims* that they suggested to the Government of India to give them necessary permission to have a provincial legislation on this subject in case the Government of India found it difficult to have an All-India legislation. Last, but not the least, important factor to be taken into consideration by this House is that about two-thirds of the total number of pilgrims from India that visit Hedjaz annually go from Bengal alone and, therefore, the opinion of the Bengal Government on this subject deserves the most serious and careful consideration. I think, Sir, when this measure is passed, it will be a landmark in the history of the Haj pilgrims.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know whether the information about new facts which my Honourable friend has got was received through the Cypher Bureau of the Political Department or through the Education Department ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : Sir, I rise to make my few observations on this Bill. Much has been said from the other side that they are not going to accept the principle of the Bill by accepting the motion that it be re-committed to the Select Committee.

Mr. M. Maswood Ahmad : The House has already accepted the principle of the Bill.

Kunwar Hajee Ismail Ali Khan : I am glad to hear that my friend has now admitted that he has accepted the principle of the Bill. The other point which my Honourable friend, Mr. Maswood Ahmad, made was about

the Simla Conference which took place here a short time ago. Many Conferences have taken place in Simla, and I do not know to which Conference he was referring. So far as my knowledge goes, there was one Conference under the Merchant Shipping Act. When I interrupted my Honourable friend and asked him if the Conference discussed the *Muallims* Bill, he definitely said that he did not know, although we discussed that matter in the Standing Haj Committee and papers were supplied to all the members of the Standing Haj Committee and my friend also got them. Mr. President, the Simla Conference was absolutely beyond the scope of this *Muallims* Bill.

Mr. M. Maswood Ahmad : God knows.

Kunwar Hajee Ismail Ali Khan : You also know it and I also know it. All the Members who have seen the copy of the Government Gazette which is supplied to every Member know what happened in the Simla Conference.

Mr. M. Maswood Ahmad : We know only that much which Government wanted to disclose.

Kunwar Hajee Ismail Ali Khan : The proceedings of the Conference were confined to the framing of the rules which were published for public criticism. If my Honourable friend, Mr. Maswood Ahmad, has got any serious objection to them, we can change those rules in the Standing Haj Committee. But one folly was committed by our responsible Government that foolishly they invited in that *ad hoc* Committee our other Bihari friend, Maulvi Muhammad Shafee Daoodi, with whom unfortunately my friend cannot see eye to eye, and this is the chief reason of his grievance that there was no representative of the Assembly. Sir, he questioned the representative capacity of those Muslim Members who supported the Government in this measure. I want to inform the House that it is very unfair to criticise like this. All the Muslim Members, who were on the Committee, were elected ones and they represent a vast majority of the Muslims and, mind you, they are not elected by the Joint Electorate, but by Separate Electorate.

The argument has been advanced by my other friends about the publication of this Bill. Sir, we discussed this Bill on several occasions. I discussed this Bill on two occasions in a different capacity. When it came before us on the 3rd April, 1933, in the Standing Haj Committee, we recommended that we should invite the Muslim opinion thereon, and Government accepted our recommendation. The Bill was circulated to the editors of 56 Muslim newspapers, a vast majority of whom is in favour of it. Some of them have suggested certain amendments. Those newspapers, which want certain amendments, are only two in number—the *Star of India*, Calcutta, and the *Eastern Times* of Lahore. The *Star of India* has suggested that the definition of "*Muallim*", as given in the Bill, is too elastic and that it should be amended so as to set apart regular *Muallims* as a professional class. The *Eastern Times* of Lahore has expressed the opinion that a good deal would depend on how the new restrictions are worked in practice and that, when the Bill comes before the Legislature, the Muslim legislators should see that the rules are such as to preclude unfair and unduly rigorous operation of those directions. Sir, these things we can do in the Select Committee. I think, therefore, that the motion which is now before us is the most innocent and simple

[Kunwar Hajee Ismail Ali Khan.]

one. The motion is not for consideration of the Bill, but for recommitment of the Bill to the same Select Committee. About the personnel of the Select Committee, when my Honourable friend, Shaikh Sadiq Hasan, was speaking, he said that sometimes even wise people might err and he said that Sir Abdur Rahim also erred, not intentionally, but unintentionally. When I interrupted him and asked him whether he meant to say that other members of the Select Committee erred intentionally, my Honourable friend, Mr. Maswood Ahmad, jumped over and said "Yes, they have done this intentionally". It does not look well on the part of my Honourable friend, Mr. Maswood Ahmad, to question the motives of Honourable Members of this House and make personal attacks on Members who may honestly differ from him in their opinions. My Honourable friend cannot say that I am supporting this measure, because of my usual habits of supporting Government any more than I can say that my Honourable friend, Mr. Maswood Ahmad, is opposing this measure, because of his usual habit of opposing the Government and with his usual sense of publicity. My friend also suggested that only those newspapers, which got Government advertisements, supported this measure. For the information of my Honourable friend, I can mention the names of a few papers like the *Inqilab* and the *Siyasat*, the well-known papers of Lahore, which do not get Government advertisements.

Mr. M. Maswood Ahmad : The *Siyasat* gets Government advertisements.

Kunwar Hajee Ismail Ali Khan : It may be, but there are other papers which support this Bill and yet they do not get Government advertisements. There is another important point which my Honourable friend said about the Bihar and Orissa Haj Committee. He said that the Government did not accept the proposal to form a Bihar and Orissa Haj Committee. It was absolutely beyond the purview of this Bill to mention that point. But I may submit for the information of the House that the Government of India consulted the Bihar and Orissa Government who said that it would be very expensive for Government to maintain a Haj Committee in Bihar and Orissa at a cost of Rs. 3,000 per year and the other side we should consider is about the actual number of pilgrims who went from Bihar and Orissa in previous years ? In 1931, the number was only 108 ; in 1932, it was only 247 ; and, when such numbers are performing Haj from Bihar and Orissa, how is it possible to form a Haj Committee ?

Mr. M. Maswood Ahmad : What about the year 1930 ?

Kunwar Hajee Ismail Ali Khan : My friend did not mention any figure for 1930. So far as I remember, the number might be about 500 or 600 and not more than that. What income can you get from 500 pilgrims to enable the Government to form a Haj Committee ?

Mr. M. Maswood Ahmad : This is not a commercial concern.

Kunwar Hajee Ismail Ali Khan : But who will pay the expenses of this Committee. Surely the Honourable Member won't pay. This proposal of forming a Haj Committee in Bihar and Orissa was not accepted in the Standing Haj Committee. I again cannot understand the criticism of my Honourable friend as regards the personnel of the Select Committee. On the Select Committee there were independent members like Sir Abdur Rahim, Maulvi Sayyid Murtuza Saheb Bahadur and Maulvi Shafee Daoodi, and you cannot suspect these gentlemen to have joined hands with the Government.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : What about yourself ?

Kunwar Hajee Ismail Ali Khan : I am an humble servant of my community, and the Honourable Member can form his own opinion about myself. There was a recommendation in the report of the Select Committee that the Bill should not be proceeded with at present. But there was a minute of dissent by Sir Abdur Rahim and Major Nawab Ahmad Nawaz Khan and I cannot solve the mystery why a "habitual supporter of Government" like my friend, Major Nawab Ahmad Nawaz Khan, should join hands with Sir Abdur Rahim who cannot be accused of being a supporter of Government, or *vice versa*.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Extremes sometimes meet.

Kunwar Hajee Ismail Ali Khan : Yes. The view of Sir Abdur Rahim was once expressed before this House when we were discussing the Port Haj Committee Bill. He said :

"I understand that these two other Bills will be brought up before the Legislature next session. Without these I do not think this committee will be able to do much to benefit the pilgrims because the Indian Merchant Shipping Act has to be amended and we have got to make provision for the protection of pilgrims against the wiles and mal-practices of pilgrim guides and brokers who sometimes call themselves *muallims* without being *muallims* at all."

My Honourable friend also attacked those who are supporting the Government saying that they were not voicing Muslim opinion at all. I can challenge my Honourable friend on this point. Whenever he divided this House on previous occasions on the two Bills in connection with the Hajis, he could not secure more than two Members of this House on his side.

Mr. M. Maswood Ahmad : That is not correct ; not on every occasion, but only on one or two occasions.

Kunwar Hajee Ismail Ali Khan : I will give the House the exact figures. On the 16th September, 1932, when my Honourable friend divided the House, there were two on his side and 47 on the other side. Immediately after that, when he challenged a division, some one raised a point of order and requested the President that there was no necessity of going into the Lobby, but that the Honourable Members could be asked to rise in their places. When the President asked the supporters of Mr. Maswood Ahmad to rise in their places, only three persons stood up, whereas a large majority of the House were against my Honourable friend.

Mr. M. Maswood Ahmad : If all the opinion on this measure will be in favour of Government, then why they do not circulate this Bill ?

Kunwar Hajee Ismail Ali Khan : I have said in the early part of my speech that it was already done. If this Bill is sent to the Select Committee again, they will have full power to get Muslim opinion on this Bill. With these few words, I resume my seat.

Maulvi Badi-uz-Zaman (Bhagalpur Division : Muhammadan) : I rise to oppose this motion. The Government have already forced upon us a most objectionable piece of legislation and this is another dangerous

[Mr. Muhammad Anwar-ul-Azim.]

by anybody. This Bill will clear the position of the *bona fide muallims*—Religious preceptors in general, and others working in the Holy Lands will not be touched. It will also at the same time help the poor and unwary from being fleeced by cheats in the guise of *muallims*. This Bill is a move in the right direction. The Port Haj Committees alone will take cognizance at the first instance. But it seems very puerile that Mr. Sadiq Hasan, Mr. Maswood Ahmad and last, but not the least, Mr. Azahar Ali should take upon themselves to digress from the main line and bring in unnecessary things which do not form part of the religious question. It is said that the Bill is very wide. I think it is not only not wide but on the other hand it is too restricted. What trouble is there for any of these gentlemen, who occasionally pilfer men and women who go to the Haj, to get licence just to show that he is not one of those pilferers and not guilty of malpractices against whom this Bill is directed? My humble submission is that if my friends consider this matter from that point of view they would not oppose the Bill with such vehemence. It is so very easy to excite the mass mind.

1 P.M.

Certain friends have asked why Government are so solicitous about the welfare of the pilgrims and not of the *pandas*, and *thakurs* at Hindu shrines. Of course the answer is obvious, that Government as a result of great agitation and representation formed the Haj Inquiry Committee. They went to the length of spending several lakhs of rupees, and if that Committee came to the decision that some laws must be made with regard to regulating the conduct of these *muallims*, I am certain their objection falls to the ground. Sir, I do not think it is necessary for me to take the time of the House but my impression is that if my friends go thoroughly through the report of the Haj Inquiry Committee and look at it from a detached point of view they would not clamour so much with regard to the main provisions of this Bill. Last but not the least, Sir, it is not my business to defend Sir Abdur Rahim; I know him as a Leader of the Independent Party and a great Indian, and as a matter of fact the *de facto* Leader of the Opposition in this House now. And if my friends had any respect for their Leader they would not raise so much objection to this Bill going back to the Select Committee. The opinion of a gentleman like Sir Abdur Rahim is certainly to be respected, at least by Members of the Independent Party. And what does he say here? He says that perhaps it may not be possible by this Bill to stop the nefarious activities of the *muallims* fully. No laws are perfect and as such it is more or less a trial, and if my friends think it will injure them or that it may not be effective, it might be considered fully later on in the Select Committee. I think, Sir, Government should not have asked for recommittal of this Bill to Select Committee but they would have been wise to move that the Bill should be passed forthwith. With these words I support the motion.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, after what has fallen from the Honourable the Education Member, there is nothing for me to say as regards either the merits of the motion or the merits of the Bill. If I have risen it is only to deal with one point which was made by my Honourable friend, Haji Wajihuddin. He suggested that there should be certain additions made

to the Select Committee. I would repeat to him the words of my Honourable friend, Dr. Ziauddin Ahmad, that the Committee is already sufficiently representative and independent not to need any further addition. That is all I have to say.

Mr. M. Maswood Ahmad: Sir, I have to offer one word of personal explanation. Yesterday I did not object to the personnel of the men who attended the Conference, but I objected to the principle, because Government did not consult the representatives of this House, *i.e.*, the members of the Standing Committee for Haj Pilgrimage but they took certain other people in that Conference. I did not intend to say that they were not representatives of the people; they were certainly representatives of the people, but they were not the representatives of this House. I objected yesterday to the principle and not to the personnel.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I should like to submit that as Mr. Rajan Bakhsh Shah and Mr. Sayyid Murtuza Saheb are ill and have not come this Session, they may be replaced by Maulvi Badi-uz-Zaman and Mr. Uppi Saheb Bahadur.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I trust that the Honourable Member does not mean that they are going to be ill during the whole of the next year. This Select Committee is not intended to sit straightaway; as a matter of fact, it is intended that it should meet some weeks and possibly some months hence. And, in fact, it is intended to consult the new Port Haj Committees as well. Therefore, the deliberations of this Committee will really commence some weeks or months hence and will not be over for the next six months or so. In case the Honourable Member has information that the illness of these two gentlemen is likely to be protracted, that is of course a different matter. But otherwise I do not think there is any need to replace them.

Mr. S. C. Mitra: What I say is that Mr. Rajan Bakhsh has written to say that he has been ill for a long time and it may not be possible for him to attend, and the same is the case with Murtuza Saheb. So, I think, they may be replaced.

Mr. President (The Honourable Sir Shanmukham Chetty): But the Honourable Member cannot assert that they will continue to be ill.

The question is:

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommitted to the Select Committee."

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

[Maulvi Badi-uz-Zaman.]

measure which is going to be thrust upon us, inspite of our vehement protest against the measure. I have carefuly gone through the Bill as it has emerged from the Select Committee, and I do not find in the Bill anything which is calculated to give service to the Hajis. On the other hand, I find that it will discourage people from performing Haj.

Mr. M. Maswood Ahmad : That is quite correct.

Maulvi Badi-uz-Zaman : Instead of doing service to the Muslim cause, this Bill is calculated to create hardship and difficulties in the way of pilgrims. The public do not want this Bill, the Muslim *Ulemas* do not want it and the majority of the members of the Select Committee do not want it. Some of the members of the Select Committee might have changed their opinion now, but that is a different matter altogether. But, in the Select Committee, a majority of the members did not want this Bill. Even then, it passes my comprehension why the Government are anxious to rush this Bill through this House. The Bill has been seriously condemned, both by the public and by the Muslim *Ulemas*, I mean the Muslim authorities on religion. I see no justification whatsoever on the part of Government to push through the Bill with so much indecent haste. For my part I am opposed to the very principle of the Bill. It is curious that the person who offers to assist any person in any matter concerned with the Haj should be considered as an undesirable person. I do not know why there should be this suspicion against this class of people. Is there any regular case against any *muallim* to show that a particular *muallim* cheated or defrauded a Haji ? I submit there is no such case. I myself happened to go to the Holy Land to perform my Haj and I am expected to have some experience regarding the activities of the *muallims*. There are *muallims* in Mecca also. Their duty is to look after the comforts of the Hajis and also to assist them in the performance of their duties, I mean their religious rites and ceremonies, connected with the Haj. They are a recognised class of persons there. In consideration of their services to the Hajis, they are paid some sort of fee. If I remember aright, it is something like Rs. 6 per head. So far as my province of Bihar is concerned, there is a registered *muallim* there, and it is that person only who can serve the Bihar Hajis. But, for other provinces, there is no registered *muallim*, but there are *muallims* who are recognised by the Hedjaz Government and whose fees are prescribed by the Government there. Now, the *muallims*, who come to India to assist the Hajis, are either these persons or their agents or relatives. My experience is that they render invaluable services to the Hajis. They regularly attend the Hajis, they look after their comforts, make arrangements for their departure to the Holy Land and sometimes they do the work of coolies also. In short, they afford all possible facilities to the Hajis in their journey, and they not only afford these facilities, but they are also helpful in giving instructions to the Hajis regarding the performance of their religious duties, because the Haj does not consist of a single prayer or anything of that kind, but it is a combination of many acts from the time of the departure to the end of the Haj. The combination of all these acts is the Haj. My experience is that these *muallims* who come to British India do not take anything from the Hajis in India. I happened to go to the Holy Land in 1930. They did not charge anything in India. In my company, there were lots of poor Hajis. None of

them made any complaint to me about these *muallims* ; but, on the other hand, they were very thankful to them. So my submission is that : without the assistance of these people, it is very difficult for the Indians to perform Haj. So, if this Bill be passed into law, it will only discourage Muslims from performing Haj which is a most essential thing for Muslims who can afford to go to the Holy Land.

It is one of the four duties which are enjoined upon the Muslims. One of them is the regular prayer for five times, another is fasting, the third is *zakat* which means giving away one-fortieth part of savings to charity, and the fourth is this Haj which is incumbent upon those who can afford to do it. It is strange that on this class of people you are going to impose restrictions and numerous conditions and you are giving both to the Central Government and to the Local Governments extensive powers regulating the activities of the *muallims*, on whom, they are at liberty to put any sort of restrictions. First, they have to obtain a licence. I fail to see what is the necessity for this licence. And, then, in order to obtain this licence, they have to go here and there, which is a cumbrous process ; and for that they have to pay some fee. It is strange that this *bona-fide* class of persons who are really very helpful to the Hajis should be made to pay fees. Sir, I am told that the number of Hajis in Bihar has decreased to a great extent on account of these restrictions and registration of *muallims*. My Honourable friend, Kunwar Hajee Ismail Ali Khan, who was a member of the Select Committee, has chosen to change his views. He says there was sufficient circulation of this Bill as it was published in various papers. Sir, we know very well that each paper has got a certain policy of its own. Some papers are habitual supporters of Government, while some are supporters of the nationalist movement ; and, certainly, the papers which my friend relies upon are those which are pledged to support the Government. It is curious that although the Select Committee did not find its way to recommend this Bill, but, on the other hand, recommended its withdrawal ; yet Government have brought it up again with so much indecent haste. Now, looking at clause 6, we find, it is intended to punish persons who employ themselves in advising or assisting pilgrims. This is what it says :

> " Whoever, not being a licensed pilgrim guide, for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage, " etc.

The words " any matter connected with the pilgrimage " are very significant. Even if a person advises or assists a pilgrim in any matter connected with the pilgrimage, he will come under this clause and be punished and his punishment is three months' imprisonment. Another thing is clause 7 of the Bill which reads thus :

> " Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward."

This is a very mischievous piece of legislation. It is curious that any service, which a man thinks fit to offer to the Hajis, raises a presumption that he did it in the hope of getting some illegal gratification. This is the most objectionable feature of the Bill. Every Muslim has some sort of respect for his own region, and it is quite possible that the person, who offers himself to help and assist the Hajis at the port of embarkation, may do so out of

12 Noon.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Now, Sir, looking to clauses 6 and 7, I think I shall be failing in my duty if I do not point out to the House that those clauses, as they stand, are a piece of positive mischief and not a piece of legislation. Clause 6 reads thus :

"Whoever, not being a licensed pilgrim guide for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage, other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment," etc.

Now, Sir, my objection is, you have not attempted to define the word "friend". That is a word which carries a certain significance in our minds. Whether you circumscribe certain limits, within which a certain person could be called a friend or whether anybody or every body or any one who meets you for the first time you could call a friend, is not evident from the clause, so that it comes to this, that unless you attempt a definition of the word "friend" in clause 6, it will continue to be, as I said, a piece of positive mischief and not a piece of legislation, and, if the clause, as it stands, is incorporated in the Statute-book, it will be a standing disgrace to the legislation of this country. I would illustrate my point this way. My friend, Maulvi Badi-uz-Zaman, has just told us that he has performed the Haj pilgrimage. He is a Hajee. He is fully conversant, not only with the religious rites and ceremonies, but with everything that matters on the journey to and from Mecca. If I happen to have a friend, who intends proceeding on a pilgrimage to Mecca, seeking my advice—though I am quite willing to help him, but not having performed Haj myself,—I take my friend to Maulvi Badi-uz-Zaman who sees him for the first time, and the Maulvi Saheb offers my friend some advice as to how he should conduct himself on the voyage to and from Mecca. Now, as the clause stands at present, my friend, Maulvi Badi-uz-Zaman, will come under its purview that moment. That is exactly the position. I am not exaggerating the position at all. That is the only possible position under this clause. I ask my friend, Mr. Bajpai, whether he would allow this clause to stand as it is ? I understand from the speech he made that that is not his desire. His idea is that the clause should be so recast by re-committing the Bill to the Select Committee that, when it emerges from the Select Committee, the stigma or the slur that attached to it now may be removed. That is his idea. On that ground, I support the motion for re-committal of the Bill to the Select Committee. I don't think I need say anything further, so far as the present motion is concerned. I heartily support my friend's motion.

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces : Muhammadan Urban) : Sir, while I support the motion moved by my Honourable friend, Mr. Bajpai, to re-commit the Bill to the Select Committee, I would suggest that a few more names should be added to the Select Committee so as to remove the differences as regards certain provisions of the Bill and, with a view to solving the problem more satisfactorily, I propose that the names of Sir Abdulla-al-Mámún Suhrawardy, Maulvi Badi-uz-Zaman, Mr. Uppi Saheb Bahadur and Khan Sahib Shaikh Fazal Haq Piracha be added to the same Select Committee. With these few words, I support the motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, in this unfortunate question of *muallims*, some principles have been enunciated which, I think, can be regarded as interference with our religion. Why all this anxiety, and all this haste on the part of the Government to legislate about the agency of Muslim Haj and its ceremonies ? I do not see any restrictions or any rules or any legislation about the agency which carries on the performance of such ceremonies either in Jerusalem or in Baghdad. Even here, in India, have Government legislated for any of the agencies for pilgrims proceeding to Puri or to the Ganges ? Sir, I shudder to find that such legislation is intended merely to restrict the performance of Haj for Mussalmans and it is nothing less than that. This is not the first time that I rise to speak on this question, but, when an allied question was before the House on the last occasion, I repeated the same thing, and from the figures that we find quoted elsewhere and I know it also for a fact that the number of pilgrims proceeding to Hedjaz is getting very small. If there are *muallims* who give their advice to people proceeding on Hāj or if there are *muallims* created by the Hajis themselves, how does it matter to the Government or to any people, and why should they show so much anxiety ? Sir, the duty of a *muallim* is merely to guide the people from India to Mecca and other places of pilgrimage, to tell intending pilgrims what are the regular rites and what are the ceremonies which they have to perform, and so on, at the Haj in Hedjaz. Therefore, I ask, how does it affect any relation of the Government of India with any power or even the international relations with the Government of Hedjaz ? Sir, a *muallim* has got his own clientele, just as a *panda* or a *mahant* in this country has his clientele. What those *pandas* and *mahants* do, I leave it to my Hindu friends to tell this House. If you want to hang them here, I shall have no objection whatever, and if the Government of Hedjaz want to hang these *muallims* in their own country, I shall have not the least objection. I am neither a friend of the *muallims* nor of the *pandas*, but I want to know why the Government of India should be so anxious to restrain the movements and actions of those people who come to assist in the pilgrimage to the Hedjaz. Such restrictions on the *muallims* and the *pandas*, or, for the matter of that, on any people who wish to assist, are very objectionable, not only from the legal point of view as my Honourable friend, Mr. Muazzam Sahib Bahadur, has suggested, but also because they affect the freedom of action of the citizens of this country generally and of the Muslims of India especially. By these restrictions, you create a class of people who will have to hang on the members of Government, whether they be members of the Government of India or members of Provincial Governments. They would have to seek their assistance for nomination, for appointments, for licences, and every other blessed thing. You know in what way these things will be worked. Why don't you give the pilgrims the liberty to decide upon their own agents, their own men to assist them in their pilgrimage ? For example, you see how the agents of hotels, etc., come to the station in Simla and at other railway stations to canvas for their clientele. Have you framed any rules against these people ? I submit, not. Then, where is the necessity for you to regulate for those who want to go to the Haj ? Let the Government of the Hedjaz make their own regulations and frame their own laws on the subject. If this action is persisted in by the Government, the Mussalmans of India will be forced not to take any help from those whom they like ; but they may also say : "We shall go and search out our own agents in the land of the Hedjaz". I am not to be

[Mr. Muhammad Azhar Ali.]

guided in my religion by my Leader, Sir Abdur Rahim, or by Kunwar Hajee Ismail Ali Khan ; it is a matter of right with me, I have my own rights and my own beliefs. There may be people appointed by the Government as *muallims, qazis* or *muftis,* but I have the right and the liberty to regulate my own religious actions and civil rights. Nothing should come between my God and myself. It is indeed also a matter of charity to a Mussalman. A Mussalman thinks that if he supports a certain *muallim,* it is a religious act. It is not a question of performing ceremonies only ; it is also a question of doing charity and thus doing a religious act. With these words, I submit, that the Bill should not be re-committed to the Select Committee, but that it should go for circulation.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I did not expect that the motion that is before the House would evoke the discussion that it has done, and I did not realise that now-a-days memories were so short that the history of this measure would be more or less as it were a matter of archæology.

Sir Abdulla-al-Mámún Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : Like the history of the Constitution.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes. Therefore, I would ask the indulgence of the House just for a few moments to state how we have reached the present stage in this particular matter. I think it was in the year 1928 that this House appointed the Haj Enquiry Committee. That Committee took about a year or so to make a report. It consisted of Members of the Central Legislature and one outsider. They were all Mussalmans except for the Chairman. Their report was mostly unanimous. One part of the report was to the following effect. There are serious complaints as to the pilgrim guides' operations in India, that is to say, before embarking, inasmuch as it is alleged that some of them cheat and maltreat the ignorant class of Hajis. That cheating and maltreating is not with reference to any religious rites, but with reference to purchasing of tickets, railway or ship tickets, with reference to purchases of food, and purchases of other things, and in the matter of accounts. I think I am right in saying that as to the existence of these complaints there are no two opinions. There may be differences of opinion as to the cause of these complaints. I have tried to find out what possible explanation there can be as to the existence of these complaints, and why these complaints exist. I have been able to find one man who says that these complaints are altogether unfounded. All guides are good, helpful, honest and straightforward, and that complaints do exist but they are due to the fact that the average Indian pilgrim is very miserly and stingy. He welcomes all the services these pilgrim guides render to him but when the time comes for paying them, he is very miserly and would like to pay half the sum that is really due, with the result that the pilgrim guide is offended and when he is offended he makes a row and he extracts the balance of what he considers his due and the Haji says, the pilgrim guides are a bad lot. This gentleman was, I should say, an advocate of pilgrim guides, saying that they are perfectly in the right, that the Hajis are in the wrong and the existence of complaints is due to what he calls the inherent defect of character in the average Indian pilgrim who wants to receive services but not make adequate payment for them. I am not in a position to say whether this gentleman who represented the cause of the

pilgrim guides very, strongly to me is in the right or not but the vast majority I came across have said that there are pilgrim guides and pilgrim guides. Some of them are good. Some of them are bad. The bad ones do maltreat the pilgrims. They do cheat them and such instances have occurred and they are given currency to and the pilgrim guides have got a bad name. Therefore, I assume that so far as the existence of complaints goes, the Haj Inquiry Committee were in the right, that in all probability the explanation that there are some who are good and some who are not good is also the correct one. So we arrive at the position that there is certain grievance based on really unsatisfactory pilgrim guides operating in India, that it is desirable in the interest not of the Muslims of the status, knowledge and position of the Members of this House but of their ignorant poor brethren who are not in a position to cope with men with wide experience, sharper intellect and greater knowledge of the world who can impose themselves upon these untravelled ignorant Indian Muslims who in their anxiety to go to Hedjaz fall victims to the unscrupulous character of some of these pilgrim guides. I think, Sir, on this point also there will be no difference of opinion even amongst those who have spoken on the subject, that is to say the desirability of taking such action as is possible or as it is practicable to take in order to remove this defect. There are some who feel that it is not possible to eradicate this defect by legislation. There are others who feel that no doubt legislation may not eradicate it altogether but it may go some length in counteracting the fraudulent acts or deceitful acts of these pilgrim guides. I do not think I am really called upon now to say that a law, if eventually passed, will stamp it out altogether, but I think the House will agree with me that it is a matter which is worth trying.

This Bill was introduced as long ago as March, 1932. It was referred to a Select Committee and a very strong Select Committee, which sat in the summer of 1932 and thrashed out the whole thing. They arrived at their decisions which are incorporated in the revised Bill that was laid on the table of the House but when we had finished our labours some of us, in fact most of us, felt that the Bill was not as definite as we desired it to be. It appeared to us that it probably would cover many cases that we would rather exclude from the purview of the Bill and in the second place that there were cases which we would like to provide against which were not covered by the provisions of the Bill. Therefore, the majority of the Select Committee said that the Bill that we had eventually brought out be not for the present proceeded with. Some thought that the Bill, as it had been thrashed out, was a good Bill and, therefore, they wanted to proceed with it, with the result that Government decided to act on the advice of the majority, and not forthwith proceed with the Bill. It was laid on the table of the House I think last February and then the question for Government to decide was what to do with it. The advice was " do not proceed with it for the present ". A strong minority consisting of Sir Abdur Rahim and another Member said " Proceed with it as it is ". The next step that Government took was to consult the Standing Haj Committee. Their advice was, " let us have the opinion of the Muslim Press and the Muslim public ". So the Bill was sent round to all the papers whether they were in receipt of Government advertisements or not, whether they were pro-Government or anti-Government. How can you say that the Press like other public people are pro-Government or anti-Government without referring to a particular date. Is that not so ? People with open minds, as we are in India, can change our minds like other people. We may hold

[Khan Bahadur Mian Sir Fazl-i-Husain.]

an opinion for a measure today and next week we may hold a different opinion. Therefore it would have been rash on the part of my Department to refuse circulation of this measure to a paper on the assumption that yesterday it was anti-Government, for who knows that it may not tomorrow be pro-Government. I am not one of those who are pessimistic about change of opinion. I always hope and trust that if my opinion is the right one, those who do not share my views today may do so tomorrow.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : You may change your view also.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes, but I would prefer to put it the other way. The result was that when all these opinions were actually received we found that those who stood out against the Bill were not more than three. One of them was the *Al Jamiat* of Delhi which some people allege has been for a long time non-co-operating and holding views about civil disobedience of a very extremist nature, though I hear that recently it has had occasion to modify its views in the light of the new circumstances that appear to have come into being. Therefore, there was a very strong opinion in support of the Bill and yet at that time there were two courses open to Government to adopt. One was to proceed with the Bill and the other was not to proceed with it but to have it recommitted to the Select Committee with a view to enable all the suggestions that had been made during this canvassing of public opinion to be discussed in the Select Committee in the light of the criticism received and to see if it were prepared to modify the Bill or not. I thought, as I said, at the very beginning of my remarks, that this was a reasonable course to adopt and that there would hardly be any objection from any part of the House to this being done. Why, then, this occasion has been availed of to enter into a discussion in which two or three things have been prominently brought out. One is the usual argument that the *Shariat* is in danger ; you are legislating about religion and therefore we are on principle opposed to any legislation of the kind. Well, Sir, I understand this line of argument but I must frankly state that I do not agree with it nor do I want to encourage it. Situated as Muslims are in India, for us to take the line that everything relating to Haj even though it be a case of transport from the home of the Haji to Bombay is a religious matter, neither for the present Government nor for any other Government that one can conceive of in India, would it be possible to make any proper and suitable arrangements. The matter of this Pilgrims' Guides Bill is not a religious matter ; it is a matter of protecting the ignorant against the professional men, some of whom are strongly believed to be not what they ought to be. Therefore, the legislation contemplated is one of the ordinary kind protecting the weak against the more clever to such an extent as the State can. The second argument is that Haj has a great significance of which the British Government is very much afraid and therefore the British Government has conceived a plan of having a number of laws made relating to Haj, the effect of which would be that people will not go to perform their Haj. The Haj will die out and the Muslims will not proceed to Hedjaz. It is really to make a statement on this point that I ventured to ask you, Sir, to let me speak. So far as I know, as a Member in charge of this Department, there is not the slightest foundation for this suspicion. My policy is to do all that can reasonably be done to afford comfort and protection to the pilgrims, to give them all facilities that it is possible to

give and to make their trip to Hedjaz as comfortable and as little expensive as possible. And why ? Firstly, because it is the religious duty of the Mussalmans who can afford to perform the Haj and why should I or the Government of which I am a Member stand in the way of that being done. Secondly, I, in common with most of the Members of this Assembly, believe that a travelled person is a much better citizen than an untravelled person.

Tá bá du'kkàn-i-kháná dar girvi.

Hargiz aí khám ! ádmi nah shavi.

As long as you are confined within your own house, you will never never really attain maturity. That is the reason why this House always likes a large number of its Members to proceed to England now and then.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : At the expense of the Government.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No, no ; you must not indulge in insinuations. And Haj affords unique opportunities of benefiting by travel by making people come in contact with people of other countries. If you simply go as Cook's tourists, you can only visit particular countries, one after the other, at a tremendous expense to yourself. But if you go to perform your Haj, inasmuch as a very large number of people from different countries have travelled to the same destination, you have the benefit of meeting not only the people of Hedjaz but people from all parts of the world. Now, that is a civic advantage, an advantage which all Hajis bring back to India not only for their own personal benefit, not only for their own religious benefit, but I call it also a civic benefit. In other words, their horizon and outlook are widened by rubbing their shoulders with people from different countries, which, in itself, is a great asset to them. Therefore, how is it possible that I or this House should countenance in any way the policy of restricting the movements of Muslim Hajis to Hedjaz ? There is not the slightest sense in that policy.

Mr. Muhammad Azhar Ali : Are you afraid of Pan-Islamism ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member from the United Provinces is talking of Pan-Islamism.

Mr. Muhammad Azhar Ali : I do not talk.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : You have put me that question. There is nothing to be ashamed of in that.

Mr. Muhammad Azhar Ali : I am not at all ashamed to have put that question.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I turn from him to the right and look at my Honourable friend, Sir Abdulla Suhrawardy, who was believed at one time to be the prophet of Pan-Islamism in India and, with whom, I have been in intimate touch ever since this young prophet came from London *via* Egypt to Lahore where I had the pleasure of having him nominated as the Principal of the Islamia College of which Institution I was the Secretary. Therefore, so far as the Pan-Islamic movement in India and, for the matter of that, in the world is concerned, probably in this House, after Sir Abdulla Suhrawardy, I know more than any other Member does. When I say I know more, I mean not only the outward expression of it, but the inward significance too. Sir, Pan-Islam

[Khan Bahadur Mian Sir Fazl-i-Husain.]

of which young Muslim India dreamt years ago was never more than a myth and today, there are not even the ashes left of that myth. Therefore those Honourable Members who imagine that there is a bogey of Pan-Islamism of which Europe is frightened, I am afraid they are suffering from some hallucination or delusion. I assure the House, I do not think the House needs that assurance, but if a few Members are still dreaming of Pan-Islamism, I say they had better make up their minds to stand on their own legs in India as Indians. (Hear, hear.) The utmost they can do in that line is to make up their minds to proceed to Haj as soon as they have enough money to do so.

Shaikh Sadiq Hasan : Will the Honourable Member do the same ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : When I see the Honourable Member come back safe and an improved man after performing the Haj, I shall do so. I trust these few observations I have made will assure the Honourable Members, that there is no foundation for the suspicion of those who have been saying that Government want to stop people proceeding to Haj. I trust these suspicious Members possess the zeal and enthusiasm for Haj more than is possessed by others. When I, on the floor of this House, ask them to take the earliest opportunity of proceeding to Haj surely it cannot be said that the Government of India want to discourage pilgrimage and I trust that the request I have made to them, they will in their turn make to those outside this House who can afford to make the pilgrimage. Having said that I need say nothing more and I trust that the motion before the House will be passed unanimously and I further hope that the committee will be in a position to thrash out a Bill which will save the ignorant Indian Muslims from such losses to which they have been liable in the past and thus encourage others to proceed to Haj instead of discouraging them. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member, Mr. Muhammad Azhar Ali, has just handed in notice of an amendment. But the Honourable Member knows that he has already taken part in the debate and he has lost the right of moving his amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I say at the very outset that the Honourable Member in charge of this Bill has as much right to speak on behalf of Muslim community as any other elected Muslim Member of this House. (Hear, hear.) He commands the confidence of the Muslims as much, if not more, as any other person. I also say at the outset that those Members of the Legislature whose names are found amongst the Members of the Select Committee are as much true representatives of Muslims as others whose names are not there. We have as much confidence in them as we have confidence in those who are not members of the Select Committee. Therefore, this point is quite clear that there is no question of confidence or no-confidence in the members of the Select Committee. All of us have got at heart the interests of Mussalmans for whose benefit this legislation is intended and there is no question of attributing motives. One thing I always emphasised that, it is the duty of every Government to protect the interests of its subjects, their lives, their properties and their personal rights, in India and outside India ; and it is on account of this plea that we always demanded that life and property and other

rights of Indians in South Africa and other places should be protected. I think a Government will fail in its duty, if it did not protect the life and property and privileges of its own subjects in every part of the globe. That I think is quite legitimate. But the wordings of the Bill as it is drafted really go much wider than what was intended and I hope that the Select Committee would look into the matter. As far as I can see I suggest that the operation of this Bill should be restricted to the legitimate protection of the rights of the pilgrims and their lives and properties during their pilgrimage, and not interfere in personal laws of Mussalmans. I hope that this point will be taken into consideration by the Select Committee and I hope that the terms of the Bill which are so wide will be restricted. I believe we should give an opportunity to our colleagues in whom we have full confidence to consider this matter, and take into consideration the views that have been expressed on this Bill by Muslim public. There was a suggestion made by my friend, Khan Bahadur Haji Wajihuddin, that if the Honourable Member in charge of the Bill may find convenient, he may add three more members to the Select Committee. I do not object to this proposal. But I find that the Select Committee, as it is constituted at present, has got a sufficiently large number of trustworthy Muslims on the Committee. So, if we add more members it would be adding more sugar to a thing which is already sweet and I would welcome it.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : It is hardly necessary for me after the Honourable Member in charge of the Bill has spoken and has replied to the various objections raised by some of my Honourable friends to speak at length. I am very much grateful to my Honourable friend, Kunwar Hajee Ismail Ali Khan, for clearing up certain matters with which I too was connected. I am told that both my Honourable friend, Shaikh Sadiq Hasan, and our new friend, Mr. Maswood Ahmad, questioned the propriety of Government in calling my humble self, Kunwar Hajee Ismail Ali Khan and Maulvi Muhammad Shafee Daoodi for advice in the matter of draft rules under the Merchant Shipping Act passed in Delhi this year. It was very nice of my Honourable friend, Kunwar Hajee Ismail Ali Khan, to have told Mr. Maswood Ahmad that the remarks which the latter made on the floor of this House at Delhi were considered by the *ad hoc* Committee of which we were members. It was unfortunate for us and for Government that my Honourable friend, Mr. Maswood Ahmad, could not spare time at home to come and join this Committee. Before my Honourable friend, Mr. Maswood Ahmad, said so many unkind things with regard to that Committee I should have liked him very much to see first of all whether the objections that he raised during the last Delhi Session were not gone into by Government and how far they were modified and whether the objections for which my Honourable friend, Mr. Maswood Ahmad, put up such a bold fight during the last Delhi Session were not substantially removed and the suggestions made by him embodied in the rules that we framed. Coming to the subject matter of this small Bill it appears that my Honourable friend has confused the whole issue altogether. It has absolutely nothing to do with Muslim religion. I am an humble follower of that religion and hailing as I do from Eastern Bengal, which is not unknown to my friend, Shaik Sadiq Hasan, he knows how orthodox we are and how bitterly we feel if anything touching our religion is done by anybody or even hinted at

[Maulvi Badi-uz-Zaman.]

religious consideration ; and, if they give any advice or any instruction to the Hajis, that action would be construed as an offence. Certainly this is the most objectionable feature of the Bill. So far as I have been able to gather from the provisions of this Bill and from the unlimited power which the Central and Local Governments are going to have under this Bill, the object of the Government seems to be to discourage Haj for the Muslims in India. Except that, there is no other motive. With these remarks, I oppose the reference motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, I wish to say a few words in support of the motion. It was said yesterday by some of my Honourable friends that there was some special intention of the Government in introducing this Bill. It is well known to many Members of this House that this Bill was taken up on the recommendations of the Muslim Members of the Haj Enquiry Committee. Evidently, Government have nothing to do with this question, whether religious or social ; and every Member of the House can see that it deals with the religious question of the Muslim community only. Politically, the Government cannot have any advantage whether this Bill is passed or is thrown out. It is the first impression which I wish to remove from the minds of Mussalmans who are labouring under this delusion that it is not the Muslim community who wish to have this Bill passed, but it is the Government. It is sometimes said by those people who are working under the influence of some propaganda that the Government wish to stop the pilgrims from going to Mecca. But, I say, it is politically wrong to think so. If you stop a few hundred or thousand pilgrims, the majority of whom are illiterate and poor, evidently what advantage can the Government have ? None at all. The Government are not so foolish as to do any political action without getting any advantage from it. If a few persons, illiterate and poor, do not go to Mecca, what advantage can the Government have, especially when the King of Mecca is very friendly with us ? So, it is a wrong impression to have, and the history of the case shows that it was the Muslims only who pressed the Government to do something for them ; and, if the Government would not have done it, then they would all have blamed the Government for sitting silently and doing nothing. But, if the Government do anything, then another class of people, who are not the champions of Islam, but the advocates of some Maulvis—I do not say all the Maulvis—come and blame the Government again for doing these things.

The aim and object of this Bill is so good that every Muslim or even a non-Muslim will agree that the object is to save the poor people from cheating, deception and robbery. It is, in the opinion of every one, a greater sin to deceive a person under cover of religion, especially if he is illiterate. If a man comes under the guise of a friend and then turns out to be an enemy, it is more miserable and objectionable than if he plainly comes to you and tells you that he is an enemy. If the *muallims* or guides, whose duty it is to help the poor people, start cheating and robbing people, then, in my humble opinion, they should be dealt with more strictly than the ordinary cheat. This Bill does not interfere with good *muallims* or others who are good. The object of the Bill is simply that those persons who do all such objectionable things must be punished. It is quite simple. If the Muslims or Maulvis do not like this thing, it shows that they are more sympathisers with Islam : they have no sympathy with good thin

I say, it is the duty of us, Mussalmans, to make the law and those who become reformers must have the courage to be criticised by Maulvis or others who are taking undue advantage of the pilgrims. We are not going to stop the Muslims from doing what is their religious duty. This Bill is not going to interfere with *bonâ fide* people at all. This Bill is so good that every Muslim and non-Muslim should support this motion and this Bill. Those Honourable Members, who have opposed this Bill, do not have one-tenth of the confidence of the Muslim community as is possessed by persons like Sir Abdur Rahim and Sir Fazl-i-Husain. These two persons are too well known to Muslims as their supporters, and, when you find them supporting a measure, it is a guarantee that that Bill or law is very useful to our community.

The present motion for sending this Bill back to Select Committee is such a good proposal that there can be no objection to it. If anybody thinks that some words should be altered or modified, it can be done in the Committee after discussion and something better can be put in. Mr. Maswood Ahmad, who was a member of that Committee, himself says :

"We think that the Bill has not been so altered as to require re-publication."

He himself said this two months ago and now advocates that it should be circulated. No useful purpose would be served by re-circulation at all, and these people, who oppose mostly, are priest-ridden ; they have not got the moral courage to go against the few priests or the Press. I, therefore, support the motion for sending this Bill to the Select Committee.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, if there was one motion made in this House for reference to a Select Committee on which there could be no two opinions, I think it is the one before us and, as such, I say, it is pre-eminently deserving of our support. After all, what is it that the Bill is attempting to do ? It attempts to carry into effect the unanimous conclusion at which the Clayton Committee or the Haj Inquiry Committee had arrived. That Committee, in coming to that unanimous conclusion, pointed out that *muallims* or pilgrim guides were fleecing intending pilgrims, and the effect of such fleecing was that intending pilgrims found that before they could embark on the journey, they had lost even the little they had saved for the journey, and so, to provide a check against the activities of such pilgrim guides, the Haj Inquiry Committee very rightly came to the conclusion at which they arrived.

Sir, in the course of the debate on this motion, my friend, Mr. Maswood Ahmad, unfortunately strayed far beyond the scope of the debate and made certain remarks which, I should have thought, he should not have made on any account, at least on the floor of the House. He went the length of making very strong remarks against Mussalmans who were in the habit of shaving their beard. He even went the length of saying that Muhammadans, who shaved their beards, were not Mussalmans. I wonder, Sir, whether my friend himself is in the category of Mussalmans, and I say this, because I believe that, if I am using the Valet Safety to have my shave every morning, my friend, I think, uses the Zero Number Clipper—that probably is the only difference. Such remarks on the floor of the House, Sir, in matters relating to religion, are to be deprecated very strongly, and I wish that my friend, Mr. Maswood Ahmad, refrains from making such remarks in future.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

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

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State, be taken into consideration."

Sir, this is a very small measure which has, however, a somewhat long history. I think if my friends opposite would study the measure carefully and the recommendations of the Banking Inquiry Committee on the subject, they would find that the Bill, as at present drafted, gives exact effect, or as nearly as possible, exact effect to the recommendations of the Banking Inquiry Committee. The object of this Bill is to protect Banks and the public in respect of endorsements on cheques which are on the face of them payable to bearer. It says :

"Where a cheque is originally expressed to be payable to bearer, the drawee is discharged by payment in due course to the bearer thereof, notwithstanding any endorsement whether in full or in blank appearing thereon, and notwithstanding that any such endorsement purports to restrict or exclude further negotiation."

The necessity for a measure of this kind to protect bankers really dates from a judgment given by the Bombay High Court in 1924, a judgment which decided that a *Hundi* which on the face of it was payable to bearer but bore an endorsement restricting its bearer character had thereby changed its character. That judgment was a very upsetting judgment to Banks which had hitherto only regarded the nature of the document as it appeared on the face of it. The decision was then taken to legislate and to make the provisions of the present Bill applicable both to *Hundis* and to cheques. That led to a great deal of discussion, and eventually after the measure had come forward on several occasions, it was decided to withdraw it and await the recommendations of the Banking Inquiry Committee on the matter. The Central Banking Inquiry Committee dealt with this matter in paragraph 564 of their Report, and their recommendation is as follows :

"The question has been fully considered by the Provincial Committees and some of them have recommended that the Negotiable Instruments Act should be amended so as to provide that cheques originally drawn to bearer would, despite any endorsement, retain their character as bearer instruments. We concur in this recommendation. We also approve of the recommendation made by the Madras Committee that any holder of a cheque should have the right to alter the character of the cheque from 'bearer' to 'order' on the face of it and that the alteration should be supported by the name of the drawer or holding endorser who makes the alteration. It should not, however, be altered by endorsement on the back of the cheque. We further recommend that *Hundis* which are drawn in the form of cheques should be treated similarly. We are not, however, in favour of interfering with the existing practice in regard to other *Hundis* and do not recommend that the practice 'once a bearer, always a bearer' should be made applicable to such *Hundis*."

Now, Sir, in making their final recommendation the Banking Inquiry Committee were really meeting the objections which have been raised to the measure which had been formally proposed by the Government, and in substance we have in this Bill given exact effect to the recommendations of the Central Banking Inquiry Committee, that is

to say, this Bill which embodies the principle of 'once a bearer document always a bearer document' only applies to cheques and not to *Hundis*. Now, Sir, I believe that, having met that point, there is nothing which any Member of the House could object to in this Bill, but I see that there is down on the Order Paper an amendment in the name of my friend, Mr. S. C. Mitra, to the effect that the Bill should be referred to a Select Committee. This measure has waited for a long time to come to birth, and as it has waited from 1927 to 1933 and as the whole of the banking machinery of the country has not been paralysed by the defect in the present position, I do not think it can be argued that a further delay of two or three months would be of very serious import. Therefore, if there is any feeling on the part of Honourable Members opposite that they want more time to consider this Bill and they would like to examine it in detail in the Select Committee, I on behalf of the Government would not object to that course. But I would put it to the House that I am quite satisfied in my own mind that the delay is unnecessary and that the hour or so which the Select Committee will spend in going into this question will really be wasted ; but if Honourable Members feel that they would like the delay, I am quite prepared to accept the motion for reference to Select Committee. I do not think I need say any more on this motion in order to explain its object. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State, be taken into consideration."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

"That the Bill be referred to a Select Committee consisting of the Honourable the Finance Member, the Honourable the Law Member, Mr. Vidya Sagar Pandya, Mr. B. R. Puri, Mr. Muhammad Muazzam Sahib Bahadur, Mr. K. C. Neogy, Mr. Gaya Prasad Singh, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Dr. Francis Xavier DeSouza, Mr. Lalchand Navalrai and the Mover, with instructions to report before the 30th November, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I agree with the Honourable the Finance Member that the scope of this Bill has been much curtailed by excluding *Hundis* from coming under the scope of the present Bill. I also thank the Finance Member for saying that he has no objection to this Bill being referred to a Select Committee. I have consulted some friends on this side of the House and they feel that this matter should be further considered. The main point is this. Here, in India, we have two kinds of cheques, one, the order cheques and the other bearer cheques. As regards order cheques, they do not come under the purview of this Bill ; it only deals with bearer cheques. The custom in countries, where there is an advanced system of banking, is that a bearer cheque is negotiable even without a signature. But here, even though it be a bearer cheque, the banks require endorsement with a signature on the back of it. Not to say of cheques, even Government currency notes for Rs. 10, not to speak of notes of higher denomination, people demand to be signed and endorsed on the back. It has become almost a custom with the public even in bearer cheques to require endorsement on the back. In the interests of the banking system, it may be necessary that we

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shall have to gradually go back to the more advanced practice of the West that once a bearer cheque should always remain a bearer cheque. But, so far as I understand, even the Banking Enquiry Committee has said that if a bearer cheque has been changed into an order cheque on the face of it, that should be accepted as an order cheque. But in this Bill I think the intention of the Government is to make a bearer cheque always a bearer cheque even if it is changed on the face of it into an order cheque. These are matters which I think should be considered in a Select Committee, because it is a question of changing the habits of our people which are almost ingrained in them. I do not want to go into the earlier history of this legislation. I do not want to quote from the speech of the Finance Member himself when he moved on the last occasion for sending a similar Bill to a Select Committee. The Bombay High Court's final decision was given in 1924, but it has not put the banks in such a position that they are not able to carry on their business, as has been admitted by the Honourable the Finance Member himself. I hope the House will agree to my motion of reference to the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be referred to a Select Committee consisting of the Honourable the Finance Member, the Honourable the Law Member, Mr. Vidya Sagar Pandya, Mr. B. R. Puri, Mr. Muhammad Muazzam Sahib Bahadur, Mr. K. C. Neogy, Mr. Gaya Prasad Singh, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Dr. Francis Xavier DeSouza, Mr. Lalchand Navalrai and the Mover, with instructions to report before the 30th November, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN ARBITRATION (AMENDMENT) BILL.

The Honourable Sir Bepin Behary Ghose (Law Member) : Sir, I beg to move :

"That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration."

The matter is very simple and I hope it is not controversial. I may shortly state the case for the information of my lay friends. The Indian Arbitration Act of 1899 applies to a certain class of cases. In section 19 of the Act it was provided that if one of the contracting parties after agreeing that their dispute shall be referred to arbitration brings a suit in a Court, then the defendant may apply that the suit be stayed in order that the matter in dispute may be referred to arbitration. With regard to that, section 4 of the Act defines a Court, in the Presidency Towns as the High Court, and elsewhere the Court of the District Judge. It so happens if a suit of the nature is brought in a Presidency Small Cause Court, that Court has no power to stay proceedings. The defendant has to apply to the High Court and the High Court has no seisin of the suit itself and it has been found to be rather disadvantageous. The present amendment only says that for the words "the Court" the words "the judicial authority before which the proceedings are pending" be substituted. If this amendment is carried, then much of the inconvenience to the parties will be removed,

so that the Court which has seisin of the suit will have the right to stay proceedings. The party will not have to go to the High Court, or in a mofussil, the suit may be in a Munsif's Court, and the party will have to go to the District Court in order to have it stayed. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I fully agree. It is only reasonable and fair that when a certain matter has been referred to arbitration, the Court should not go into the question involved in the arbitration proceedings until the arbitrators have decided it. Then it could come up before the Court if objections, if any, are lodged against the award. Therefore, it would be an anomaly if the arbitration proceedings should be carried on and also the Court should at the same time be investigating and determining the same matter. So long as the arbitration proceedings go on, the matter in Court should remain in abeyance. The next point is which is the Court to which application should be made for stay of proceedings. The law at present is not definite, and anybody can go to any Court and ask that the proceedings be stayed. Suppose a case is pending in a Subordinate Court, one can go to the Small Court and ask for stay of proceedings. That is not reasonable or legal. Therefore, both the points that have been covered by this Bill are absolutely necessary and I support the Bill.

3 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2, 1, the Title and the Preamble were added to the Bill.

The Honourable Sir Bepin Behary Ghose : Sir, I move that the Bill, as passed by the Council of State, be passed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as passed by the Council of State, be passed."

The motion was adopted.

THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : I beg to move :

"That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration."

This, Sir, is a small Bill which I hope will not detain the House for more than a few minutes. It arises from a representation that was made to us by the All-India Cantonments' Association who pointed out that under the Act, as it stands, at present, the owner of a house which it has been proposed to appropriate under the Act might be put to

[Mr. G. R. F. Tottenham.]

certain inconvenience and unnecessary expense for the reasons explained in the Statement of Objects and Reasons.

Briefly the position is that when the Commanding Officer proposes to appropriate a house, he serves a notice under section 7 of the Act on the owner of the house. Then the owner of the house, in the first place, may appeal to the General Officer Commanding the District against the appropriation of the house and, in the second place, may make a reference to the civil Court on the questions of rent and repairs to the house. The owner is allowed 21 days to make his appeal to the General Officer Commanding and he is allowed 30 days to make his reference to the civil Court ; but at present both those periods run from the same date, that is the date on which the notice was served on him under section 7. Therefore, in nine cases out of 10, the owner has to make his reference to the civil Court before he has received orders on his appeal to the General Officer Commanding : and if his appeal to the General Officer Commanding is successful, the trouble and expense he has gone to in making the reference to the civil Court is wasted. Therefore, we propose in the present Bill to allow the time for making a reference to the civil Court to run, not from the date on which the notice is served on him, but from the date on which he receives orders on his appeal to the General Officer Commanding. I think that everybody will agree that that is entirely reasonable. It will, however, to some extent, lengthen the whole proceedings, and therefore, we propose also to make a slight reduction in the time allowed for the owner to make his appeal to the General Officer Commanding and to reduce that period from 21 days to 10 days. That will give the owner ten clear days in which to make up his mind whether he wishes to appeal against the appropriation of the house. That, Sir, also I think is reasonable ; but in order to make quite sure I took the precaution of consulting the All-India Cantonments Association on the point and they replied as follows :

"I have to acknowledge your letter and to convey the sense of the Association's grateful appreciation of the Government's acceptance of the suggestion made by the Association. The Association has no objection to the proposal to reduce the time for making an appeal to the District Commander to ten days."

Those of us who are acquainted with the All-India Cantonments Association know that it is an extremely efficient body which keeps a most vigilant eye on the interests of the house owners. I think we may, therefore, rest assured that this proposal will be acceptable to the house owners in cantonments and I have no hesitation in recommending it also to the acceptance of the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I am very glad that better sense is returning to the Army office now. I am glad to see that what is proposed now is to give reasonable facility of time to the person who comes as an aggrieved party against a decision to an appellate Court within the time allowed. The limitation law

prescribes this already. It does provide that time for an appeal runs from the date of the decision of the lower Court. That limitation time which is a general law was foreign to the Army Department and not such as the Army office would accept and I am, therefore, very glad that the general law is now being accepted and I hope that by and by the Army office would go on acceding to the reasonable demands which the Indian people put forward. I, therefore, support this portion of the Bill.

Coming to the next point, in which time is being shortened I would certainly be against it but there is one consideration that weighs with me. Those who live in cantonments are intelligent people and they also know the law. On account of the drastic way in which the army regulations have been worked, they have been wide awake. So this shortening of time also will not affect them much as they are sure to remain vigilant of the period of appeal. I support the whole Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4, 5 and 1 and the Title and the Preamble were added to the Bill.

Mr. G. R. F. Tottenham : I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE DANGEROUS DRUGS (AMENDMENT) BILL.

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

"That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, be taken into consideration."

This is a very small measure which, as my Honourable friend the Army Secretary said just now, I hope, will not detain the House for more than two minutes. The object of the Bill is clearly explained in the Statement of Objects and Reasons. The provision in section 2 is merely intended to make effective the Government's adhesion to the International Convention on the subject and the second provision in section 3 is intended to give Provincial Governments greater powers of restriction than they enjoy at present. At present they have powers of restricting the amount of raw opium that may be lawfully possessed by one person at a time but not of restricting the amount of prepared opium made from raw opium, and this Bill gives power to restrict the amount of prepared opium in the possession of any individual. The restriction has been asked for by the Provincial Governments themselves and I need say no more on the subject. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, 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 the Preamble were added to the Bill.

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

The motion was adopted.

MOTION *RE* FUTURE ADMINISTRATION OF ADEN.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I move the motion which stands in my name, namely :

"That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration."

The opportunity for discussion which this motion affords is given in fulfilment of an undertaking by the Political Secretary so far back as 1922, an undertaking which has at least implicitly if not expressly been subsequently endorsed, that the Government would come to no final conclusion without giving the Legislature an opportunity for the discussion of this matter. The communiqué sets out the considerations in favour of the transfer of control, the arrangements proposed by His Majesty's Government should it be eventually decided to transfer control and the financial consequences to India of such a transfer. I need hardly assure the House that the views expressed here will be most anxiously and carefully considered by the Government of India and they will, of course, be forwarded for the consideration of His Majesty's Government. In addition, regard will also have to be paid to the views expressed outside this Chamber and to the views expressed by interests concerned both in India and in Aden. Before discussion begins I ought, however, to take an opportunity of removing possible misapprehensions and of giving certain information to the House which may assist it in coming to a conclusion. I noticed during the course of discussions on a similar motion in another place that the suggestion was made—I would put it no higher than that—that Government had gone back on a declaration made by Sir Denys Bray in 1929 that all idea of the transfer of Aden from India had long since been abandoned. Now, Sir, anybody who studies the remarks of the Foreign Secretary in their proper context will, I am sure, not persist in that suggestion. He could not possibly do it. What obviously the Foreign Secretary meant was, that the transfer of Aden had been abandoned as a solution of the post-war controversy in regard to the future of Aden because this question had been settled by the decision of His Majesty's Government in December, 1926, and the transfer of the civil administration was, therefore, in 1929, not a live issue. Obviously, the Foreign Secretary's undertaking that the House would be given an opportunity of prior consultation would have been entirely meaningless if he had meant that the idea of transfer would never be considered at all. That brings

me to another point. The Foreign Secretary, Major Fraser-Tytler, in answering a question put by my Honourable friend, Mr. Gaya Prasad Singh, gave an undertaking to furnish the House with the views of those interests which were concerned in this matter. As the House is, I think, fully seized of the views expressed in India, I will confine myself as far as possible to the views expressed in Aden.

The House is aware that the Indian population of Aden numbers 7,287 out of a total of 46,638, and I may say at once that Indian opinion is definitely opposed to the separation of Aden from India. We come next to the Arabs. The Arabs number 29,820 out of a population, as I have said, of 46,638 according to the census of 1931. The Arabs are content with the existing system of administration which they would like to see continue ; but, since constitutional developments in India would make this impossible, they would, on the whole, prefer that the administration of Aden should be controlled by His Majesty's Government. They fear, under the Federation, the subordination of Arab interests and a progressive increase in the commercial domination of Indian firms. On the other hand, they desire that the following existing conditions should be continued if transfer takes place, namely, (*a*) Aden should remain a free port, (*b*) taxes and other dues to remain as they are, (*c*) laws and local regulations to remain as at present and (*d*) all existing civil rights of inhabitants to be maintained. If these are not to be maintained, they are opposed to transfer. They are also apprehensive lest the annual contribution of 20 lakhs should, in the event of transfer, be recovered from them by His Majesty's Government. On this point I take this opportunity of assuring them that their apprehension is groundless. In this event, that is to say, of transfer, the charge would be borne by His Majesty's Government.

Now, Sir, I think I have given the House as much information as I am in a position to do. I need only say that Government will take no part in the discussion except to remove misapprehensions and to provide any relevant information which they may have in their possession.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration."

There are a number of amendments on the Order Paper and the Chair proposes to inform the Honourable Members the procedure which it would like to follow in the discussion. The amendments fall into various classes. The amendment of Mr. Bhuput Sing not only objects to the transfer of civil control of Aden but wants that the military and political control should be re-transferred to India. The amendment standing in the name of Mr. S. C. Mitra and Dr. Ziauddin Ahmad only protests against the transfer of the military and political control and objects to the transfer of civil control. The amendment that stands in the name of Messrs. Ranga Iyer, Mody and A. Das acquiesces in the transfer of military and political control but objects to the transfer of civil control. The amendment of Mr. Gaya Prasad Singh does not express any opinion about the military and political transfer but objects to the transfer of civil con-

[Mr. President.]

trol. There is a further amendment in the name of Mr. Jehangir K. Munshi which advocates the transfer of civil control. What the Chair proposes to do is this. The Chair would first call upon Mr. Bhuput Sing to move his amendment and, then, if they are so advised, Messrs. Mitra or Dr. Ziauddin Ahmad may move the amendments that stand in their name. Afterwards the amendment that stands in the name of Mr. Ranga Iyer can be moved if he so desires. Then Mr. Gaya Prasad Singh will have a chance of moving his amendment and lastly Mr. Munshi. The discussion will be thrown open on all the amendments and the original motion and when the time comes for putting the question, the Chair will put the most comprehensive amendment of Mr. Bhuput Sing first to the vote and, if that is lost, the amendment of Mr. Mitra and Dr. Ziauddin will be put to the vote and, if that is lost, the amendment of Mr. Ranga Iyer will be put to vote and, if that is lost, the amendment of Mr. Gaya Prasad Singh will be put to vote and, if all these are lost, the amendment of Mr. Munshi will be put to vote.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, I beg to move :

> "That for the original motion the following be substituted :
> 'In view of the fact that the Military and Political Control of Aden have been transferred to the Home Government without obtaining the consent of the Indian Legislatures in spite of the promise by the Government of India in 1921 to the contrary and in view of the fact that Aden formed an integral part of the British Indian Administration for about a century this Assembly requests the Governor General in Council to convey to His Majesty's Government the emphatic protest of this House about the transfer of the said control and the desire of the people of India that the proposed transfer of further control should not be effected and that the Military and Political control should be retransferred to the Government of India '."

Sir, India, as a whole, feel very strongly on this subject, as this has all along been mishandled by the Government of India. To my mind, no words are too strong for criticising Government in this respect and I would say that the Government of India have all along not only mishandled but bungled on this question. They have all along made themselves subservient to the Colonial Office and the British Cabinet. If I am to quote the innumerable promises made to the Indian Legislature and the Indian public outside, from time to time, then, Sir, it will be a volume of history by itself. The origin of the discussion on this subject was on the 26th September, 1921, when a Resolution on this very subject was moved in the other House by the Honourable Sir Phiroze Sethna and the Government, on that occasion, just as in the present discussion, desired to remain neutral and desired to know the views of the representatives of the people of this country on the subject. Sir, the Members of the other House made it clear to the Government that considering the status and position of hellots assigned to the Indians living in different parts of Africa under the Colonial Administration, they would never agree to the transfer of Aden which is mostly populated by Indians and would not like it to be transferred to the Colonial Office. In the course of that debate, on that occasion, Government stated that they had not yet pronounced in favour of this transfer, and, until they do, no Honourable Member had any right to assume that the Government of India were in favour of that proposition. Their position was as announced by the Honourable the Foreign Secretary one of benevolent

neutrality. Sir, that benevolent neutrality brought in the bolt from the blue in the shape of the announcement in this House on the 3rd March, 1927, by His Excellency the Commander-in-Chief that the military and political administration of Aden had been definitely transferred to the Home Government. The amendment adopted by the other House, only the other day, demands the retention of only the civil administration of Aden under the Government of India. On the present occasion also, the Government of India have adopted the attitude of the same benevolent neutrality of 1921 and, as a result of such a neutrality, I will not be surprised, if a few months later, the civil administration is also transferred to the Home Government at our back just as the political and military administration was transferred surreptitiously. It is no wonder, Sir, that the people of this country have lost all faith in the *bona fides* of the present bureaucracy as well as of the British Parliament. This question of the transfer of the control of Aden is only one link in the chain of multifarious false hopes and promises made to the people of this country never to be redeemed by actions. Sir, I am not one of those to believe only in the retention of the civil administrative control of Aden under the British Indian administration. The amendment, which was accepted by the other House, if adopted by this House, as well, will give the world outside the impression that Indian opinion will be fully satisfied if only the civil administration is kept under the Government of India.

Sir, I do not believe in half measures. My objection to this transfer of military and political control in 1927 without our consent is more serious than that of the proposed transfer of civil administration. Aden is one of the most important strategic points in the sea route between India and the West. I hope I will not be taken as a wild visionary, if I say that I believe, and believe it sincerely, that a day will come when India will have the dominion status like the other dominions and the future Government will certainly have the control of their own navies, mercantile marine and the Army. Consequently, the future administrators of the Indian Government must desire to have the controlling power over such strategic points like Aden. Sir, this transfer of control of Aden, to my mind, is another link in the chain of manœuvres of the British Government to have British control over all strategic ports between Singapore and Gibraltar. I am not going to narrate here how the British Government got the control of Soudan and Egypt and also gradually obtained a partial control of the Suez. This transfer of control of military and political administration of Aden to the Home Government without our consent shows clearly the lurking suspicions in the minds of the British politicians that India may at any time get dominion status or even independence and, with that suspicion in their minds, they have taken away the control of military and political administration in the teeth of Indian opposition. Sir, I do not for a moment see any other reason than the one just now stated by me for the British Government and bureaucracy to adopt the hush hush methods when the military and political control of Aden was transferred in 1927. Since the transfer of military administration in 1927, another rumour was afloat for the transfer of civil control in 1929, when Government reiterated their promise stating that all idea of such transfer had long since been abandoned. Again, in 1931, when the Aden administration was transferred to the Government of India, an apprehension was raised in the minds of the Indian public, that it was the thin end of the wedge for its

[Mr. Bhuput Sing.]

subsequent transfer to the Home Government. Immediately a deputation of those, vitally interested in the Aden trade, waited on His Excellency the Viceroy and Governor General, and it was definitely stated on that occasion that the proposals for the transfer of the control of Aden from Bombay Government to the Government of India were complete in themselves and were made on their own merits. Further on, the Foreign Secretary stated on that occasion that the changed administrative control of Aden from the Government of Bombay to the Government of India was not a step towards any other change. In the course of the discussion with the said deputation, His Excellency the Viceroy, Lord Willingdon, intervened and emphatically endorsed the Foreign Secretary's statements in connection with the apprehended transfer of control of Aden to the Colonial Office and, in order to allay the misgivings of the deputationists, he stated further that no such suggestion had been considered and gave a definite undertaking that, should this question be re-opened in future, all interests and parties would be consulted. In spite of such an assurance, just after the lapse of about two years, the White Paper saw the light of day with a small cryptic reference made therein regarding the question, in which it was stated, that the question of the future administrative arrangements for Aden were under consideration. Immediately a few British Indian delegates to the Joint Select Committee, who were then present in London, waited on a deputation to the Secretary of State on the question of the future of Aden, and they were told that Aden, being neither a province nor an Indian State, the question of its being included in the future Indian Federation was a very difficult one, but however, he did not think that the difficulty was of such a nature, as not to admit of a satisfactory solution. After all these false promises, the Government of India had the courage to issue the Press Communiqué in June last. Sir, the Press Communiqué starts with the fact that Aden is already to some extent under Imperial control. But may I ask the Government of India, whether they were or were not a consenting party to the transfer of military and political control ? Then, I would further ask them, how far they committed India to that portion of the control already transferred to the Home Government and whether they obtained the views of the Indian public and of the Legislature to the partial transfer of control already made and which has been mentioned in the Communiqué. If they have not committed themselves to such transfer, this House, to my mind, should unanimously repudiate the whole action of the Government of India in this matter.

In coming to the next argument of geographical remoteness of Aden from India, may I ask the Government whether such geographical remoteness of Gibraltar from England stands in the way of its control by the Home Government ? Sir, if, owing to remoteness of Aden from India, it is to be transferred to the Home Government, then I would say that Aden should be transferred to the Arabs, and Gibraltar to the Spaniards. I thought, Sir, that there was bankruptcy in British statesmanship, but it is a new experience to me that there is bankruptcy of common sense amongst the members of the British Cabinet, but for which, they, who are governing Singapore, Malta and Gibraltar from their headquarters in Great Britain which is geographically so distant and remote

from those places, would not have raised objections to India's administering Aden, owing to geographical remoteness.

Before I conclude, I think I should put it in a nutshell that Great Britain is very keen and bent upon getting the control of Aden to make it another naval base in the west of India as they have made Singapore a naval base in the east of India so that India may always be kept between these two fires. Considering all these factors I hope that the House will agree with me when I say that arrangements should be made for the retransfer of the military and political control to the British Indian administration with whom the civil administration is existing at present. With these words, I move my amendment and commend it to the House for its acceptance.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That for the original motion the following be substituted :

'In view of the fact that the Military and Political Control of Aden have been transferred to the Home Government without obtaining the consent of the Indian Legislatures inspite of the promise by the Government of India in 1921 to the contrary and in view of the fact that Aden formed an integral part of the British Indian Administration for about a century this Assembly requests the Governor General in Council to convey to His Majesty's Government the emphatic protest of this House about the transfer of the said control and the desire of the people of India that the proposed transfer of further control should not be effected and that the Military and Political control should be retransferred to the Government of India '."

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member, Dr. Ziauddin Ahmad, wish to move his amendment ?

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Yes, Sir. I beg to move :

"That for the original motion the following be substituted :

'While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian Administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place '."

Sir, at the outset I should like to make clear the distinction between Aden Administration and Aden Protectorate. Now, the Aden Settlement consists of a very small tract of land, about nine miles long and two miles wide, and it is practically an island just like Bombay, because at one place it is only about a furlong wide and the sea water goes over it. Now, as regards the Protectorate of Aden, we have nothing to say ; that is a question for the Imperial Government to settle and India is not directly connected in the Aden Protectorate. But we are directly concerned with what is called the Aden Settlement. It should not be confused with the Aden Settlement. This Aden was occupied by Major Bayley in 1839 with the help of Indian forces taken from Bombay. The population of Aden at that time was only 3,000. The Honourable the Leader of the House has given the latest figures of the population. I have got also the round figures. On account of the development of the port, the population of Aden increased from 3,000 in 1839 to about 56,000, out of which about 30,000 are Arabs, 10,000 are Indians, 4,000 are Jews, 5,000 are Europeans and 7,000 are Somalis. Now, Aden has got a very peculiar position about the port. It is well protected and surrounded on all sides

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by rocks and hills and we have to go through a narrow strip in order to reach the port of Aden. This port of Aden was developed almost entirely by Indian capital. The Indians spent something like five crores of rupees in order to build wharves, godowns and warehouses and a large number of buildings. At the same time, the Indian Government spent large sums of money in developing the fortress and barracks and for carrying on the civil and military administration. I have got no accurate knowledge of the amount which the Indian Government spent on this account, but Mr. Cook, in a speech, in the year 1921, said that the expenditure was in the neighbourhood of 50 lakhs a year. Taking the statement of Mr. Cook, in 1921, I can safely conclude that the expenditure of the Government of India must have been between 30 and 40 crores of rupees ; and, considering the expenditure both by the Indian people and the Indian Government, I can safely say that the Aden Settlement was developed by incurring an expenditure of between 35 and 40 crores of rupees by the people and the Government of India. Now, whenever any question of a transfer comes in, the question of 40 crores should not be overlooked. We should get the amount back with compound interest. The vast expenditure both by the people and by the Government, and the hard work of Indian Merchants developed favourable situation and the safety attracted a large number of foreign people, the Arabs, Jews, Somalis, and Europeans. They came to Aden to enjoy a prosperous life which the Indian money and Indian brain created for them.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Now, this increase of population from neighbouring countries naturally developed their trade relations with the countries from which these people came, and the Indians of Aden were the first to open trade relations between Aden and Africa and Aden and Arabia, and they built up their country crafts and their country steamers in order to carry on their trade. They went further ; they also built up an Indian steam navigation company which is now carrying goods from Aden to the neighbouring places in Arabia and in Africa.

Sir, the civil administration has always been under the Government of Bombay till the year 1931 and the taxes were collected on behalf of the Bombay Government. The administration was carried on on the same lines as the administration in the Bombay Presidency. They opened schools, they built hospitals and they had the same system of administration as is carried on in the Bombay Presidency. Changes occurred during the war and, as a war measure, the War Office occupied and took possession of the whole administration of Aden. But that was only a war administration and it was handed back to us as soon as the war was over in the year 1919. Sir, we, Indians, had no personal quarrel with Germany or other enemy countries. We really fought, because of the British Government as we formed part of the British Empire. After the war was over, the various countries, who had taken part in the war, were given rewards. Lands taken out from Germany were given to East Africa, West Africa and to South Africa and so on, but may I ask what India obtained for large sums of money she spent in the war, and also for the loss of lives ? We always urged on the floor of the House that in return for the services which India

rendered to the British Government we should have been given some share in the war indemnities of the allies in the shape of a Colony in Africa, but instead of that, something is taken away from us ; we are supposed to be good and loyal subjects of the British Empire and we are made to believe that we can always count on their help ; but when the question of distribution of reward comes in, we are passed over. We naturally expected that India would be given some territory for her war services, but, instead of that we are threatened to lose what we ourselves built by our own money. Our services, our sacrifices in men and money are all forgotten, and without any reference to Legislature the military control was transferred from the Indian Government to the Home Government. This is a question, Sir, on which we have strong views, and we strongly protest such a course of action and I agree with my friend, Mr. Bhuput Sing, in his strong protest. We had not forgotten the high handed policy of the Home Government in transferring military control, they raised the question of the transfer of civil administration of the Aden Settlement. One can argue that the protectorate does not form part of the Indian Government, and the army is required for the broader purpose of the protectorate, and not for maintaining order and peace in the Settlement. But, at the same time, I do maintain that even if the proposed transfer was to be made, it ought to have been made with the consent of the Indian Government and Indian Legislature and this House should have been given an opportunity to discuss the whole question, before the transfer of the military control from Indian Government to Home Government. I consider such transfer as breach of contract. The story did not end here. In 1927, Honourable Members will probably remember that Sir Denys Bray, replying to a question in this House, said : " I hasten to add that all idea of such a transfer (transfer of Aden Settlement) has long been abandoned ". The Commander-in-Chief also, in the year 1927, on the occasion of the Budget debate in the Council of State, said :

" As Honourable Members are aware, the Settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interest should not go outside the pale of the Government of India. It will accordingly be retained as part of the Settlement and the Municipality of Aden will remain under the Government of India."

Now, Sir, these assurances were given to us by responsible Members of the Government of India, and we thought that the Government would honour those assurances. If the Home Government really wish that the administration in India should be stable and the people should trust the Government, then it is the duty of the Government at Home to abide by the assurances given by responsible Members of the Government of India, but, if the Home Government are not going to honour the utterances of responsible officers here, the administration will be placed in a very difficult position indeed.....

The Honourable Sir Joseph Bhore : I do not want to interrupt my Honourable friend, but I did, in my opening remarks, explain what the real meaning was of the Foreign Secretary's remarks made on the occasion to which my friend refers.

Dr. Ziauddin Ahmad : My friend really is a politician, and all politicians use words which they can interpret in their own way ; but unfortunately the people of India will naturally interpret the simple English in its true meaning : my friend cannot change the feelings of the people by the quibble of words. In 1931, when this transfer was made

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from the Bombay Government to the Government of India, we scented that there was going to be further trouble in store, and immediately a deputation, led by Mr. Mehta, waited on His Excellency the Viceroy, and the Political Secretary gave us to understand that it was only being transferred for the sake of convenience. We then thought that probably it was the first step to the second transfer from the Government of India to the Colonial Office. But, at that time, we were given an assurance that nothing would be done to prejudice the interests of this country, and we naturally trusted the Government. What hidden interpretation can my Honourable friend put on it ?

Sir, the question of Aden is somewhat different from the question of Burma. In regard to Burma, I can quite understand that the whole decision should be left to the people of Burma. If they want separation, let them have it ; but if they don't want to separate themselves from us, we will always welcome them and we are ready to help them ; but, in the case of Aden, it is a different proposition. The people of Aden do not want a transfer. Those Indians who have got their investments in Aden do not want a transfer, Arabs don't want a transfer, the Jews don't want a transfer. No one wants a transfer. The Home Government desired to confiscate it simply because we are weak. The Honourable the Leader of the House quoted the resolution passed by few Arabs who really belong to the protectorate and he did not mention the resolution passed by 500 Arabs residing in the Settlement. Sir, in reply to a deputation led by His Highness the Aga Khan, to which reference was made by my friend, Mr. Bhuput Sing, the Secretary of State gave a clear reply that the difficulties were not " insurmountable " ; no political problem is insoluble, if we put our heads together. The Members of the Round Table Conference and of the Joint Select Committee, who are now working in London, will not find difficulty to find a solution, and I hope they will do so. It may be said that it is very difficult to secure their representation in the Federation. I do not know when the Federation is coming. It may not come in the lifetime of any of us who are now present in the Assembly, and it is somewhat premature to discuss this question. But even if the Federation comes into existence immediately, the position of the Aden Settlement will be similar to other important places like Secunderabad, Bangalore and other towns which have only Municipalities under the control of the Government of India and which will always remain under the Government of India, and, therefore, I see no difficulty in keeping the Aden Settlement also under the Government of India, like those small places which I have just mentioned and which will continue to remain under the Government of India.

Now, Sir, coming to the financial side, at present Aden is a paying concern to the Government of India. Aden was a source of great expenditure for a very long time, but now it is the other way round. The income from Aden is about 18½ lakhs and the expenditure is about 10½ lakhs, and so, really speaking, Aden is not a burden to the Indian Budget. As regards the military expenditure, if we take the military expenses, from a broader point of view and not only from the point of view of India, only for the purposes of protecting the routes, I should say, the expenses ought not to be borne by India alone, but also by all those countries who are benefited by the position of Aden. Sir, we are now suffering from a great deal of

unemployment, and any measure, making the problem of unemployment more acute, will always be a source of trouble to India and will always be resented by us. If the administration of Aden is transferred, then all those people who are now employed there, and all those people who carry on trade there and also their relations here as well as in Aden will be hard hit. Their number should not merely be calculated from the number that actually reside and carry on trade in Aden, but it must include a large number who now reside in the Bombay Presidency and other places in India; and so, if this transfer takes place, a very large number of people will suffer. Therefore, I would sincerely request the Honourable the Leader of the House to convey to His Majesty's Government that the proposed transfer will produce very great resentment throughout India and that the people of this country would regard it as a breach of faith. We expected substantial reward for the services which this country rendered during the great war, but, instead of that, we are having a punishment. First the military control was taken away, then the civil administration is going to be taken away. This will certainly produce great disappointment throughout the length and breadth of this country. Sir, with these few words, I move my amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

> " That for the original motion the following be substituted :
> ' While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian Administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place '."

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Does Mr. Ranga Iyer want to move his amendment ?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : No, Sir, I don't want to move it.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I also don't want to move my amendment.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I was fortunate enough to be present at a dinner which the non-official Members of the Central Legislature gave to the Secretary of State in London. My Honourable friend, the Finance Member, also was present there. The Secretary of State tried to talk to us heart to heart and told us that he would like to see the atmosphere of misunderstanding to be removed so that Britishers and we Indians can approach the constitutional problems in a spirit of fairness and goodwill. Since then, and also for a few months before that, I have been trying to approach the constitutional problems that face us with all the goodwill as if the Government of India were our own Government in spite of their being a subordinate branch of the British Government. I have been trying to see if, by my action, by my criticism and by the influence we wield in the country we could remove that atmosphere of misunderstanding. But when I approach the problem of Aden and see the way in which it is surreptitiously brought before this House, I question myself whether those who are controlling the destinies of the British Government are also trying to remove the points of misunderstanding that are always occurring in

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the discussion of problems between India and England. The previous speakers have made it clear that India is not getting her constitutional rights about Aden. Sir, facing the problem of Aden, I have to ask the question, not of the Government of India, because I am grateful to them for being neutral in this matter whether in the debates in the other House or today on the floor of this House, but of the British Government. If I can interpret, I feel that it is always an atmosphere of mistrust of the Britishers against the Indians. The ill treatment of Indians by the Colonial Governments has already been referred to. That is one reason why we do not want Aden, where so many thousands of British Indians live, to be transferred to the Colonial Secretary of His Majesty's Government.

I miss here my Honourable friend, Mr. Bajpai, and the Honourable Sir Fazl-i-Husain who always speak for the administration of Indians overseas in the British colonies. Sometimes I find Mr. Bajpai's heart flows with the milk of human kindness when he describes the distressing circumstances of those refugees from South Africa who are living in great difficulty at Budge Budge in Calcutta and also says that their condition is not so bad as described by questioners like Mr. Gaya Prasad Singh or Mr. Maswood Ahmad. Sir, we know what happened to the Indians who went to Natal, who went to South Africa, how these barren lands were tilled and made arable by the Indian settlers, and how today they have been hounded out from South Africa. The same is the condition in Kenya, in Tanganyika. In Kenya, Indians have lost their wheat trade. In Tanganyika, they have got their cotton trade, but Indians are treated there as pariahs ; they have not got the same status as the post-war British settlers who are demanding today advantages and privileges that are denied to the British Indians. So, if we feel distrust at the proposal of the transfer of the civil administration of Aden to the British Government, we have precedents. The precedents are written in the blood and suffering of millions of Indians that are suffering today in the colonies of South Africa, Tanganyika, Kenya and East African territories. That is one aspect.

I want to examine a little in detail where lies the confidence of the British Government and the Britishers in the Indians. Do they trust us ? I say they do not. They want us to trust their words, but they do not trust us. If Aden had been administered for nearly 70 years by the Bombay Government and the Government of India, what has happened today to transfer or to propose the transfer of the civil administration of that territory to the Colonial Government ? At this stage, I wish to make it clear that I am supporting the motion which has been moved by my Honourable friend, Mr. Bhuput Sing. It is a most comprehensive one and reflects the real feeling of the Indians who are sitting on this side of the House and who represent the teeming millions that are outside this House. If, during the War, the military administration of Aden was transferred to the British Government, there was no necessity for the transfer of that administration perpetually. It has been done, and the Government of India, as I observed a few moments ago, is a subordinate branch of the British Government and had to agree. When they trot out the saving of a few lakhs of rupees, one laughs at such an argument. It is often said

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that Aden is the Gibraltar of the British Dominion of Australia, the Malaya Peninsula and other British territories in the far East. The Britishers today do not want to trust Indians with the control of the military and civil administration of Aden. England has got us under her thumb. England can do anything. Can she, in the name of justice, say that Aden must be transferred from India to England ? Although we are original members of the League of Nations, those who represent us there have not the courage to take up this question before the League of Nations. I ask Britain to take this case to the League of Nations. Let there be a committee appointed by the League of Nations and let it give its verdict. If the verdict is that Aden, which is the Gibraltar of Asia, should be in the hands of Britain, I would be the first to agree to it, but will my Honourable friend, the Leader of the House, say that the Government of India would insist on his Majesty's Government that the whole question should be referred to the League of Nations ? He dare not. They are the subordinates of the mighty British Government.

My Honourable friend, the Leader of the House, talked of the representation received from the Arabs. Do they belong to the Aden town or do they belong to the protectorate ? Today we have no control over the British policy in Afghanistan. If the British Government want to have an Arab protectorate, let it be administered from Indian Aden. We are ready to provide a site for the British plenipotentiary or the Ambassador who will control these Arab protectorates, but it is no use trotting out that these Arabs do not want to remain under the Government of India, but would prefer to go to the Colonial Government. They have sufficient knowledge of the maladministration of the Colonial Office. What happened ? 30 Arabs met at a meeting. None of them were residents of Aden. They suggested that Aden should be transferred to the British Government. Afterwards, 500 Arabs, residents of the town of Aden, met and protested against this managed meeting of 30 Arabs and they demanded that the present administration of India should continue for ever. No argument is necessary even to convince a child.

Now, Sir, I will take up the six points that have been mentioned in this Government communiqué about Aden. I would only say that they are not worth the ink with which it has been printed. I know, the Honourable Members of the Treasury Benches will not take part in the debate, but can they say that any of the pledges given to India by either Britain or the Dominion Governments or the Colonial Administrations have been fulfilled ? The Secretary of State for India has assured the deputation that waited on him at London that the cases of the Aden people would come to the Bombay High Court. Why should it come to the Bombay High Court ? Why should a Colonial Secretary of His Majesty's Government correspond with a subordinate Government like the Government of India and the Government of Bombay which is still much more subordinate ? Why should they do it ?

Now, I will take up point No. 1. I have already referred to it and I do not want to discuss it again. As regards point 2, no Suzerain Government has ever tied itself down to any pledges to a subordinate Government. As regards point 3, it is said : His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take

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place. That is no solace to us. Aden might be a free port, but once the control passes out of our hands, similar pretexts will be brought out as happened in the case of East Africa or South Africa and Aden will be closed to the trade of India. Incidentally, I am reminded of a little stir created by the Anglo-Indian Press. As far as I can remember, it was the *Statesman* which published an editorial inciting the feelings of the Bengalis who have got a little feeling towards Aden, because their taste is for Cheshire salt. I do not wish to refer to that sort of managed agitation carried on particularly by the *Statesman*. It has been ably replied to by a prominent business magnate, my esteemed friend, Mr. Husseinbhoy Laljee of Bombay, and, I am sure, the Government have read it. I hope they will send a copy of it to the Secretary of State for his perusal. Then, point 4 says that His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became, in their opinion, absolutely necessary. Every sentence begins with a rider and a qualifying clause. Suppose there is a war and the King of the Hedjaz invades Aden, then there will be further taxation. This kind of pledge cannot satisfy us. We all know the policy of His Majesty's Government in other Colonies, how Indians were asked to pay the poll tax even, which happens to be a most inhuman tax. We are asked to trust to the mere verbiage. My friend, the Honourable the Foreign Secretary, is present here, and may I ask him what were the traditions of the Foreign Offices before the war? Hush hush policy, intrigues, secrecy, these were the things with which they started the Great War. I do not blame the Foreign Office of His Majesty's Government alone. I blame the Foreign Offices of every Sovereign Government. I do not think my Honourable friend, the Foreign Secretary, is carrying on those intrigues, but that has been the tradition of other Foreign Offices. Their policy had been to set one nation against the other. I expect that, in the near future, we will also have our Foreign Office and if we will have our control over it, we will start with a clean slate. Our policy will be the policy of truth and righteousness and not of intrigues.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Utopia.

Mr. B. Das : My Honourable friend, Mr. Jadhav, might have had an inkling of the Political Department of the Bombay Government while he was a Minister in that Government.

An Honourable Member : He was not allowed to see anything.

Mr. B. Das : It may be thought to be an Utopia by some of my friends here. But the Great War, with its massacre of millions of people, cost the world billions of money, the gold for which my Honourable friend, the Finance Member, is so very anxious to retain in his Reserve Bank. The Great War taught us one lesson. Abolish these intrigues and do away with these Foreign Offices and their satellites and the world will live more peacefully and more amicably. So, Sir, this point 4 is an expression which not only my Honourable friend, the Foreign Secretary, but even the lowest paid clerk in his office can set aside as valueless.

Now, let me examine point No. 5—the proportion of Indians would be retained in the Aden Service for some years. Sir, once the transfer

fakes place, not only those Indians, who are in service, but even those who have settled down there would be turned out from there bag and baggage. Even martial law may be declared there on the pretext that the Indians are agitating there and are a seditious people.

Then I come to point No. 6—no racial legislation or segregation would be permitted by His Majesty's Government. Sir, If I understand the English language, the word " would " does not indicate that there is any guarantee that no racial legislation would be permitted by His Majesty's Government. Has it not been permitted in South Africa, in Kenya, in Tanganyika and other places? Can we even read with a grain of confidence this point No. 6, which His Majesty's Government have advanced and which my Honourable friend, the Leader of the House, wants us to swallow and to believe in the pledges of His Majesty's Government. As my Honourable friend, Mr. Bhuput Sing, said a few minutes ago, Britain has broken so many pledges that India cannot believe in any of these pledges. Sir, these are no pledges, they are mere pious expressions put in the sophistic language of the Foreign Department or the Colonial Department.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sir, I must now refer as to why Britain has changed its policy. Gentlemen administering the Foreign Office of the Government of India started the Russian bogey and the Afghan bogey. Russia has now settled down to its 10 years plan of economic and industrial development and so the British Foreign Office cannot bring out any stunt about the Russian bogey. So, now we are having the bogey of Japan and America. How would they come? They will come through the Pacific Ocean. Therefore, there will be a Singapore base and an Aden base. Hence, Aden must be transferred to the control of British Government. And what is happening here? My Honourable friend, the Foreign Secretary, cannot even have an Indian to read the cypher messages lest the subject nation may come to know too much of the secrets of the Government of India and of the British Government and create revolt or war in India.

Sir, I began my speech by saying that I was ready to trust if I saw the signs of trust, but unfortunately I see the signs of mistrust all over as time passes. I trust, Sir, that if the British Government at all want to take away Aden from India, they will agree with the proposal of the people of India and of the Government of India to refer the matter to the arbitration of the League of Nations. One point more and I have finished. What about the crores and crores of rupees which have been sunk on the development of Aden and its port and harbour? Is Great Britain willing to pass over a cheque of these crores of rupees to my Honourable friend, the Finance Member? As a business man I would like to know if all these moneys would be forthcoming to us from Great Britain and I may examine as a business proposition if a huge sum comes towards the reserve of the Reserves Bank which my Honourable friend, the Finance Member, is creating. Sir, I am afraid it is going to be the policy of the lion and the lamb. If the lion wants to take away Aden, we cannot do anything, helpless as we are. But justice demands that Britain should not transfer Aden. If Britain wants to be honest, she

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should transfer immediately the military administration of Aden to India.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I support the amendment of my Honourable friend, Dr. Ziauddin Ahmad, and oppose the amendment of my Honourable friend, Mr. Bhuput Sing.

At the outset I must express my surprise at the attitude which the Government Members propose to take up in connection with the present motion. Sir, very telling arguments, based on facts and reasoning, were addressed on the present matter in the other place by Sir Phiroze Sethna and those arguments do require an answer from the Government Benches. That answer not having come, we are left to our own conjectures as regards the case which the Government Benches have on the present matter. The Government of India are the guardians and protectors of the interests of India, and in a matter like the present, which is vitally concerned with the interests of India, we should have expected that the Government would have given us advice and guidance, but they propose to be silent. I can understand their position if there was some written or unwritten rule of constitutional practice which debars them from giving expression to their honest opinions on the floor of the House. I am quite sure that no such rule exists, because had it existed, it would have applied equally to the Provincial Governments, but what do we find ? On the last occasion, when the question of the transfer of Aden was before the Bombay Council, Sir Ernest Hotson expressed himself in unmistakable terms as to the real wishes and desires of the Bombay Government. In the other House, in 1922, the Honourable Mr. Pratt, who represented the Bombay Government there, expressed in unmistakable terms his opposition to the proposal of separation of Aden from India. I say, why should the Government of India not come forward and express their opinion on the floor of the House on the present occasion and give us advice and guidance. If the Government of India are silent, because they believe that the argument on which His Majesty's Government base their proposal for the separation of Aden from India has neither reason nor justice behind it, then, I say, my Party and myself wholeheartedly agree with that opinion and belief and we earnestly and respectfully invite the Government Benches to express themselves clearly on the floor of the House today. The arguments, in support of the proposal for transfer of Aden from India, are fourfold. The arguments are based on constitutional grounds, on geographical grounds, on grounds of economy and, fourthly, there is the argument of the *fait accompli*. As regards the geographical arguments, it is based on the difficulty of administering Aden from such a distance as separates Aden from India. Now, in the first place, this presupposes that there has not been up till now good administration of Aden. But what are the real facts ? The communiqué contains the opinion of His Majesty's Government as regards the present standard of administration of Aden. In fact, His Majesty's Government propose to take the present standard of administration as their own standard of administration in the future. Secondly, His Majesty's Government ought to have known that Whitehall is more distant from Aden than India. As regards the argument based on constitutional

grounds, it is said that it is very difficult to fit in Aden in the coming Indian Federation. I can understand this argument if it is a question of fitting in the whole of the Aden protectorate in the Indian Federation, but the question involved on the present occasion is simply that of fitting in of the settlement of Aden in the Indian Federation and I see absolutely no constitutional difficulty about it. It is then said that the transfer of Aden will save India from the burden of about 20 lakhs of rupees. As Sir Phiroze Sethna pointed out in the other House, this is of course an exaggeration. I am sure, the Honourable the Finance Member will be able to correct the facts of His Majesty's Government on the present topic.

The Honourable Sir George Schuster (Finance Member) : As my Honourable friend has referred to me in the matter, I should like to take this opportunity of pointing out that the statements made by the Honourable Sir Phiroze Sethna in the Council of State were calculated to give a somewhat misleading impression of the position. The position is this, that the contribution, from which India would be saved, if this transfer took place, amounts at present to something like £120,000 on the past year's estimates. We have not yet got the final accounts for the year. But it might in any year be as much as £150,000 and, in fact, in past years, it was as much as that. That is clear gain to India, a sum amounting to something like £150,000. On the other side, there will be no loss on the scale indicated by the Honourable Sir Phiroze Sethna. At present, the Aden budget almost, one might say exactly, balances. Taking the average from 1927-28 to 1933-34, the average showed a deficit of about two-third lakhs a year. At present, there is a slight favourable balance of a few thousands, but the present position is precarious, because the balance is obtained by maintaining special economies which probably cannot be maintained indefinitely. I think the fairest way of looking at it is that the Aden budget is practically evenly balanced. I think if we take it in that way, there is no gain or no loss one way or the other on account of the ordinary administrative expenditure and that the military contribution will be a clear gain. This is the most accurate way in which to regard the effects of this proposal for transfer of Aden.

Dr. Ziauddin Ahmad : There seems to be some confusion. Out of the budget of £120,000 for civil administration, a portion is for military expenditure. It was stated on one occasion that no military was required for the civil administration, but it was really required for preserving the trade routes. My submission is that the military is required for the benefit of all the countries affected on the trade route and, therefore, the whole amount should not fall on India. Had the military been required for the Aden Settlement, then it would have been a legitimate charge on Indian finance, but if it is required for the Aden protectorate or for the defence of the trade routes, then it is not correct that India should pay the entire expenditure.

The Honourable Sir George Schuster : My Honourable friend is under a misapprehension, if he thinks we are paying the whole of the expenditure. India is paying one-third of the expenditure with a maximum of £150,000 a year.

Mr. President (The Honourable Sir Shanmukham Chetty) : In view of the importance of the financial consideration, the Honourable the

[Mr. President.]

Finance Member will be well advised to intervene in the debate and make a full statement about the financial implications.

Mr. N. N. Anklesaria : Sir, if the statement of the Honourable the Finance Member has convinced the House that I am incorrect in the statement which I made, I will simply say that I stand corrected.

Passing now to the fourth class of arguments, namely, the arguments based on what they call a *fait accompli*, I am a very humble individual, but I cannot help saying that His Majesty's Government have not shown good sense in giving expression to such an argument in support of their proposal. Sir, the argument of *j'y suis et j'y reste* is an argument which a strong man, when he has got no reason or justice in support of such an argument, addresses to the weak man. It never carries conviction ; it irritates and it creates discontent and it also creates, if the discontent is prolonged, disaffection. Sir, when I say all this I am not oblivious of the fact that every Indian is interested in the upholding and the maintenance of that glorious phenomenon which we call the British Empire,—as much interested as any other member of the British Empire. And I further say that there is none in this House so very unpatriotic and so very lacking in the pride of his British citizenship as not to whole-heartedly vote in support of a proposal like the present, if it could be proved that such support was necessary for the maintenance of the British Empire. I have looked through the arguments in the communiqué and I fail to find any argument which would show that if the support, such as I mention, were withheld, the British Empire would dissolve into nothingness. Sir, on the other hand there are arguments which ought to carry great conviction to His Majesty's Government and induce them to refrain from further prosecuting the present project. The prospect of separation has created a good deal of discontent in this country, discontent which no good Government could possibly ignore. I will not indulge in exaggerated language and talk of " the rape of Aden ", or of " the open day loot " or of " the scandalous act of expropriation ", but this much I may say that it is hard on the British Indians, who have by investment of capital and energy in the development of Aden acquired vested interest in it of which they cannot easily and advantageously divest themselves if they choose to leave Aden. I must also say that it is not fair to British India, after it has spent enormous sums of money amounting to crores of rupees in the development of Aden and when that sacrifice and that investment are on the eve of bearing fruit, to take away Aden from India.

Thirdly, Sir, there is the question of the pledges given by responsible British Indian statesmen. My Honourable friend, the Leader of the House, tried to explain away the pledge given by Sir Denys Bray. If his explanation has carried conviction to the House, I have nothing further to say. Sir, I also share the fears of Indians who have made Aden their home about their position under the jurisdiction of the Colonial Office. Those fears are by no means imaginary as would be shown by the plight of Indians in the different British possessions under the jurisdiction of the Colonial Office. The present condition of the neighbouring places like Berbera, Bulhar and Zaila furnish significant instances of what Aden may have in store for her if she is transferred completely to the Colonial Office. No doubt, Sir, the communiqué of His Majesty's Government does give assurances against racial discrimination, but I am afraid the assurances

cannot reassure Indian opinion. On the plea of once bitten twice shy, we Indians would simply decline to believe in the ability of His Majesty's Government to carry out those assurances, however much we may believe in the sincerity and *bona fides* of the present advisers of His Majesty's Government who have given those assurances. How many times similar assurances for safeguarding the interests of Indians as against the unreasonable demands of the white settlers have been honoured in the breach rather than in the observance by His Majesty's Government ! If the Government Members wish, I am prepared to give them a list of instances in point.

In conclusion, Sir, I would appeal to His Majesty's Government not to press the matter any further at the present time lest, small as it may appear to be, it may act as the proverbial cloud which may darken the momentous issues which are now before the two countries. I would also appeal to the Honourable Members of the Government of India to come forward and express on the floor of this House their complete agreement with the non-official Members in the present connection. By so doing they would, in my opinion, command more regard and more confidence from this side of the House than they would be doing by remaining silent ; and also, in the words of my friend, Mr. Ranga Iyer, " that way lies statesmanship ".

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, on behalf of my Party, I entirely endorse the amendment proposed by my Honourable friend, Mr. Bhuput Sing. I, however, do not wish to inflict any lengthy speech, because most of the matter is already within the cognisance of the House. The matter was thrashed out in the Council of State, and most of the arguments addressed on the floor of this House have been more or less a repetition of what has already been said elsewhere. Therefore, I do not wish to follow that course. It seems to me, Sir, that a very light view should be taken of the matter.

This question of Aden reminds me of a well known saying of Lord Charles Beresford who received on one occasion an invitation to stay in a country house, and he sent the following telegram in reply : " Sorry, cannot come, lie follows by post ". The fact of the matter was that he could not possibly go, and in the telegram he stated candidly also promising to send the usual false excuse by post. Sir, it seems to me that Aden is already *taken away*, and the present ceremony corresponds to the *lie* which we have received by post. This is an empty form through which we are going. As a matter of fact, if the British Government, in spite of their assurances and undertakings, solemn as they were, are guilty of having committed acts of breach of faith, how can we now expect that, in compliance with our wishes, they are going to reconsider the whole programme regarding Aden which they must have already chalked out ? Therefore, it seems to me that it is a barren ceremony that we are going through. The British people have already made up their minds to take away Aden, and they are not going to reopen the question just because of the opinions expressed by my friend, Mr. Bhuput Sing, or Mr. Puri or anybody.

But, Sir, I am inclined to take, as I promised, a lighter view of the whole thing, and that reminds me of the story of a servant of a Commander of a ship who, while the Commander was sitting in his office, rushed up to him and said : " Sir, would you call a thing to have been

[Mr. B. R. Puri.]

lost if you know where it is ?" Kindly mark the words "Sir, would you call a thing to have been lost if you knew where that thing was ?" So the Commander turned round and said : "Certainly not". "Well, Sir, if that is so, then your tea kettle is at the bottom of the sea." He had already dropped it, and having done so, resorted to this philosophic method. Why should we consider that Aden is lost ? We know where it has gone to ; we know where to find it. We may not have the power to recover it back, but why cry and weep over it ? They have got the power to take it, and they have taken it. I heard, Sir, a whisper in some quarters that we practically created this Settlement ; as a matter of fact, we have fed it, we have nursed it and brought it to its present prosperous state. Therefore, it is urged in certain quarters that even if the thing is taken away from us, we are entitled to some sort of compensation. I will advise my friends on this side of the House not to say a word about it. Bargaining with a powerful opponent is always a losing game. Even if there is any offer made, please be careful. That offer would be more or less like the offer of a stingy aunt who asked her little nephew :

> Auntie : "Well, John, will you let me kiss you if I give you a penny ?"
>
> John : "What only a penny ? Why, I get more than that for taking castor oil."

Therefore, be careful. If any kiss of that kind even on a payment is offered, you will ultimately find that it is not so very delicious. The best thing is to take a philosophic view of the whole matter and to submit to the will of the powerful and the mighty. But if you ask our honest opinion, I say you have no right to take Aden away, you have no right to touch it. By the usual nibbling process and by instalments you have done us out of it and now when you say : "Please discuss the matter and send us your final opinion", don't we know what you are going to do ? Thanks, we understand the game. We don't want half-measure ; either take the whole or give the whole.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, the great war has brought about numerous changes in every country, and it is well known that Aden was primarily taken under British possession for strategic purposes. After the war, on account of the numerous changes that have taken place all over the world, it has been found necessary now, not only for the sake of India, but for the sake of other countries as well, to separate Aden from India and to transfer it to the control of the Colonial Office. If Aden had been taken merely for the sake of trade and commerce for the Bombay Presidency, then all the objections urged by Honourable Members would have been perfectly justifiable, but it is well known that originally Aden was taken for military and political purposes, and for the safety and protection of India ; but, after the war, things have so much changed that Aden is now required for the same purpose for other countries.....

Mr. B. V. Jadhav : Which other countries ?

Major Nawab Ahmad Nawaz Khan : I may say South Africa, Egypt, Arabia and the Near East. If you have a little time tomorrow, we can

discuss what those countries are, and what effect the transfer of Aden will have on the Near East ; it will take hours and hours to discuss these questions. I think, Sir, it is really the Imperial interests and prudence of His Majesty's Government which demand separation of Aden from India. ("Hear, hear", from the Nationalist Benches.) People who have got some experience of administration and also of military interests know well, that there is a necessity for the Imperial Government for separating Aden from India. I believe that many Honourable Members know it very well in their heart of hearts, but they want to oppose Government proposals as a matter of practice.

Dr. Ziauddin Ahmad : I do not want to interrupt the Honourable Member. Is he speaking on behalf of the Government of India or of the Home Government ?

Major Nawab Ahmad Nawaz Khan : I am a Member of the Assembly and I have as much right to express my opinion as you have. I am going to say a little bit further to my Mussalman friends, that we must have sympathy with the interests of Arabs there.

Dr. Ziauddin Ahmad : Since the Honourable Member has referred specially to the interest of Arabs, may I mention that the Arabs of Aden do not want separation from India ? I have got a resolution in my pocket which I could not read out because I understand that there was a time limit of 15 minutes.

Major Nawab Ahmad Nawaz Khan : I have the same authority from the Arabs who say that Aden ought to be separated from India. I tell you, it is in the Bible and we see also in practical life, that one man cannot serve two masters. The Arabs cannot serve two masters, the British and the Indians. They must serve the British master and they want not to be under the Indians.

(At this stage, Mr. B. Das rose in his seat.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has listened to the expression of opinion on this side of the House very patiently and it must give a patient hearing to the other side.

Major Nawab Ahmad Nawaz Khan : If Aden is separated, the Arabs will have a better chance for their trade, commerce and other things. I have a great sympathy for the losses which the people of Bombay and other Indians have to suffer, but you cannot avoid it. We patiently suffer sometimes the losses which occur when there is an earthquake, and, in order to satisfy ourselves, let us consider it as a political earthquake which has separated Aden from India. We cannot keep Aden with India and sacrifice the Imperial interests of the British Empire for the sake of commerce of the people of Bombay or the money which the Government of India spent there. By the separation of Aden, the Government of India or the British Government do not feel any pleasure, nor they do it merely to tease the Indians or to bring some losses on the people of Bombay. They have to consider primely the Imperial interests and the interests of many other countries which is a far more important matter, and they have to look at the thing from that point of view. Our mistake is that we see our side only and do not see the other side. If we see the other side also, then we shall be in a real position to judge properly. If Aden is separated from India,

5 P.M.

[Major Nawab Ahmad Nawaz Khan.]

we will have the advantage of an addition of Rs. 24 lakhs on account of salt duty, in addition to Rs. 20 lakhs stated in the Government communiqué, because at present Aden salt is treated as Indian salt, and if Aden is separated, the Aden salt will be taxed as foreign salt. I admit, by the separation of Aden there would be losses to some people in Bombay, but that loss is inevitable. The Government here or the Home Government cannot avoid these things, and we will have to bear gladly all these losses. I have a better experience than other Honourable Members here. because my province is a province which is called the frontier province. There we have to sacrifice many of these things for the sake of administration, political and military matters. So, I can realise better the position of the Government than people coming from far off provinces where they enjoy a life of peace, pleasure and happiness. I respect the Honourable Members who are hundred times abler than myself, and are more well read, but it is a question of experience. I realise the wants and necessities of the Government more than them, because it is our daily experience there.

Sardar Sant Singh (West Punjab : Sikh) : The Government Benches are not cheering you.

Major Nawab Ahmad Nawaz Khan : Because you have to cheer me this time and they are waiting. I want to have cheers from you, my friend, and you have cheered me many a time. I, therefore, support the motion moved by my Honourable friend, Sir Joseph Bhore (Laughter), for the complete separation of Aden from India as stated in the Government communiqué.

The Assembly then adjourned till Eleven of the Clock on Monday, the 18th September, 1933.

LEGISLATIVE ASSEMBLY.

Monday, 18th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

ALLEGATIONS AGAINST THE POLICE IN CALCUTTA AND BOMBAY.

997. ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Are Government aware that both Pandit Madan Mohan Malaviya and Maulana Ismail Ghuznavi accused the police of excesses, the former in connection with the *lathi* charge during the Congress session at Calcutta and the latter in connection with the *lathi* charge during the embarkation of Haj pilgrims at Bombay in the month of March, 1933 ?

(*b*) Is it a fact that Government have made their own enquiries with regard to the excesses and arrived at one and the same conclusion in each case ?

(*c*) If the answer to part (*b*) be in the affirmative, *viz.*, that the accusations were false, will Government be pleased to explain why no proceedings were taken against Pandit Madan Mohan Malaviya and why Maulana Ismail Ghuznavi is being prosecuted and a warrant has been issued for his arrest ?

(*d*) Are Government aware that the accusation in the one case relates to a political movement and in the other to a purely religious movement ?

(*e*) Are Government aware of the belief in the minds of Mussalmans generally that the policy of the Government is to discourage the Haj pilgrimage which is incumbent on those who can afford to undertake it ?

(*f*) Have representative Mussalmans addressed Government on this subject ? If so, with what result ?

The Honourable Sir Harry Haig : (*a*) to (*d*). The attitude of Government in regard to the general allegations made by Pandit Madan Mohan Malaviya against the Calcutta Police has already been stated to the House in my reply to Mr. Gaya Prasad Singh's question No. 18, dated the 22nd August, 1933. Maulana Ismail Ghuznavi made a specific allegation against a certain Deputy Commissioner who applied for permission to prosecute him under section 500 of the Indian Penal Code. Permission has been granted by the Government of Bombay in accordance with Rule 24 of the Government Servants' Conduct Rules.

(*e*) No.

(*f*) An Honourable Member of this Assembly addressed Government on the subject and his letter was forwarded to the Government of Bombay. Several other Honourable Members have also mentioned the matter to me.

Mr. M. Maswood Ahmad : Were the allegations made by Pandit Malaviya of a specific nature ?

The Honourable Sir Harry Haig : They were general charges.

Mr. M. Maswood Ahmad : May I know in this connection whether the Bombay Government consulted the Central Government about bringing this case ?

The Honourable Sir Harry Haig : No, Sir.

Mr. M. Maswood Ahmad : Who will pay the cost of the prosecution in this case, the Local Government or the Deputy Commissioner himself ?

The Honourable Sir Harry Haig : I understand that the Local Government will bear the cost.

Mr. Lalchand Navalrai : Might I know from the Honourable Member if the intention of the Government was to make a regular inquiry with regard to the allegations by Pandit Malaviya, and is it not a fact that Government said that some official inquiry would be made ?

The Honourable Sir Harry Haig : I am not quite sure that I have got the purport of the Honourable Member's question. I answered questions about Pandit Madan Mohan Malaviya at very full length at an earlier stage of this Session.

Mr. Lalchand Navalrai : Those were the answers that the Honourable Member gave, but the point is whether Government are going to rely upon the information which they have got or whether a regular inquiry is going to be made, in which the allegations made by Pandit Malaviya should be gone into.

The Honourable Sir Harry Haig : I understand that the question relates not primarily to Pandit Madan Mohan Malaviya, but to Mr. Ismail Ghuznavi and the action which the Bombay Government are taking with regard to him.

Mr. M. Maswood Ahmad : Was there any official inquiry made in this connection before allowing the Deputy Commissioner to bring this case ?

The Honourable Sir Harry Haig : The Government of Bombay no doubt satisfied themselves that there were reasonable grounds for according sanction to this officer to prosecute Maulana Ismail Ghuznavi.

Mr. M. Maswood Ahmad : I want to know whether any inquiry was made or not before this sanction was given. I did not ask whether the Government of Bombay were satisfied.

The Honourable Sir Harry Haig : At an earlier stage of this Session, we discussed the question of what was meant by an inquiry, and I think we came to the conclusion that there was some doubt and that the word has been used with different meanings.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the question with regard to these allegations has come to rest where it is or whether any inquiry is going to be made or will be made ?

The Honourable Sir Harry Haig : No further action is contemplated by Government with regard to Pandit Madan Mohan Malaviya.

Mr. Gaya Prasad Singh : Did Government consult the Standing Haj Committee on pilgrimage in connection with the subject-matter of this question ?

Mr. G. S. Bajpai : No, Sir.

Mr. M. Maswood Ahmad : May I know why Government did not consult the Standing Haj Committee on this matter, when other allegations of Mr. Ismail Ghuznavi were discussed ?

Mr. G. S. Bajpai : That, Sir, is a personal matter, not a matter for consideration by the Haj Committee.

Mr. Lalchand Navalrai : Will the Government of Bombay inquire from this Committee ?

The Honourable Sir Harry Haig : I do not think there is any necessity for the Government of Bombay to take any further action. A particular officer applied to them for permission to vindicate his character by prosecuting Mr. Ismail Ghuznavi. Sanction was given by the Government of Bombay and, so far as they are concerned, there ends the matter.

Mr. M. Maswood Ahmad : Are Government prepared to lay on the table the list of the allegations which have been made by Mr. Ismail Ghuznavi and which have been sent to the Government and the information which they have collected on those allegations ?

The Honourable Sir Harry Haig : No, Sir. The matter is before the Court and I do not think it would be proper to take such action.

Mr. M. Maswood Ahmad : I am not talking about those allegations in regard to the *lathi* charge. A list of allegations has been submitted to Government, and my information is that a certain sort of inquiry was made. Some information has been collected. I want to know whether Government are prepared to lay on the table a list of those allegations or not.

The Honourable Sir Harry Haig : I have already answered at some length a question about various allegations made by Mr. Ismail Ghuznavi, and I have nothing to add to what I said on that occasion.

Shaikh Sadiq Hasan : When serious allegations are made and there is excitement in the country, is it not due to the Government to make public inquiries ?

The Honourable Sir Harry Haig : I have answered that question last Session and informed my Honourable friend that the Government of Bombay believed that there was no foundation for those allegations. Since then the matter has advanced to a further stage in that the particular officer against whom specific allegations have been made has been given permission to prosecute Mr. Ismail Ghuznavi and the case is now, I understand, before the Court.

Shaikh Sadiq Hasan : May I know why Maulana Ismail Ghuznavi has been prosecuted after such a length of time ?

The Honourable Sir Harry Haig : I am not sure that the sanction was given after a very long time. I have not the date with me. There might have been some delay in bringing the matter before the Court.

Dr. Ziauddin Ahmad : Was the action taken only on the ground that he belongs to a community which is supposed to be loyal and did nothing against the Government ?

The Honourable Sir Harry Haig : I think it is a reasonable principle that when Government servants consider themselves maligned, they should have an opportunity of seeking redress before a Court.

Mr. M. Maswood Ahmad : I believe that my Honourable friend, Mr. Bajpai, would be in a better position to reply on this point. Is he prepared to lay on the table a list of those allegations ?

Mr. G. S. Bajpai : No, Sir ; I am not in a better position to answer these questions than the Honourable the Home Member.

Mr. M. Maswood Ahmad : May I know if these allegations are also of a confidential nature ?

Mr. G. S. Bajpai : I am not aware of any allegations apart from those which have been referred to by the Honourable the Home Member.

Dr. Ziauddin Ahmad : Was it not the legitimate duty of the Department to look after the accuracy of these allegations ? When some other person exposes them, another Department comes forward and asks to explain his action.

Mr. G. S. Bajpai : I do not admit the suggestion that any Department has treated Mr. Ghuznavi unfairly. If he goes out of his way to make suggestions which are unfounded, then he must take the consequence.

Dr. Ziauddin Ahmad : Is it not for the reason, that the Department, whose legitimate duty it was to take action, took no action and was silent about it ?

Mr. G. S. Bajpai : Not at all, Sir.

Mr. M. Maswood Ahmad : Does my Honourable friend say that there was nothing confidential in the allegations made ?

Mr. G. S. Bajpai : I have already said that my Department is not in possession of any allegations which are not already before the Court.

REGISTRATION OF THE CORDITE FACTORY LABOUR UNION, ARAVANKADU.

998. ***Mr. K. P. Thampan** : (*a*) Are Government aware that the Cordite Factory Labour Union, Aravankadu, applied for registration in August, 1931, and submitted bye-laws as required by the Registrar of Trade Unions at Madras ?

(*b*) Is it a fact that the Army Department in their letter No. 4452|M.G. 1 (A.D.-3), dated 20th November, 1931, advised the Union not to press for registration ?

(*c*) Are Government aware that the Union at its last annual conference passed a resolution regretting that the Government of India had not by that time accorded sanction to the registration of the Union ?

(*d*) Are Government prepared to issue instructions for the early registration of the Union ? If not, why not ?

Mr. G. R. F. Tottenham : (*a*), (*b*) and (*c*). Yes.

(*d*) No, because the Government of India have no power to issue instructions to Registrars in matters of this kind.

Mr. K. P. Thampan : May I know, Sir, why this Union has not been allowed to register itself. Are there any special reasons for it ?

Mr. G. R. F. Tottenham : It is not, Sir, that it has not been allowed to register itself. The fact is that, as I said in answer to part (*b*), the Government of India advised the Union not to get itself registered in 1931. That was in accordance with the policy of Government at the time regarding the recognition by Government of Government Servants Associations.

Mr. K. P. Thampan : Do Government persist in the same policy ? What harm is there in allowing this Union to be registered now ?

Mr. G. R. F. Tottenham : Personally, I see no harm whatever in allowing this Union to be registered. I will consult the other Departments of the Government of India concerned and see whether we cannot inform the Union that it can be registered.

PROMOTION TO THE RANK OF CHARGEMEN AT THE CORDITE FACTORY, ARAVANKADU.

999. ***Mr. K. P. Thampan** : (*a*) Will Government be pleased to state whether it is a fact that labourers of long service are not promoted to the rank of chargemen at the Cordite Factory, Aravankadu ?

(*b*) Are Government aware that one Ari Gowder who acted as a chargeman on three occasions was reverted to supervisor's post without being made permanent ? If so, why ?

(*c*) Has the attention of Government been drawn to the resolution No. 10, passed at the annual conference of the Cordite Factory Labour Union in 1933 on this subject ? If so, what steps do Government propose to take in the matter ?

Mr. G. R. F. Tottenham : (*a*) There is no bar against the promotion of qualified labourers to chargemen.

(*b*) Certain supervisors, who had begun their service as labourers, were tried as chargemen, but much to the regret of the authorities, they did not prove a success and were therefore reverted to their previous posts.

(*c*) The answer to the first question is in the affirmative. Government are always prepared to consider the claims of qualified persons but they are not prepared to reserve posts for individuals who are not qualified to fill them.

Mr. K. P. Thampan : Is it not a fact that this particular individual, Ari Gowder, acted as a chargeman on three previous occasions and was given rewards for good work ?

Mr. G. R. F. Tottenham : I am afraid, I am unable to give any particular information about this individual, Ari Gowder, but I am told that he was among a number of men who were tried in a superior post and ultimately the authorities decided that they were not suitable for it.

Mr. K. P. Thampan : Will you take it from me that he was doing his work efficiently and that he was given rewards for the good work that he did during the war time ? Besides, he belongs to the depressed class community.

Mr. G. R. F. Tottenham : I am prepared to take that from the Honourable Member.

Mr. K. P. Thampan : Will the Honourable Member inquire whether it would be possible to re-instate him as a chargeman ?

Mr. G. R. F. Tottenham : I will make further inquiries about this individual if the Honourable Member so desires.

DUTIES OF THE DIVISIONAL PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

1000. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state what duties are entrusted to the Divisional Personnel Officer in the Divisional Offices of the North Western Railway ?

(*b*) Are the Divisional Officers, *viz.*, the Divisional Transportation Officer, the Divisional Commercial Officer and such others subordinate to the Divisional Personnel Officer ?

(*c*) Is it a fact that in practice everything is in the hands of the Divisional Personnel Officer in the Karachi Division Office who exercises control over the work of the Divisional Officers and disposes of it ?

(*d*) Has the Divisional Personnel Officer any power to give a final decision on any matter and can he order transfers or promotions or appoint new entrants ?

(*e*) Is it a fact that the clerks of the Divisional Officer, North Western Railway, Karachi, submitted a memorial on the 23rd January, 1933, complaining against the doings of the Divisional Personnel Officer of that office ?

(*f*) What orders, if any, were passed on it by the Divisional Superintendent, Karachi ?

(*g*) Is it a fact that the Divisional Superintendent in his *interim* reply to the clerks memorial said that the representation should have been first made to the Divisional Personnel Officer ? If so, under what rule was such an order justifiable ?

(*h*) What relief do Government propose to give to this generally discontented staff of the North Western Railway Divisional office at Karachi ?

Mr. P. R. Rau : (*a*) The Divisional Personnel Officer deals with all personnel work in the Division, *viz.*, cases referring to pay, salaries, mileage allowance, promotion, leave, passes, transfers, postings, appointments, termination of service, appeals, Provident Fund and gratuities, compensation to staff under the Workmen's Compensation Act, etc., directly or in consultation with other Divisional Officers to the extent to which he is authorised by the Divisional Superintendent.

(*b*) No.

(*c*) Government are not aware that this is the case, but are bringing this question to the notice of the Agent, North Western Railway.

(*d*) The Personnel Officer exercises such powers as the Divisional Superintendent may entrust to him.

(*e*) An unsigned printed copy of a letter purporting to be addressed by the clerks of the Divisional Superintendent's Office to the Divisional Superintendent has been received in the Railway Board.

(*f*) to (*h*). Government have no information, but I have sent a copy of the question to the Agent, North Western Railway, who is competent to deal with these matters, for any action that he may consider necessary.

Mr. Lalchand Navalrai : As the reply to part (*b*) is in the negative, therefore he is supposed to be an officer not above the Divisional Commercial Officer and others. What I am told is that he is doing all the business. In fact, they cannot do any business without consulting him.

Mr. P. R. Rau : I will bring this matter to the notice of the Agent, North Western Railway.

Mr. Lalchand Navalrai : I might assure the Honourable Member that the original of the copy that I sent to his office was signed by the clerks and that they are very much discontented. Therefore, it will be reasonable that the Agent should inquire into this matter thoroughly and come to some conclusion whether this Personnel Officer's conduct is not such as to have made all the clerks discontented ?

Mr. B. R. Puri : I will be glad to send a copy of these supplementary questions and answers from my Honourable friend to the Agent.

Mr. M. Maswood Ahmad : May I know the name of the Personnel Officer ?

Mr. P. R. Rau : I do not know his name, Sir.

IMPORT OF "EDIBLE OIL" INTO INDIA FROM JAPAN.

1001. ***Pandit Satyendra Nath Sen** : (*a*) Are Government aware that "edible oil" is being imported into India from Japan in large quantities ?

(*b*) Are Government aware that the said material is being used here as an adultrant for *ghee* ?

(*c*) Do Government propose to take steps to put a stop to such practice ?

Mr. G. S. Bajpai : (*a*) and (*b*). Yes.

(*c*) Adulteration of foodstuffs is a provincial transferred subject, and as such it is for Local Governments, who have their own Food Adulteration Acts, to take steps to prevent the use of edible oil as an adulterant of *ghee*. The Government of India enquired from all Local Governments in April last whether any steps in this matter had been taken by them or by the local authorities under their control. The replies are not yet complete.

Pandit Satyendra Nath Sen : May I know the price of this edible oil ?

Mr. G. S. Bajpai : I am afraid, I am not in a position to answer that question.

Dr. Ziauddin Ahmad : May I ask, whether it is the policy of the Government to encourage adulteration of *ghee* in this country ?

Mr. G. S. Bajpai : Not at all, Sir. As far as I have been able to gather from such replies as I have received, some Local Governments, at any rate, are taking action to prevent adulteration.

Dr. Ziauddin Ahmad : Then why did not the Government of India take action to stop the import of this oil altogether ?

Mr. G. S. Bajpai : Because, as the Honourable the Leader of the House explained when a question on the subject was put during the last Session, the oil is used not merely to adulterate *ghee,* but also as a lubricant and for certain other purely legitimate purposes.

PAYMENT ON HALVES OF CURRENCY NOTES.

1002. ***Pandit Satyendra Nath Sen :** (*a*) Will Government be pleased to state the total amount for which halves of ten-rupee notes as also mismatched halves of notes of the same denomination have been refused payment since the beginning of the financial year 1930-31 to July 31, 1933 ?

(*b*) Will Government please state the total amount of hundred-rupee notes and notes of higher denomination, of which the halves have been reported as lost, stolen or destroyed, for which half payments have been made since 1930-31 to the end of July, 1933 ?

The Honourable Sir George Schuster : The information is not available and will take about one month to collect. I have already undertaken in the recent debates on an un-official Resolutions on this subject to arrange for the consideration of the Currency Note (Refund) Rules by an Expert Committee, if that course is approved by the Joint Committee on the Reserve Bank Bill. I have given instructions for this information to be collected so that it may be laid before the Expert Committee.

UNSUITABILITY OF THE NEW FIVE-RUPEE AND TEN-RUPEE CURRENCY NOTES.

1003. ***Lala Rameshwar Prasad Bagla :** Has any representation been made to Government regarding the unsuitability of the new five-rupee and ten-rupee notes ? If so, what action do they propose to take to satisfy the public complaint ?

The Honourable Sir George Schuster : I would invite the attention of the Honourable Member to the reply given to starred question No. 338 asked by Mr. Badri Lal Rastogi on the 1st of September, 1933.

INCOME SINCE THE INCREASE IN THE PRICE OF THE POSTCARD.

1004. ***Lala Rameshwar Prasad Bagla :** Is it a fact that since the price of postcard was raised last time, there has been a fall in the income from that source ? If not, has it resulted in increased income and if so, by how much ?

The Honourable Sir Frank Noyce : As a separate account of the sale proceeds of postcards is not maintained, accurate information of the kind required by the Honourable Member is not readily available. It is estimated, however, that the value of postcards issued from

treasuries to post offices during 1932-33 exceeded that during 1930-31, the last full year in which the old rate was in force, by approximately 6 lakhs of rupees.

ALL-INDIA ROYAL AIR FORCE EXAMINATION.

1005 ***Mr. Jagan Nath Aggarwal :** (*a*) Is it a fact that the All-India Royal Air Force competitive examination consists of written papers and of what is called ' record ' and ' interview ' ?

(*b*) What is the object and policy underlying the record and interview parts of the examination ?

(*c*) Is it a fact that the candidates who happen to be sons and relations of persons in military or other Government services are given more marks than other candidates, regardless of their intellectual merits ?

(*d*) Will Government be pleased to state what facts are covered by the term ' record ' and to what extent they weigh with the examiners in giving marks ?

(*e*) Is it true that sometimes candidates who get the highest marks in written papers fail in record and interview, and *vice versa* ?

(*f*) Is it not a fact that the object of what is called the ' record and interview ' part of the examination is to pull up certain candidates and pull down others ?

(*g*) Is it true that in the last examination some candidates who were given very high marks in record and interview failed to get the minimum pass marks in the written papers and on the other hand, there were candidates who got very high marks in the written papers but failed to get the minimum pass marks in record and interview ? If so, was it purely accidental or due to any settled policy of Government ?

(*h*) If the latter, are Government prepared to take steps to remove the above state of things ?

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) To test the personality of the candidates.

(*c*) Not necessarily.

(*d*) The ' Record ' comprises the family history of the candidate and his career at school and college both in work and games. To what extent it weighs with the examiners is left entirely to their discretion.

(*e*) Yes.

(*f*) No.

(*g*) The answer to the first part of the question is in the affirmative. Neither of the suggestions made in the second part is correct. It is the Public Service Commission that conducts the examination and is responsible for the marks awarded to the candidates.

(*h*) Does not arise.

REPRESENTATION OF MINORITY COMMUNITIES IN THE ZOOLOGICAL SURVEY OF INDIA.

1006. ***Haji Chaudhury Muhammad Ismail Khan :** With reference to the answer to question No. 48 (*d*) asked by Mr. Muhammad Rafique in

this House on the 14th July, 1930, will Government be pleased to state the result of their enquiry about the adequate representation of minority communities on the staff of the Zoological Survey of India ?

Mr. G. S. Bajpai : The Honourable Member is aware that this is a technical department and appointments to it cannot be made on a communal basis. Government, however, realise the desirability of recruiting Muslims, as vacancies occur, provided that candidates possessing the requisite qualifications are forthcoming.

OFFICER IN CHARGE OF THE ANDAMANS FISHERIES.

1007. ***Haji Chaudhury Muhammad Ismail Khan :** (*a*) Is it a fact that the present officer in charge of the Andamans fisheries has no qualification in marine biology ?

(*b*) Is it a fact that Mr. Muhammad Sharif, temporary Assistant Superintendent, could not be given the charge of the fishery work in the Andamans for want of qualifications in marine biology ? If so, why was the present officer given the charge of fisheries ?

Mr. G. S. Bajpai : (*a*) No, the present Officer-in-Charge of the Andaman Fisheries has had a great deal of experience of marine biological work both in this country and in Europe.

(*b*) In asking the Public Service Commission to recruit an officer for the temporary post of Research Officer, Andaman Fisheries, the Government of India specifically asked them to consider the claims of Muslim candidates who might apply for the post. The Commission, however, recommended a Sinhalese who was appointed. The temporary post has since been abolished as a measure of retrenchment and an Officer on the staff of the Zoological Survey of India, who is fully qualified, is continuing the fisheries work in the Andamans.

UNSUITABILITY OF THE NEW FIVE-RUPEE AND TEN-RUPEE CURRENCY NOTES.

1008. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(*a*) whether their attention has been directed to the fact that the new notes of five-rupee and ten-rupee denominations are flimsy, very small in size and easily liable to damage and deterioration ;

(*b*) whether they are aware that people in the interior of the country hesitate to take them because they are easily lost or spoilt ;

(*c*) whether they are aware that the printing of the number at one corner is an inconvenience to the trading community ?

The Honourable Sir George Schuster : (*a*) Government have received certain complaints regarding the new five-rupee and ten-rupee notes.

(*b*) Government have no information on this point.

(*c*) Payment can be made on a mutilated note even if the number is not identifiable provided that the missing portion is too small to be used in support of any other claim under the Rules. It is only in the case of a cut half note that the number must be clearly identifiable on the portion presented by the claimant. The new design will therefore not adversely affect people whose notes suffer accidental damage.

DEMOTION OF CERTAIN INSPECTORS OF CREWS, EAST INDIAN RAILWAY.

1009. ***Mr. Muhammad Azhar Ali :** (*a*) With reference to the information laid on the table of this House in reply to starred question No. 646 of 6th March, 1933, will Government be pleased to state whether any notice of discharge or order communicating the terms of abolition of the Crew system was ever served on the Inspectors of Crews, East Indian Railway, in terms of their agreement of employment ? If not, why not ?

(*b*) Was any option to serve on reduced pay and allowances ever given to these Inspectors of Crews as an alternative to discharge ? If not, why not ?

(*c*) How long can a system be treated as temporary and is it a fact that the Railway Board at one of their meetings with the All-India Railwaymen's Federation expressed the opinion that no temporary or probationary period would exceed three years, so that the person recruited as such may not be turned out as over-age and his future career marred for any other Government service ? If so, what consideration was given to those of the Inspectors of Crews, who have exceeded the age-limit, in respect of their age, in the new appointments under the Moody-Ward scheme ?

(*d*) Is it a fact that the Divisional Superintendent, East Indian Railway, Howrah, confirmed the appointments of Inspectors of Crews—*vide* his letter No. E.H.C.-202|13|28, dated 25th April, 1930, which reads " Please note that you are confirmed as Line Inspector of Crews on Rs. 150 in the grade Rs. 150—10—200 " ? If so, how far is the answer given to question No. 646 (*b*) (*ii*), *i.e.*, " *none* of them were confirmed " correct ?

(*e*) Is it a fact that there is a break in the services of these Inspectors of Crews covering the period between the date of the abolition of the Crew system and that of their appointment under the new system on reduced pay ? If so, how do Government propose to condone it ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 1009 and 1010 together. I have called for information and will lay a reply on the table in due course.

DEMOTION OF CERTAIN INSPECTORS OF CREWS, EAST INDIAN RAILWAY.

†1010. ***Mr. Muhammad Azhar Ali :** (*a*) Are Government aware whether there is any difference between the nature of duties and responsibilities of the Inspectors of Crews under the Crew system and the Inspectors of Tickets under the new scheme on the East Indian Railway, which warranted the abolition of the former and the creation of the latter ? If not, what were the specific reasons for not confirming these Inspectors of Crews from the date they entered the Government service under the Crew system ?

(*b*) Is it a fact that the temporary service of these Inspectors of Crews under the Crews system is reckoned as continuous with their present permanent service under the new scheme towards leave and gratuity ?

†For answer to this question, *see* answer to question No. 1009.

(*c*) Is it a fact that the normal channel of promotion and recruitment of the ticket checking staff is as laid down in the rules for the recruitment and training of subordinate staff issued by the Railway Board ? If so, what were the special reasons for appointing these Inspectors of Crews on the abolition of the Crew system in grades higher than the lowest open under the new scheme ?

(*d*) Is it a fact that the following Inspectors of Crews under the Crew system were absorbed under the Moody-Ward scheme on salaries equivalent or higher than those drawn by them in the Crew system :

(*i*) M. Latif, Chief Inspector, Crews, fixed as Chief Inspector, Tickets ;

(*ii*) A. G. Khan, Inspector of Crews, fixed as Senior Inspector, Tickets ;

(*iii*) C. Dunwell, Inspector of Crews, fixed as Senior Inspector, Tickets ?

If so, why ?

MEMORIAL OF THE INSPECTORS OF CREWS, EAST INDIAN RAILWAY.

1011. ***Mr. Muhammad Azhar Ali :** (*a*) Is it a fact that an advanced copy of a memorial from the Inspectors of Crews, submitted in April, 1933, has been received by the Agent, East Indian Railway, Calcutta ? If so, what action had been taken by the said officer ?

(*b*) Is it a fact that the memorial addressed to the Agent, East Indian Railway, Calcutta, submitted by these Inspectors of Crews in April, 1933, through the proper channel has been withheld by the respective Divisional Superintendents ? If so, why and under what rules ?

Mr. P. R. Rau : Government have no information, but are sending a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

MODIFICATION OF RECRUITMENT RULES OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

1012. ***Mr. Uppi Saheb Bahadur :** (*a*) Is it a fact that in temporary or officiating vacancies in the First and Second Divisions in Departments of the Government of India Secretariat, men holding permanent posts in the lower grades, who have qualified for the higher grades at one of the examinations held by the Public Service Commission, are promoted to the higher grades ?

(*b*) Is it a fact that these departmental men, who have thus been promoted to the higher grades in the temporary or officiating vacancies, are required to perform work of a much higher responsibility than that required in their permanent posts ?

(*c*) Is it also a fact that these men generally continue to officiate in the higher grades for a number of years ?

(*d*) Is it a fact that, when these temporary or officiating vacancies become permanent, they are given to young nominees of the Public Service Commission who have had absolutely no past experience of Secretariat work, and the experienced departmental men, who had actually officiated in those

temporary or officiating vacancies for a number of years, have thus to revert to the lower grades ?

(*e*) Are Government prepared to consider the desirability of modifying the recruitment rules as early as possible ?

The Honourable Sir Harry Haig : Departments have a large measure of discretion in filling temporary and officiating vacancies, and I understand that in the great majority of cases they give these vacancies to departmental men. I have no reason to suppose, however, that such vacancies usually last for a number of years, nor can I accept the implication that all the men promoted temporarily prove fit for the higher grades. Under the rules a proportion of permanent vacancies in the First and Second Divisions are filled by the promotion of departmental men and the rest by direct recruitment. These rules in the opinion of Government provide adequately for the interests of departmental men, and it is not proposed to alter them.

RULES FOR RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1013. ***Mr. E. H. M. Bower** : (*a*) In connection with the reply to Lieut.-Colonel Sir Henry Gidney's starred question No. 908 (*b*), given on 24th March, 1933, will Government please state whether the Agent of the East Indian Railway has since decided to publish in the *East Indian Railway Gazette*, the rules for the recruitment and training of subordinate staff on the East Indian Railway ?

(*b*) If the answer to part (*a*) be in the negative, will Government please state why these rules are withheld from the staff concerned ?

(*c*) Do these rules govern the posting of subordinates to officiating appointments ?

(*d*) If the answer to part (*c*) be in the negative, do Government propose to issue instructions to the railway authorities concerned to frame the necessary rules ? If not, why not ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 1013, 1014 and 1015 together. Government have no information, but have forwarded a copy of these questions to the Agent, East Indian Railway, for any action that may be necessary on the points raised in these questions.

RULES FOR RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

†1014. ***Mr. E. H. M. Bower** : (*a*) Is it a fact that no provision has been made in the rules for the recruitment and training of subordinate staff on the East Indian Railway, for the appointment and promotion of Assistant Trains Examiners and Trains Examiners ?

(*b*) If the answer to part (*a*) be in the affirmative, do Government propose to issue instructions to the railway authorities concerned to frame the necessary rules ? If not, why not ?

†For answer to this question, *see* answer to question No. 1013.

RULES FOR RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

†1015. ***Mr. E. H. M. Bower** : (*a*) Is it a fact that in the rules for the recruitment and training of subordinate staff on the East Indian Railway under the caption "Guards and the normal channels of their promotions", mention of Gunner Guards and Pilot Guards has been omitted ?

(*b*) Is it a fact that there are different scales of pay for Gunner Guards, Pilot Guards and Guards ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government please state the salaries of these posts, Company and State scales being set down separately ?

(*d*) Will Government please state why vacancies in the Guards' list are filled in Divisions by recruitment :

(*i*) of outsiders without previous experience, and

(*ii*) sometimes by railway staff from other departments to the exclusion of Gunner Guards and Pilot Guards ?

(*e*) Do Government propose to issue instructions to the railway authorities concerned to frame the necessary rules for the promotion of Gunner Guards and Pilot Guards ? If not, why not ?

IRREGULARITIES IN CHARGING SALARIES OF THE SUBORDINATES ON THE EAST INDIAN RAILWAY.

1016. ***Mr. E. H. M. Bower** : (*a*) Is it a fact that there are cases on the East Indian Railway where subordinates whose salaries are charged against one post, but whose services are utilised for the duties of a different post other than in an officiating chain of arrangements or on deputation ?

(*b*) Do Government propose to issue instructions to the authorities concerned to put a stop to such irregularities ? If not, why not ?

Mr. P. R. Rau : (*a*) Government have no information, but are making enquiries.

(*b*) There are instructions already in existence laying down that the salary of a Government servant should not be charged against any post other than that in which he is working.

Mr. Lalchand Navalrai : Ten days notice is given in order to get information and not to say that Government have no information.

Mr. P. R. Rau : The information which Honourable Members want sometimes takes much longer time than ten days to collect.

Dr. Ziauddin Ahmad : Is it quite legitimate for Government to say that they are collecting information, but it is not correct to say that they have got no information ? Government is supposed to have information on all matters under their control.

Mr. P. R. Rau : I am not aware that the Government ever pretended to be omniscient.

†For answer to this question, *see* answer to question No. 1013.

SENIORITY LIST MAINTAINED ON THE EAST INDIAN RAILWAY.

1017. ***Mr. E. H. M. Bower** : (*a*) Is a common seniority list maintained on the East Indian Railway in order that promotions to posts as they fall vacant may be filled by the senior employees instead of by promotion being confined to subordinates in any one particular Division in which the vacancy occurs ?

(*b*) Is it a rule that vacancies in any one Division must be filled by employees in that Division to the exclusion of other suitable employees working in other Divisions and in the Head Office at Calcutta ?

(*c*) If the answer to part (*b*) be in the negative, will Government please state which posts are to be filled from among the employees on the several Divisions and the Head Office staff ?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table of the House in due course.

WELFARE SCHEMES ON THE EAST INDIAN RAILWAY.

1018. ***Mr. E. H. M. Bower** : (*a*) Is there a welfare scheme operating on the East Indian Railway by means of welfare committees posted on the Divisions for the benefit of subordinate staff ?

(*b*) Is it a fact that the subordinate staff of the Calcutta Head Office do not participate in the welfare scheme ?

(*c*) If the answer to part (*b*) be in the affirmative, do Government propose to issue instructions to include this category of employees in the welfare scheme ? If not, why not ?

Mr. P. R. Rau : (*a*) Government are aware that a system of Welfare Committees is in operation on certain Mechanical Workshops and on certain Divisions of the East Indian Railway.

(*b*) and (*c*). Government have no information on this point. But I am sending a copy of the question and the reply thereto to the Agent, East Indian Railway, for such action as he may consider necessary.

SURRENDER OF THE POST OF TRANSPORTATION INSPECTOR, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

1019. ***Mr. E. H. M. Bower** : (*a*) Will Government please state whether the Deputy Chief Commercial Manager, Claims and Refunds, of the East Indian Railway, surrendered, as a measure of economy, the post of Transportation Inspector, Commercial, grade Rs. 280—20—500, attached to his office ?

(*b*) Is it a fact that on the recommendation of the same official, the Agent has sanctioned the creation of two new posts, namely,

(*i*) Clerk Grade I Rs. 170—218 ?

(*ii*) Clerk Special Grade Rs. 160—220 ? If so, why ?

Mr. P. R. Rau : Government have no information. These matters are entirely within the competence of the Agent, East Indian Railway, to whom I have sent a copy of the question.

FORCIBLE ACQUISITION OF A BUNGALOW BY MILITARY ESTATE OFFICER IN PESHAWAR.

Mr. Gaya Prasad Singh : (*a*) Have Government received the following telegram on or about the 16th September, 1933, from Mrs. Tekooram, Peshawar ?

"In absence my son Harichand ill at Murree Military Estate Officer forcibly taking possession our bungalow, 5 Fort Road, turned out myself and servants posted military guard all my jewellery and valuables in bungalow, pray stop such high-handness allowing us reasonable time according section 18, clause (2) Land Acquisition Act and section 38, Revenue Circular No. 54 to make other arrangements."

(*b*) Are Government prepared to make an enquiry and state the facts of the case, and the steps taken to prevent hardships ?

Mr. G. R. F. Tottenham : (*a*) Yes.

(*b*) Government have no information as to the facts, but I may inform the Honourable Member that, as soon as I received the telegram on Saturday, even before receiving notice of his question, I telegraphed to the Military Estate Officer asking for a full report, and adding that the occupant of a house which was being acquired under the Land Acquisition Act must be shown every reasonable consideration. If the Honourable Member wishes, I will lay a further statement on the table as soon as the report has been received and considered.

Mr. Gaya Prasad Singh : I have also received a similar telegram ; and I shall be very grateful if the Honourable the Army Secretary will communicate the result of the enquiry, at a later date, on the floor of the House, and see that such preventable hardship do not occur in cantonment areas ?

Mr. G. R. F. Tottenham : I am certainly prepared to do that.

UNSTARRED QUESTIONS AND ANSWERS.

CERTAIN ALTERATIONS IN " D " TYPE ORTHODOX QUARTERS IN NEW DELHI.

103. **Maulvi Muhammad Shafi Daoodi :** (*a*) Are Government aware that the inner court-yards of the " D " type orthodox quarters in New Delhi are very small and the presence of a latrine on one side of them makes them still smaller and inconvenient for those who occupy them during the summer months ?

(*b*) Is it a fact that there is no separate room for servants in these quarters ?

(*c*) Is it also a fact that the question of the stoppage of the Simla exodus is under the consideration of Government ?

(*d*) If the replies to parts (*a*), (*b*) and (*c*) be in the affirmative, do Government propose to consider the desirability of enlarging the court-yards and providing a room for servants on the opposite side of the latrine in the new quarters that are going to be built in New Delhi ?

The Honourable Sir Frank Noyce : (*a*) The smallest courtyard in the " D " type orthodox quarters in New Delhi has an area of 400 sq. feet,

an area which is considered to be sufficient for all reasonable requirements during the summer months.

(*b*) No.

(*c*) Government have reached no decision beyond that stated on page 23 of the Summary of the Results of Retrenchment Operations in Civil Expenditure, copies of which are in the Library.

(*d*) The suggestions received from tenants regarding these quarters have been incorporated in the new plans so far as they are consistent with reasonable economy.

ARRANGEMENTS FOR MEDICAL TREATMENT OF INDIAN CLERKS IN NEW DELHI.

104. **Rao Bahadur M. C. Rajah :** (*a*) With reference to the reply given to the starred question No. 1216 in this House on the 22nd March, 1929, will Government please state what improvements have since then been made in the arrangements for medical treatment of Indian clerks in New Delhi ?

(*b*) Is it a fact that a civil and military dispensary specially for Government servants like the one at Simla, has not been opened and that the small dispensary opened near the Indian clerks' quarters in 1929 has been closed ?

(*c*) Do Government propose to open a separate dispensary for out-door patients at a central place near the Indian clerks' quarters ? If so, when ? If not, why not ?

Mr. G. S. Bajpai : (*a*) The Combined Hospital, New Delhi, has since been transferred to its new building in a more central place and is now called the Civil Hospital, New Delhi. It has accommodation for indoor patients, both Indians and Europeans. A new wing to be called Travancore Wing is being added to this Hospital for better class Indian and European patients and is expected to be ready for occupation by the 1st November, 1933. It has also been decided that the Military Assistant Surgeon and the Civil Assistant Surgeon, who attend on Government servants in Simla, should move down to Delhi during the winter months to attend on the migratory staff of the Government of India. Owing to the increased population in the Barakhamba area, a dispensary has been started under the charge of a Sub-Assistant Surgeon from the Civil Hospital.

(*b*) Yes.

(*c*) The attention of the Honourable Member is invited to the reply given to parts (*c*) and (*d*) of his unstarred question No. 84 on the 16th September, 1933.

ELECTRIC LIGHT IN " D " TYPE QUARTERS IN NEW DELHI.

105. **Rao Bahadur M. C. Rajah :** (*a*) With reference to the reply given to the starred question No. 707 in the Legislative Assembly on the 23rd September, 1929, will Government please state whether an extra electric point has been installed in the " D " class quarters in New Delhi ? If not, when do they propose to do it ?

(*b*) Is it a fact that electric points have been provided in the bath-rooms and lavatories in the lowest class quarters for Indian clerks at Simla ?

(*c*) If the reply to (*b*) be in the affirmative, when do Government propose to provide similar points in the New Delhi quarters ?

The Honourable Sir Frank Noyce : (*a*) No. The additional electric points will be provided when funds are available for the purpose.

(*b*) A certain number of clerks' quarters are supplied with electric points in bath rooms.

(*c*) The answer is contained in the reply to part (*a*) of the question.

CONSTRUCTION OF QUARTERS IN NEW DELHI.

106. **Rao Bahadur M. C. Rajah :** (*a*) With reference to the reply given to unstarred question No. 484 in the Legislative Assembly on the 3rd April, 1929, will Government please state whether unorthodox quarters have been constructed in New Delhi for clerks drawing less than Rs. 225 ? If not, when do they propose to construct them ?

(*b*) Is it a fact that Government have sanctioned the construction of new residential quarters in New Delhi ? If so, how many of each class, where and when are they to be constructed ?

The Honourable Sir Frank Noyce : (*a*) The reply to the first part is in the affirmative ; the second part does not arise.

(*b*) Yes ; Government have sanctioned the construction of 670 quarters of the following types :

A	.. ..	9
B	.. ..	61
C	.. ..	151
D	.. ..	299
E	.. ..	150
		670

It is proposed to build the quarters, as soon as possible, on vacant sites in the developed area in New Delhi and in the undeveloped area between the old city wall and the main railway line in the vicinity of the Government Press.

LIQUIDATION OF THE INDARPRASTH STORES, DELHI.

107. **Rao Bahadur M. C. Rajah :** With reference to the reply given to the starred question No. 719 in the Legislative Assembly on the 23rd September, 1929, will Government please state whether the liquidation of Indarprasth Stores, Ltd., Delhi, is now complete ? If not, do Government propose to enquire into the cause of ten years' delay ?

The Honourable Sir Joseph Bhore : An enquiry has been made and the result will be furnished to the House in due course.

NEW PENSION RULES OF THE GOVERNMENT OF INDIA.

108. **Rao Bahadur M. C. Rajah :** With reference to the reply given to the starred question No. 721 in the Legislative Assembly on the 23rd September 1929, will Government please state how the question of new pension rules stands at present ?

The Honourable Sir George Schuster : It has been decided that the proposal to frame new pension rules for present members of the Services is impracticable but new pension rules for those in the category of new entrants are now under consideration.

HOUSE RENT ALLOWANCE GRANTED TO THE GOVERNMENT OF INDIA STAFF IN NEW DELHI.

109. **Rao Bahadur M. C. Rajah :** Will Government please state if they allow house rent allowance to the clerical establishments of the Government of India offices if they make their private residential arrangements in New Delhi for want of Government quarters ? If so, what are the rules for it ?

The Honourable Sir Harry Haig : Yes. Clerks residing in private houses in New Delhi who unsuccessfully apply for Government quarters, or who, if residing singly, are unable to obtain accommodation in the Chummeries in New Delhi, are eligible for a house rent allowance. The amount of the allowance depends on the amount by which the rent paid by the clerk exceeds 10 per cent. of his emoluments and is subject to a maximum laid down in the Home Department Resolution No. 1089-C., dated the 23rd February, 1918, a copy of which has been placed in the Library of the House.

SHOPS ON BAIRD ROAD, NEW DELHI.

110. **Rao Bahadur M. C. Rajah :** (*a*) Will Government please state :

(*i*) What is the number of municipal shops on the Baird Road in New Delhi ; (*ii*) how many of them were vacant on the 1st January, 1933, and on the 1st August, 1933 ; (*iii*) how many of them have not yet been let for the year commencing from September, 1933 ?

(*b*) Are Government aware that all the private shops in the same line were occupied last year and have been let for the next year also ?

(*c*) Are Government aware that the vacancy of municipal shops is due to rents being higher than their worth ?

(*d*) Is it proposed to reduce the rents of the municipal shops to prevent loss of revenue to the municipality due to vacancies ? If so, when ? If not, why not ?

Mr. G. S. Bajpai : The attention of the Honourable Member is invited to the reply given to Mr. S. G. Jog's starred question No. 739 on the 7th September, 1933.

INCOME-TAX AND SUPER-TAX PAID BY THE TEA-PLANTERS IN ASSAM.

Lala Rameshwar Prasad Bagla : Will Government kindly state the total amount paid by the tea-planters in Assam as income-tax and super-tax ?

The Honourable Sir George Schuster : The information is being obtained and will be laid on the table in due course.

RE-INTRODUCTION OF THE COUPON SYSTEM ON THE RAILWAYS.

112. **Lala Rameshwar Prasad Bagla :** (*a*) Are Government aware that during the General Discussion on the Railway Budget some Members suggested the re-introduction of the coupon system for the benefit of both the Government and the public ?

(*b*) Will Government please state if they have paid any attention to the abovesaid suggestion ? If not, have they considered whether it is desirable to give effect to the suggestion now ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) The coupon system is in operation on certain railways. Government are not prepared to press for its extension on the other railways, most of whom have tried it out and discontinued it both on account of certain abuses that had arisen and because they were of opinion that the grant of this concession did not bring them any additional traffic.

In this connection, I would refer the Honourable Member to the reply given to Mr. Thampan to question No. 646 on the 22nd September, 1932.

PROVISION OF AN ORTHODOX RESTAURANT AT CAWNPORE CENTRAL STATION.

113. **Lala Rameshwar Prasad Bagla :** (*a*) Is it a fact that representations for a restaurant at the Cawnpore Central Station for the benefit of the orthodox community have been made to the Railway authorities by Cawnpore people ?

(*b*) If the reply to the above question be in the affirmative, what action have the authorities concerned taken or propose to take in that respect ?

(*c*) Are Government aware that such a restaurant has been provided at Moghal Sarai ? If so, are they prepared to consider the desirability of making the same arrangement at Cawnpore central station as at Moghul Sarai ?

Mr. P. R. Rau : Government have no information but have sent a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

INCOME FROM INCOME-TAX AND SUPER-TAX FROM EACH PROVINCE.

114. **Lala Rameshwar Prasad Bagla :** (*a*) Will Government kindly inform the House of the amount of the income from the income-tax in each province separately during the last three years ?

(*b*) Will Government kindly state the income from the super-tax for the last three years from each Province ?

(*c*) Will Government be pleased to state the increase in the revenue from the surcharge ?

The Honourable Sir George Schuster : (*a*), (*b*) and (*c*). A statement is laid on the table.

Statement showing income from income-tax, supertax and surcharge in each Province during the years 1930-31, 1931-32 and 1932-33.

Provinces.	Income-tax (excluding Surcharge*).			Supertax (excluding Surcharge).			Surcharge (Income-tax and Supertax).		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.	1931-32.	1932-33.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1. Madras ..	1,23,85,058	1,33,56,559	1,32,78,663	18,45,565	12,99,924	10,19,887	14,35,898	28,50,757	
2. Bombay ..	2,78,29,622	3,17,94,834	3,19,51,999	80,71,919	77,29,252	70,17,123	41,03,942	88,62,817	
3. Bengal ..	3,12,95,842	2,51,01,568	2,34,73,933	2,30,39,147	1,50,26,224	1,11,01,136	47,94,138	82,76,465	
4. United Provinces	68,49,188	78,78,946	92,34,616	18,23,482	16,84,721	13,67,981	9,86,667	20,03,105	
5. Punjab ..	54,40,442	66,28,992	71,33,465	3,96,293	4,31,760	4,03,279	5,43,853	11,74,949	
6. Burma ..	1,33,57,553	1,24,20,036	1,00,65,074	56,78,472	44,56,653	33,26,427	22,77,845	35,74,318	
7. B. & O. ..	41,98,561	50,74,132	50,44,280	10,03,433	10,33,272	10,21,059	5,44,474	11,78,033	
8. C. P. ..	37,83,618	40,46,432	35,22,116	7,14,060	5,39,841	2,41,996	4,98,804	7,01,031	
9. Assam ..	21,83,717	21,36,111	18,63,814	5,14,062	2,42,683	1,54,998	2,15,460	4,47,060	
10. N.-W. F. P. ..	7,75,372	9,90,407	9,66,770	31,525	32,963	45,697	85,523	1,69,438	
11. Delhi ..	20,04,798	26,33,223	22,04,473	1,82,709	2,12,008	1,89,602	1,21,015	3,06,334	
12. Minor Administrations and Central Departments.	1,11,54,045	1,66,52,181	1,53,22,285	1,51,299	1,80,920	1,95,747	61,653	1,58,047	
Total ..	12,12,57,815	12,87,13,421	12,40,61,488	4,34,51,906	3,28,60,226	2,60,84,932	1,56,69,272	2,97,02,354	

* But including tax on incomes below Rs. 2,000 in 1931-32 and 1932-33.

FILLING UP OF VACANCIES IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

115. **Haji Chaudhury Muhammad Ismail Khan :** (*a*) Is it a fact that in the officiating vacancies in the First and Second Divisions of the clerical establishment of the Imperial Council of Agricultural Research, departmental promotions are made from Lower Divisions ?

(*b*) How many such vacancies have occurred in the Department during the last two years, and what are the names of the clerks who were appointed in those vacancies ?

(*c*) Is the seniority in service or in the Department or the fact of their having passed the prescribed test for the Division in which such vacancies occur taken into consideration whenever such vacancies occur ? If not, why not ?

Mr. G. S. Bajpai : (*a*) Yes, whenever possible.

(*b*) A statement is laid on the table.

(*c*) In making departmental promotions due regard is always paid to efficiency and seniority.

Statement showing the number of officiating vacancies that occurred during 1931-32 and 1932-33 in the 1st and the 2nd divisions and the names of persons who were appointed thereto.

Year.	First Division.		Second Division.	
	Number of officiating vacancies.	Names of persons appointed.	Number of officiating vacancies.	Names of persons appointed.
1931-32 ..	5	1. Mr. Shamsuddin .. Mr. H. G. Thapar	8	1. Mr. N. R. Srinavasan. Mr. Kasturi Lal. Mr. Mohamed Sanaullah.
		2. Mr. P. S. Sundaram.		2. Mr. Kasturi Lal.
		3. Mr. P. S. Sundaram.		3. Mr. K. Narayanaswami.
		4. } Vacant.		4. Mr. Mufti Abdul Latif.
		5. }		5, 6 and 7. Vacant.
1932-33 ..	3	1. Mr. T. S. Krishnamurti		8. Ramji Das Mohindra.
		2. Mr. Shamsuddin Mr. Mohd. Hussain Sultan. Mr. Shamoon Ahmed.	8	1. Mr. B. Chatterji.
				2. Mr. Ramji Das.
		3. Mr. Shamoon Ahmed.		3. Mr. Ramji Das. Mr. N. R. Srinavasan.
				4. Mr. N. R. Srinavasan.
				5, 6, 7 and 8. Vacant.

STAFF SERVING UNDER THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH IN CONNECTION WITH LOCUST CAMPAIGN.

116. **Haji Chaudhury Muhammad Ismail Khan :** (*a*) What is the total number of clerical and technical establishment serving in connection with the locust campaign under the Imperial Council of Agricultural Research ? How many are Muslims ?

(*b*) How many members of the staff hold permanent appointments under Government ? How many of them are Muslims, and how many Hindus ?

(*c*) Is it a fact that the present Locust Research Entomologist holds a permanent post under the Madras Government ? What is his substantive pay under that Government, and what increase in pay has he been given on his temporary transfer under the Imperial Council of Agricultural Research ?

(*d*) Is it a fact that since last year there have been few locust invasions in the country ?

(*e*) If the reply to part (*d*) be in the affirmative, on what work are the Locust Entomologist and his staff employed ?

(*f*) Do the Imperial Council of Agricultural Research propose to finish the locust campaign, and disband the staff employed in connection therewith as early as possible ?

Mr. G. S. Bajpai : (*a*) The total strength of clerical and technical establishment is 13 ; eight Hindus and five Muslims.

(*b*) Four : two Muslims and two Hindus.

(*c*) Yes. His substantive pay under the Madras Government at the time of his transfer to the Imperial Council of Agricultural Research was Rs. 625 and he was given an increase of Rs. 375 which included compensation for the high cost of living in Baluchistan. His present substantive pay under the Madras Government is Rs. 675.

(*d*) Yes.

(*e*) The Locust Research staff is engaged on a biological and ecological study of the Desert Locust in those of its permanent or semi-permanent breeding grounds which lie within the frontiers of India. The object of this work is to ascertain the conditions which lead to the swarming and migration which result in locust visitations ; to ascertain to what extent the locusts which periodically cause damage in Northern India are bred within Indian limits and where the invading swarms originate ; to devise methods by which warning of coming visitations may be obtained in future so that control measures may be organised in good time ; and, if possible, to devise means of dealing with future locust visitations before they become wide-spread. Improved control measures are also being studied so far as conditions permit. Information of locust movements, and the results of research on locusts, in other countries, are regularly obtained and studied with reference to Indian conditions.

(*f*) The Imperial Council of Agricultural Research has not financed a campaign of locust control operations at any time but, as explained in the answer to part (*e*), finances only a locust research scheme. It is not

proposed to discontinue this work at present which has proved very beneficial. Expenditure of money on locust research in the period between visitations is well justified.

RESEARCH WORK ON BEHALF OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DONE AT AGRA.

117. **Haji Chaudhury Muhammad Ismail Khan :** (*a*) Is it a fact that certain research work on behalf of the Imperial Council is being done at Agra ?

(*b*) What is the nature of that work, and under whose supervision is it being done ? How many are being employed thereon, and how many of them are Muslims ?

(*c*) Does the Imperial Council of Agricultural Research satisfy itself periodically that the work is being done on proper lines ?

(*d*) In what way does the Imperial Council satisfy itself that the grant given by it to private individuals, bodies, or Indian States is spent in the proper manner ?

(*e*) Are the Imperial Council prepared to consider the advisability of having such accounts audited more fully ?

Mr. G. S. Bajpai : (*a*) and (*b*). The Imperial Council of Agricultural Research has given a grant to the United Provinces Government for mycological research work on cereal Rusts at Agra. The work is being done under the supervision of Dr. K. C. Mehta, M.Sc., Ph.D., Professor of Botany, Agra College, Agra. There are five Assistants and one clerk employed under the scheme, none of whom is a Muslim. It is reported that no Muslim Assistants with necessary qualifications in Mycology were available.

(*c*) Yes.

(*d*) The Council receive annually progress reports on all schemes financed by it and these reports are examined by the Advisory Board and laid before the Governing Body of the Council with the Advisory Board's recommendations. The Vice-Chairman and Expert Advisers of the Council visit from time to time the research institutions and stations where schemes financed by the Council are in progress.

(*e*) Accounts are audited in accordance with the bye-laws of the Council which are considered quite sufficient for the purpose. A copy of the bye-laws will be found in the Library of the House.

TOURS OF OFFICERS OF CERTAIN DEPARTMENTS.

118. **Haji Chaudhury Muhammad Ismail Khan :** (*a*) Is it a fact that the officers of the following departments are constantly touring :

(*i*) Indian Stores Department ;

(*ii*) Audit Office, Indian Stores Department ;

(*iii*) the Imperial Council of Agricultural Research ; and

(*iv*) the Central Board of Revenue ?

(*b*) Will Government please state the number of occasions on which each officer of the above offices has gone on tour during 1932-33, and the period for which each has remained absent from the Headquarters each time ? What was the purpose of each tour ?

(*c*) Will Government please state the reasons for the enormous expenditure on such tours in these days of financial stringency ? How far have the recommendations of the Retrenchment Committee been observed in this respect ?

The Honourable Sir George Schuster : (*a*) Some of the officers of the Departments mentioned do tour but not constantly.

(*b*) Government do not consider that the value of the information asked for would be commensurate with the labour and time which would be involved in its collection.

(*c*) The General Purposes Retrenchment Sub-Committee did not make any recommendation as to restricting touring as a general proposition, but as a result of the retrenchment campaign budget provisions for travelling allowance were reduced and touring has consequently to be restricted to the reduced budget provision. Government consider that touring is absolutely essential in certain cases and they are satisfied that unnecessary touring is not done.

STAFF EMPLOYED ON THE "RESEARCH SIDE" OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

119. **Haji Chaudhury Muhammad Ismail Khan :** (*a*) What is the number of the Headquarters staff employed on the 'research side' of the Imperial Council of Agricultural Research ?

(*b*) Is it a fact that some of this staff are getting Rs. 100 per mensem, and others Rs. 75 per mensem ?

(*c*) Is it a fact that a clerk of the 'research side' who was getting Rs. 100 per mensem has recently been given an increment of Rs. 20 in his pay ? If so, has this increment been given to him for some additional duties or responsibilities ?

(*d*) Is it a fact that another clerk on the 'research side' who was drawing Rs. 75 per mensem has recently been given an increment of Rs. 5 in his pay ?

(*e*) Is it a fact that a third clerk who is drawing Rs. 75 per mensem and who had an equal claim for an increment, has been given no increment at all ?

(*f*) Have the increments referred to above been given according to some definite scales ? If not, on what basis or on what merit have they been given ?

Mr. G. S. Bajpai : (*a*) Twenty eight (two gazetted officers, 17 clerks and nine inferior servants).

(*b*) Yes.

(*c*) A clerk who was drawing a pay of Rs. 100 was promoted to the more responsible post of an Assistant on Rs. 120.

(*d*) Yes ; the increment was granted in consideration of particularly good work.

(*e*) No.

(*f*) The post of Assistant referred to in the answer to part (*c*) was newly created. In the case referred to in the answer to part (*d*) the increment was fixed at a figure considered suitable.

STATISTICAL SECTION OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

120. **Haji Chaudhury Muhammad Ismail Khan :** (*a*) Is it a fact that under the Imperial Council of Agricultural Research, there is a separate Statistical Section ?

(*b*) What are its functions ?

(*c*) Is it a fact that the section is composed of a highly paid Statistician, an Assistant Statistician, and a clerk ?

(*d*) Are Government satisfied that the statistical work of the Imperial Council sufficiently justifies the existence of these three officers ?

(*e*) Did the Imperial Council consider the possibility of getting the work done through the office of the Director-General of Commercial Intelligence and Statistics ?

(*f*) Is it a fact that the rate of increment of the pay of the Statistician is Rs. 50 ? Is this the rate of increment ordinarily allowed to a member of an all-India Service or a Central Service ?

(*g*) Has the post of the Statistician been considered as important and responsible as any of the services referred to at (*f*) above ?

(*h*) In view of the fact that Government are seriously considering the question of a general reduction in the scales of pay of every service, was not a lower rate of increment in the pay of the Statistician considered sufficient or desirable ? If not, why not ?

(*i*) Are Government prepared to consider the advisability of keeping a close watch over the manner in which funds of the Imperial Council of Agricultural Research are being administered ?

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

(*b*) The functions and duties of the section are :

1. The mathematical and statistical interpretation of the results of agricultural experiments with special reference to field experiments, yield trials, manurial experiments and the working up of other biological data.
2. To assist agricultural research workers, whether employed under Provincial Governments or on research schemes of the Council, in the proper planning and interpretation of field experiments.
3. The Statistical examination of data connected with live-stock.
4. To render general statistical assistance to the Imperial Council of Agricultural Research Department in the course of its work.
5. To enquire into problems of agricultural statistics.

(*c*) The section is composed of one Statistician on Rs. 600, one Statistical Assistant on Rs. 180, one clerk on Rs. 75 and one peon on Rs. 15 per mensem.

(*d*) Yes.

(*e*) Yes. The section was established after consultation with the Director-General of Commercial Intelligence and Statistics.

(*f*), (*g*) and (*h*). The Statistician whose post is important and responsible was recruited in 1930 on Rs. 450 per mensem and was granted an increment of Rs. 50 on completion of one year's service. He was placed in charge of the Statistical Section established in 1932, and his pay was fixed at Rs. 550—600 with due regard to the nature of the duties to be performed by him.

(*i*) Government are satisfied that the grant made by them to the Council is properly administered.

BONUS PAID TO POLICY-HOLDERS BY POSTAL INSURANCE.

121. **Rao Bahadur B. L. Patil :** (*a*) Will Government please state what bonus they have paid from time to time to policy-holders of postal insurance during the last 12 years ?

(*b*) What amount (all told) has so far been paid to policy-holders since the establishment of the postal insurance and what amount has been kept in reserve out of the profits ?

(*c*) How do Government propose to dispose of these profits kept in reserve ?

The Honourable Sir Frank Noyce : The information is being collected and will be laid on the table of the House in due course.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, two Messages have been received from the Council of State. The first Message is as follows :

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill to constitute a Reserve Bank of India be committed to a Joint Committee of the Council of State and of the Legislative Assembly, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members, was considered by the Council of State at their meeting held on the 16th September, 1933, and that the Resolution was concurred in by the Council."

Sir, the second Message runs thus :

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be committed to a Joint Committee of the Council of State and of the Legislative Assembly with instructions to report on or before the 20th November, 1933, and that the Joint Committtee do consist of 28 members, was considered by the Council of State at their meeting held on the 16th September, 1933, and that the Resolution was concurred in by the Council."

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred questions Nos. 308, 309, 310, 311, 312 and 313 asked by Mr. M. Maswood Ahmad on the 31st August, 1933.

ABSENCE OF MUSLIM OFFICERS IN THE CALCUTTA PORT TRUST.

*308. (*a*) Yes.

(*b*) Yes.

(*c*)

	Number.	*Percentage.*
Europeans and Anglo-Indians ..	208	88.89
Hindus	25	10.68
Muslims	*Nil*	.00
Others	1	.43
	234	100

(*d*) and (*g*). Many of the posts require qualifications not at present possessed by Indians, for example there are 47 posts for which the incumbents require a Master Mariner's Certificate. With regard to other posts, the Commissioners have in their service Indians capable of rising to higher appointments now held by Europeans, but the rate of promotion depends largely upon retirements.

(*e*) and (*f*). The total number of posts which carry a maximum salary of Rs. 500 or over is 213. Of the total number of 234 posts referred to in answer to part (*c*), 174 are filled by men with engineering, marine and accountancy qualifications.

(*h*) Government have no information regarding the general educational qualifications of the Commissioner's staff.

AMOUNT SPENT ON THE SALARIES AND ALLOWANCES OF THE OFFICERS UNDER THE CALCUTTA PORT TRUST.

*309. Yes.

RECRUITMENT OF MUSLIMS IN THE CALCUTTA PORT TRUST.

*310. (*a*) No. There is a Mussalman Probationer in the Traffic Department.

(*b*) (*i*), (*ii*), (*iii*). *Nil.*

(*iv*) 2.

(*v*) 3.

(*vi*) 42.

(*vii*) 100.

(*viii*) 13. These figures are approximate and include only men who come under the Fundamental Leave Rules.

(*c*) No.

(*d*) (*i*) 4.

(*ii*) and (*iii*). *Nil.*

(*iv*) 1.

(*v*) and (*vi*). *Nil.*

(*vii*) 6.

(*viii*), (*ix*) and (*x*). *Nil.*

(*xi*) 4.

(*xii*) 1.

(*xiii*) 144.

(*e*) and (*f*). Vacancies for clerical posts are not advertised, as there is always a long waiting list. Vacancies for more senior posts are usually advertised and in these advertisements the minimum qualifications which the candidates must possess are always mentioned.

(*g*) No.

RECRUITMENT OF STAFF IN THE CALCUTTA PORT TRUST.

*311. (*a*) Yes.

(*b*) Europeans and Anglo-Indians 17

Hindus 107

Mussalmans 20

(*c*) No. Except in the case of a small number of high posts the power to make appointments to the services under the Calcutta Port Commissioners is vested by law in the Commissioners themselves.

A copy of these questions and replies will, however, be sent to them.

RECRUITMENT OF STAFF IN THE CALCUTTA PORT TRUST.

*312. (*a*) Yes.

(*b*) (*i*) 19.

(*ii*) 1.

VOLUNTARY RETIREMENT OF MUSLIM EMPLOYEES OF THE CALCUTTA PORT TRUST.

*313. 4.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to question No. 740 asked by Mr. S. G. Jog on the 7th September, 1933.

PURCHASE OF PETROL BY THE NEW DELHI MUNICIPAL COMMITTEE.

*740. (*a*) No.

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

Major W. K. Fraser-Tytler (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 654 asked by Mr. Gaya Prasad Singh on the 5th September, 1933.

SERVICE OF EUROPEAN INDIAN CIVIL SERVICE OR OTHER OFFICERS LENT TO PLACES OUTSIDE BRITISH INDIA.

*654.

Statement.

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
	Indian Civil Service Officers.		
1	Capt. A. W. Ibbotson, M.B.E., M.C.	Alwar State ..	29th January, 1933.
2	Mr. J. A. Mackeown ..	Bahawalpur State ..	11th November, 1929
3	Mr. C. G. Herbert	Cochin State ..	7th October, 1930.
4	Mr. A. L. Binney	Hyderabad State ..	16th February, 1930.
5	Mr. T. J. Tasker, O.B.E. ..	Hyderabad State ..	February, 1927.
6	Mr. J. M. Sladen	Khairpur State ..	9th May, 1932.
7	Mr. G. P. Stewart	Manipur State ..	1st February, 1932.
8	Mr. B. G. Holdsworth ..	Pudukkottai State	18th November, 1931.
9	Mr. T. Austin, Bar.-at-Law ..	Travancore State ..	12th February, 1932.
	Political Department Officers.		
1	Mr. F. V. Wylie, C.I.E. ..	Alwar State ..	16th March, 1933.
2	Major C. P. Hancock, O.B.E., M.C.	Bharatpur State	5th May, 1932.
3	Captain W. F. Webb, I.A. ..	Bundi State ..	16th January, 1932.
4	Lt.-Col. K. A. G. Evans-Gordon, I.A.	Cooch Behar State	1st April, 1931.
5	Mr. M. H. Jones	Faridkot State ..	1st November, 1932.
6	Major P. Gaisford	Gwalior State ..	1st March, 1929.
7	Lt.-Col. E. J. D. Colvin, C.I.E., I.A.	Kashmir State ..	27th February, 1932.
8	Mr. C. L. Corfield, M.C. ..	Rewa State ..	12th March, 1932.
9	Captain D. R. Smith, I.A. ..	Rewa State ..	16th October, 1932.
10	Major D. de M. S. Fraser, I.A. ..	Tonk State ..	23rd October, 1930.

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
	Indian Audit and Accounts Service.		
	Mr. J. W. Young, O.B.E. ..	Jodhpur State ..	10th March, 1923.
	Police Officers.		
1	Mr. D. G. Holliday (Punjab Police)	Alwar State ..	18th June, 1933.
2	Mr. G. D. Perkin	Benares State ..	1st April, 1931.
3	Mr. G. W. Benton	Hyderabad State ..	2nd November, 1926.
4	Mr. B. C. Taylor	Indore State ..	25th February, 1932.
5	Mr. F. S. Young, C.I.E. (U. P. Police).	Jaipur State ..	1st May, 1931.
6	Mr. W. C. Edwards (Indian Police)	Junagadh State ..	1st October, 1931.
7	Mr. Archbold	Kashmir State ..	24th July, 1933.
8	Mr. E. G. B. Peel, C.I.E. (Indian Police).	Kashmir State ..	2nd January, 1933.
9	Mr. A. W. J. Brown (U. P. Police)	Tonk State ..	26th April, 1933.
10	Mr. F. W. Garrard, Indian Police, Bombay.	Shanghai.. ..	22nd December, 1931.
	Medical Officers.		
1	Capt. K. B. Gore, I.M.S. ..	China	31st July, 1930.
2	Capt. S. T. Davies, I.M.S. ..	Singapore ..	23rd January, 1933.
3	Dr. W. P. S. Mitchell, M.B.E., I.M.D.	Bastar State ..	5th November, 1910.
4	Major J. P. Huban, O.B.E., I.M.S.	Jaipur State ..	2nd January, 1932.
5	Major L. Oswald	Rewa State ..	Permanent.
	Military Officers.		
1	Lt.-Col. H. deN. Lucas ..	Bhopal State ..	1st October, 1930.
2	Lt.-Col. C. R. C. Lane, M.C., I.A.	Hyderabad State ..	November, 1931.
3	Capt. P. B. Sanger	Kashmir State ..	4th February, 1933.
4	Capt. F. D. S. Field, M.C., I.A. ..	Mewar (Udaipur) State.	5th April, 1932.
5	Capt. W. M. Fairley	Travancore State ..	12th September, 1932

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
	Military Officers—contd.		
6	Lt.-Col. G. F. Turner	Travancore State ..	22nd May, 1927.
7	Lt.-Col. M. C. Lake	Aden	26th November, 1928.
8	Capt. B. P. Dicker	China	2nd March, 1930.
9	Bt.-Major G. T. Wards ..	China	13th January, 1932.
10	Major R. E. Alderman, C.I.E., O.B.E.	Iraq	13th November, 1919.
11	Capt. W. A. Lyon, O.B.E. ..	Iraq	27th January, 1919.
12	Capt. G. D. Pybus	Persia	1st July, 1933.
13	Capt. H. M. Smyth	Shanghai	1st March, 1932.
14	Capt. J. E. Fairlie	United Kingdom ..	1st Sptember, 1931.
15	Capt. J. Wilson	United Kingdom ..	2nd February, 1933.
16	Major N. G. Hind, M.C. ..	United Kingdom ..	15th October, 1930.
17	Bt. Lt.-Col. G. B, Henderson ..	United Kingdom ..	22nd January, 1931.
18	Major C. W. Toovey, M.C. ..	United Kingdom ..	6th January, 1933.
19	Bt. Lt.-Col. J. G. Smyth, V.C., M.C.	United Kingdom ..	16th January, 1931.
20	Capt. D. B. Sangster	United Kingdom ..	10th December, 1932.
21	Col. H. L. Ismay, C.B., D.S.O. ..	United Kingdom ..	1st August, 1933.
22	Major H. E. Eve, M.C. ..	Hong Kong ..	24th February, 1932.
	Other European Officers.		
1	Mr. E. N. Fenwick (I. S. E.) ..	Bahawalpur State ..	9th February, 1932.
2	Mr. W. S. Bray-Brooke ..	Bahawalpur State ..	19th December, 1932.
3	Mr. S. H. Bigsby (I. S. E.) ..	Jaipur State ..	12th August, 1924.
4	Mr. S. G. Edgar (I. S. E.) ..	Marwar (Jodhpur) State.	6th November, 1929.
5	Mr. A. G. Dix (I. E. S.)	Nabha State ..	1st September, 1931.
6	Mr. D. C. McDonald (I. F. S.) ..	Rewa State ..	10th February, 1933.
7	Mr. Hugh McPherson	Bamra State ..	29th July, 1922.

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
	Other European Officers—contd.		
8	Mr. H. D. Christian	Gangpur State ..	6th February, 1922.
9	Mr. A. E. C. McGavin	Patna State ..	31st July, 1926.
10	Mr. J. H. L. Gordon	Rewa State ..	Date of appoin not known.
11	Miss Herths	Rewa State ..	Ditto.
12	Miss M. Mason	Rewa State ..	Ditto.
13	Mr. A. J. Booth of Survey of India, Class II.	Iraq Government ..	23rd January, 19
14	Mr. J. Parlby, O.B.E.	Iraq Government (Baghdad).	23rd April, 1917.

THE INDIAN DOCK LABOURERS BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to move for leave to introduce a Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.

The motion was adopted.

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

THE RESERVE BANK OF INDIA BILL.

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

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to constitute a Reserve Bank of India, namely, Sir Cowasji Jehangir, Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Singh, Mr. Bhuput Sing, Mr. B. Das, Sardar Sant Singh, Rao Bahadur S. R. Pandit, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Mámún Suhrawardy, Sardar Nihal Singh and the Mover."

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

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

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely, Sir Cowasji Jehangir

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Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Singh, Mr. Bhuput Sing, Mr. B. Das, Sardar Sant Singh, Rao Bahadur S. R. Pandit, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Mámún Suhrawardy, Sardar Nihal Singh and the Mover.''

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know what will be the quorum ? I do not find anything in the motion. On previous occasions the quorum used to be mentioned ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Under Standing Order, there is no provision made for mentioning the um in the case of a Joint Select Committee of both Houses.

Mr. R. S. Sarma (Nominated Non-Official) : May I ask whether any rts are going to be associated with this enquiry ?

The Honourable Sir George Schuster : I have already made a state- t on the general intention as regards consulting experts in one of speeches that I made in the course of the debate on the Reserve k Bill. The exact procedure will have to be determined by the mittee itself and an early meeting will be arranged for considering it.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Have Government decided with regard to the experts who will be called ?

The Honourable Sir George Schuster : No, Sir, it is implied in the answer which I have already given that the matter will be discussed by the Committee itself.

Mr. President (The Honourable Sir Shanmukham Chetty) : The uestion is :

"That the following Members of the Legislative Assembly be nominated to serve he Joint Committee to consider and report on the Bill further to amend the mperial Bank of India Act, 1920, for certain purposes, namely, Sir Cowasji Jehangir, Mr S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Sin h, Mr. Bhuput Sing, Mr. B. Das, Sardar Sant Singh, Rao Bahadur S. R. Pandit, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Mámún Suhrawardy, Sardar Nihal Singh and the Mover.''

The motion was adopted.

MOTION *RE* FUTURE ADMINISTRATION OF ADEN.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion relating to Aden.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, the question about the transfer of Aden was dealt with in the communiqué published by Government on June 20, 1933. The communiqué shows that the British Government intend to take over the administration of Aden from the Government of India, and, in order to induce the people of India and the Government of India to comply with this request, they have offered in the communiqué a small bait of about 20 lakhs of rupees which is at present payable towards the military and political administration. Now, Sir, I think this sum of 20 lakhs is not the actual sum which the Government of India have to pay towards the military expenditure in Aden. Very recently, in the other place, a

question was answered by the Honourable Mr. B. J. Glancy in which it was said that the contribution for political and military expenditure in 1930-31 was £1,50,000, in 1931-32 it was £1,36,499 and, for the year 1932-33, up to March, 1933, it was £1,19,959. It will thus be seen that the charge which the Government of India have to bear is gradually diminishing, and at present stands at Rs. 16 lakhs.

The Honourable Sir George Schuster (Finance Member) : I would remind my Honourable friend that that is not the final figure. I will take an early opportunity of intervening in the debate to explain the financial position.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I hope the Finance Member will take an early opportunity of laying the final figures before the House and also before the Standing Finance Committee for discussion of those figures.

Mr. B. V. Jadhav : Now I have to point out that, according to the figures which have been supplied, the civil expenditure and income are as follows. In 1930-31, the expenditure was Rs. 12,45,500 and the income was Rs. 10,27,558. In 1931-32, the income was Rs. 12,04,100 and the expenditure was Rs. 11,39,000 ; so there is a small profit. In 1932-33, the revised estimates show an income of Rs. 13,64,000 and an expenditure of Rs. 11,01,700 ; so there is a profit of considerably over two lakhs. So, if these two lakhs are deducted from the amount of 16 lakhs, the net charge which the Government of India have to bear comes to about 14 lakhs. Further, we have to take into consideration that the trade of Aden is in the hands of the principal merchants of Bombay and Calcutta and as their head offices are in those cities, they have been paying income-tax on the profits they make in the Settlement of Aden, at their head offices. If that is computed, the loss to Government, if Aden is transferred, will be about four lakhs. So, if that amount of four lakhs be again deducted from the amount of 14 lakhs, then the loss will be only 10 lakhs. Therefore, the bait offered to the people of India and the Government of India of a saving of 20 lakhs comes down, on further examination, to about 10 lakhs. At the same time, I have to point out here that the royalty on salt imported from Aden at the rate of eight annas per ton on about 2,80,000 to three lakh tons annually amounting to Rs. 1,50,000 payable to Government is not shown in the answer given there. In the details of income, the income from salt has been shown at Rs. 1,01,000, but I think this is the amount which the inhabitants of Aden have to pay on account of the salt consumed and I am not certain under what item this amount of royalty is included. Then there is the amount of ground rent payable by salt works to the Government of India amounting to Rs. 25,000 approximately annually, and there is also another item which I do not find in the details given, and that is that the salt works have also to pay a toll tax at two annas per ton of salt exported, amounting annually to roughly Rs. 38,000. Then the salt works have to pay a house and property tax of about Rs. 75,000, and so on. So the administration of Aden at present is not so expensive as it was previously, and, as we have seen, the military expenditure also is being reduced year by year. The æroplanes have come to stay and the expenditure on garrisons has been considerably reduced both in Mesopotamia and in Aden.

Then, Sir, this was the inducement or bait offered to Indians in respect of the transfer of Aden from India to the Colonial Office. Another bait has also been offered to the people of Aden to induce them to consent to

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the transfer. This is not given in the communiqué. But if I understood the Honourable the Leader of the House the other day, he said that if Aden was transferred to the Colonial Office, the citizens of Aden would not have to pay Rs. 20 lakhs, but the Imperial Government would pay it. The plain meaning of this statement is, as the Imperial Government have been charging the Government of India a part of the military expenditure, so Aden, when separated from India, would naturally be expected to meet that expenditure. But the Government of Britain was going to be very considerate and generous and remit it to Aden. That was the impression I gathered the other day. This means, in other words, if Aden is under the Indian Government, the people of India, including the people of Aden, will have to pay this amount, but, as soon as Aden is transferred to the Colonial Office, that Settlement will not be asked to pay, but the burden will be borne by the Imperial Government.

I may here point out, Sir, that India today is financially not in a good position. Certain reforms have been promised. Federation is looming large on the horizen, and India is said to be on the way to dominion status. I am afraid, Sir, that, under the White Paper Scheme, dominion status is a very very far contingency. However that may be, the British Government is taking care to clip the wings of India. First they are clipping the eastern wings of India by trying to separate Burma, and, now, the western wing, which is the Aden Settlement, is also going to be clipped.

Now, Sir, arrangements are being made to separate Burma, and what is the ground advanced in justification of this action? It is said that the people of Burma desire to have separation from India; but this is not quite correct. No doubt, there is a section of the Burmese people who want separation of Burma and to have dominion status for Burma, and though that section is in a minority, it is a very strong minority. But the majority is against separation. But, in the case of Aden, the same principle of self-determination is not applied. If the people of Aden are consulted, I am sure, a very large majority will be in favour of remaining with the Government of India. They have expressed their will in public meetings and in every possible way they could. The other day the Honourable the Leader of the House flung in our face a representation by certain Somali traders in Aden, but somebody has whispered to us that those traders are only 30 in number, and they were not even permanent residents of Aden.

Sir, Aden has a population of 53,000, and it consists of Arabs, Jews and Indians, both Hindus and Mussalmans, who have made their homes there and who are the real residents of Aden, and, therefore, it is their voice which must prevail and which ought to be respected. Of course, there are certain people who are casual visitors for the purposes of carrying on trade. I do not mean to suggest that they cannot have any voice in the matter, but at all events the voice of the permanent residents of Aden ought to prevail, because they have got everything at stake there, while the others are mere birds of passage who merely go to Aden, remain there for a time for the purpose of trade and, as soon as their pile is made, leave the place, and as such they cannot have as much interest in the Settlement as the permanent residents who have settled there for years.

Sir, the Settlement of Aden had been for nearly a 100 years with the Government of Bombay, and the merchants of Bombay have made Aden

what it is today. They have their vast godowns, their wharves, their buildings and their salt pans and everything that makes Aden what it is today is due to the exertions and sacrifices which the Bombay merchants have made. Sir, a public meeting was held the other day at Aden of all the citizens of the place including Arabs, Jews and Indians, and they strongly protested against Aden being transferred to the Colonial Government, and they strongly expressed a desire to remain with the Government of India, as they have been for nearly a century, and they appealed both to the Government of India and to the people of India not to forsake them, and, above all, they strongly resented being handed over to the Colonial Office which is so notorious for its anti-Asiatic policy. They further pointed out that the Settlement of Aden had prospered under the Government of India, and the civil administration was not a burden on India, but it was self-supporting, and the Settlement promises to be more prosperous which was also in the interest of Indian trade and commerce. They pointed out the miserable condition of the neighbouring Somaliland ports of Barbara, etc., which were transferred to the Colonial Office, and this condition they attribute to the anti-Asiatic policy of the Colonial Administration. Sir, this is the opinion of the people of Aden, and I think, if a plebiscite were to be taken, it would be preponderating in favour of remaining with India.

An Honourable Member the other day, while speaking on this question, said that the transfer was in favour of the Arabs there. The Arabs, Jews and other communities, which make the total population of Aden, are enjoying equal rights. There is no discrimination under the rules of the Government of India, but the people of Aden, as well as the people of India, know that as soon as Aden is transferred to the Colonial Administration, in spite of the promises made in this communiqué that discrimination will not be made, there is genuine apprehension in the minds of the people that injustice is sure to be done to the people of Aden. We know from bitter experience what value to attach to these promises. The Colonial Office and the British Government often times made large promises that justice would be done to the Indians in South Africa, but we know, Sir, what their condition is. The Indians in Kenya and other Settlements.....

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): I do not want to interrupt my Honourable friend, but, since the matter has been referred to by more than one Member, I would like to state for his information that the figures I gave, namely, 29,820 were the figures of the Arab population of Aden.

Mr. B. V. Jadhav: Yes, but do they form part of the 53,000 and odd?

The Honourable Sir Joseph Bhore: Yes, Sir, certainly they form part of the 46,638 which is the number recorded in the Census of 1931.

Mr. B. V. Jadhav: The condition of the Indians in Tanganyika is also the same. The Arabs and other inhabitants of Aden know that, if they are transferred to the Colonial Office, their status and their position will be greatly prejudiced and they will not get as much freedom as they are getting under the Government of India. The people of Bombay and the people of India do not wish that Aden should be transferred. The Indian Legislature has been reiterating and discussing this question from the year 1921 again and again. I need not read to the

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House the various discussions that took place and the conclusions arrived at and the various promises made by responsible officers of Government. I shall say cursorily that in 1921 when it was proposed to transfer the administration of the Settlement of Aden to the Foreign Office, not only Indians, but also the Arab and Jew residents of Aden protested against it and claimed their right of self-determination and demanded that they should remain with India. At that time, the Government of Bombay, through their official representative in the Council of State, supported the Resolution of the Honourable Sir Phiroze Sethna. At that time, Sir Denys Bray stated that the idea of transfer of Aden has long since been abandoned. That was in 1921, but now the abandoned idea seems to have been taken up again. In 1927, the Commander-in-Chief announced the transfer of the military administration of Aden to the Imperial Government. At the same time, he said :

"Honourable Members are aware that the Settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interests should not go outside the ken of the Government of India. It will accordingly be retained as part of the Settlement and the municipality of Aden remains under the Government."

Now, this Legislature has been given an opportunity of saying what the voice of the country is. Although these assurances were given that it was not the intention of the Government to transfer the control of Aden, I now understand that the Government of Great Britain has become alive to the necessity of the transfer and the reason they give is this :

"The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India ; that it would not naturally fit into the new federation, that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control."

Now, Sir, the chief reason given is that Aden is geographically remote from India. It has been geographically remote for the last 100 years and this point, that it will not fit into the new Federal Scheme, surprises me. We have in this vast country of India French Settlements at Pondicherry, at Chandernagore and at Mahe, and France, as is well known, is a republic. These Settlements fit into the administration of France and their representatives sit in the House of Deputies there. Portugal has also some settlements on the West Coast of India. There is Goa, Diu and Daman. In the old Constitution, it was a monarchy and, under the new Constitution, it is a republic. Still these possessions fit into the administration of the republic. Is it so very difficult, is it so much impossible to find out a scheme under which Aden can be fitted into the scheme of the Federation. I ask, whether the statesmanship of England is so very bankrupt that they cannot find out any other way than to separate Aden and put it under the colonial form of Government ? This Federation is no insuperable difficulty. Other nations have solved such a difficulty. The possessions of France and Portugal are more than 5,000 miles away. Aden is only 1,500 miles and the distance, owing to æroplanes and other things, has been dwindling very perceptibly every year. So, this excuse about Federation is not a very sound one.

I shall now refer briefly to the history of Aden and how it came under the administration of India. It is well known that from time immemorial India, Arabia, Persia and Iraq were closely connected with each other by trade and commerce. Indian ships were visiting the ports of Arabia, Persia and Iraq, and Arabian ships were visiting the ports of India even before the British people or any Europeans set their foot on the Indian coast. When Britain acquired vast tracts of territory in India, they had to look to the politics of the neighbouring nations, such as Afghanistan, Persia and Arabia. They had trading interests in the Persian Gulf and in Arabia and the Government of India thought that it would be a very great advantage to have the possession of Aden which was a very important strategic position. So, the troops of India and the money of India achieved the conquest of Aden. Ever since the year 1839—94 years ago—Aden has been under the Indian rule. Ever since that time, India had been sending the military forces there. The expenditure incurred by India on that account from the year 1839 has been variously computed. According to Sir Denys Bray and Mr. E. M. Cook, the Secretary who gave these figures in 1921, it is computed that from 1839 to 1921—a period of 82 years—India has paid at the rate of about 50 lakhs annually. From the year 1921 to 1927—a period of six years, according to the figures given in 1927 by the Commander-in-Chief, the expenditure amounted to about 35 lakhs a year. From 1927 to 1932—a period of five years, the expenditure amounted to at the rate of Rs. 20 lakhs annually. So, if we capitalise the amount of money spent year after year according to this scale, it amounts to the enormous amount of 758 crores and 16 lakhs at the rate of 4½ per cent. The figures given by the Welby Commission in the year 1900 are very very moderate. I shall give those figures. From 1839 to 1914—a period of 75 years—India spent at the rate of 15 lakhs annually and from the year 1915, 50 lakhs annually and then 16 lakhs annually. This amount also comes to 169 crores approximately.

12 NOON.

The Honourable Sir George Schuster : Could my Honourable friend give me the reference in the Welby Commission's report which he is quoting ?

Mr. B. V. Jadhav : I think I shall be able to give that reference later on.

The Honourable Sir George Schuster : My Honourable friend cannot give it now.

Mr. B. V. Jadhav : No. So, it will be seen that, from a moderate computation, the amount India has spent amounts to Rs. 758 crores and, from another calculation, it comes to about 300 crores. So, I think the real amount must be somewhere between these two figures. I shall claim on behalf of India that, if England wants to take the Settlement, then all this money ought to be re-imbursed. Some may say that, although the Indian troops took possession of Aden, the policy was dictated by the Government of Britain. I am not going to dispute that point. The only question I would ask is : Did the Indian troops conquer Aden in the interests of India or in the interests of England and for her benefit ? If it is disputed that it was conquered for England and in England's interests, then the latter country would have immediately taken possession of it and would have met all the expenses incurred in the conquest and would have conducted its administration since that time. Instead of doing so, they have allowed India to administer the country as if it

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belonged to India for the last 94 years and to spend on its garrison. Therefore, the presumption is that the conquest was in the interests of India and for the benefit of India. But, for argument's sake, I allow that the conquest was for the benefit of England, and England has a prior claim to the possession of Aden. Then, it follows naturally that the position of India from the year 1839 to the present day is the position of an Agent. And, as this Agent has expended the money for the improvement of Aden and for its protection with the approval of the British Government, it stands to reason that even in that case England ought to come forward and pay the whole amount which India has spent in protecting the country and doing everything necessary. If India is to be looked upon as the owner, then, of course, the question of transfer does not arise. India is not at present in a position to enforce the reimbursement of the money spent upon the advancement of Aden. But if it is to be held that India was in possession of Aden as an Agent, then, I think, when the principal wants to take over the possession of the property, he ought to re-imburse the Agent for all the expenses he has rightfully incurred in the interests of the property.

Then, Sir, certain promises are here made for the satisfaction of the people of Aden—no racial legislation or segregation will be permitted by His Majesty's Government. All such promises were made previously in the case of South America, Kenya or Tanganyika, but we know what the worth of those promises is.

I wish to urge another point, namely, that the Government of Bombay themselves have spent certain amount of money on the public works of Aden and I think it would be right on the part of that Government to claim compensation for the works they have executed and the money they have spent.

In conclusion, the Government of India conquered Aden and have held it, administered it and paid the military expenses for its protection. As a matter of fact, the military force required for the protection of Aden alone will not be a heavy one. The tribes that surround Aden are not very powerful tribes and a powerful garrison is not necessary. But, as Aden stands on the trade route of the whole Empire, it has become a place of very great strategic importance. Therefore the interests of the Empire as a whole requires that Aden should be adequately garrisoned and protected. For that purpose a very heavy force has been stationed there from the very beginning. As a matter of fact, the military protection of that place ought to be a charge on the Imperial Government. By the promise that has been held out to the people of Aden that after the transfer of Government, the Government of Great Britain will undertake the 20 lakhs of expenses required for the military protection of the settlement itself shows that Great Britain admits that the charge is legitimately hers and it has been laid on the shoulders of India rather unjustly. The protection of Aden is in the interest of the whole Empire and, if necessary, the contribution ought to be levied from all the countries benefited by the retention of that station. India will willingly bear her share of the burden and up to this time India has been bearing the entire burden. India has spent about 400 crores or 500 crores on the protection of Aden for the past 94 years and, if

England wants to take possession of Aden and administer it through the Colonial Office or through the Foreign Office or in any other way, in justice she ought to refund this sum of 400 crores or 500 crores. Several British officers have made promises at various times that Aden will not be transferred. The population of Aden is not going to accept a transfer and they have unequivocally shown, at least a majority of them, that they are in favour of remaining under the Government of India. The Indian people also are not very anxious to get rid of Aden. They want Aden. They want to assist their own merchants in Aden and also in East Africa and Somaliland in their trade. India has great cotton piece-goods and wheat and rice and *jawar* and other food grains for which she wants a market outside. Therefore, it is in the interest of India and Indian trade that Aden should be retained although it may be a burden on the resources of India. But India is willing to bear this burden and, therefore, I recommend that this House should unanimously declare its decision that Aden should be retained under the control of the Government of India.

The Honourable Sir George Schuster: Sir, I think it would be well to intervene at this stage to say something on the general financial aspect of this question. Very full details of recent expenditure and revenue of Aden were provided in answer to a question asked in the other House by the Honourable Mr. V. V. Kalikar on the 29th August and my Honourable friend, who has just spoken, referred to that information. I think, in order to see this question in its proper perspective, it is just as well to say something of the past history. I am afraid, I cannot, however, if I go back into the past history, meet my Honourable friend on the ground which he himself has chosen, a ground which leads him to calculate the value of the cost of the investment in Aden in what I think I can fairly describe as astronomical figures. I am totally unable to find out how my Honourable friend made his calculations, or on what they were based. But I do suggest for the consideration of this House that it is not very profitable to attempt to calculate the value of Aden by going back a hundred years and then adding up the expenditure and allowing it to accumulate at compound interest. If my Honourable friend likes to calculate his own value, that is to say, the cost which has been expended annually on his maintenance, education, etc., and allows that to accumulate at compound interest, I should imagine that, on his own methods of calculation, he would find himself to be worth something like five crores. But I doubt if my Honourable friend would command that price in the market. I think also it is fair to point out, when we are looking at the matter in that way, that there is something to be said on the other side. I think every one who lives in India recognises that the value of India's trade very largely depends on the existence of the British navy. Now, Sir, there—just to take one example,—is one field of expenditure which is to be entirely borne by the British taxpayer. If we were to go back to the early years of development of India's trade and reckon what the value of the services of the British navy to India had been,—adopting my Honourable friend's methods of calculation—we should find an item in the balance sheet on the other side which would balance anything that my Honourable friend has had to put forward. Some of us on this side see the matter, when we are talking in terms of financial burdens, from the point of view of the people who have to pay

[Sir George Schuster.]

taxes in England, and I venture to say that the English taxpayer is the most heavily burdened individual in the world, and that if we take a broad view of the cost of maintaining the British Empire and all that it means, the British taxpayer certainly bears a lion's share of that burden. Sir, I do think it is necessary to bear these broad considerations in mind in order to examine a question like this in its proper perspective. But, having said that, I wish to make it clear that we, representing the Government of India, in this debate, do not wish to appear in any sense as advocates of a particular side. We merely wish to give what assistance we can in presenting the true facts to the House.

Now, Sir, until 1900 the entire civil and military expenditure in connection with Aden was borne by India; but on examining the evidence, given before the Welby Commission, I have found that a certain share of the cost of fortification of Aden was actually borne by His Majesty's Government. However, that is a small amount, and, generally speaking, it is true to say that, until 1900, the entire civil and military expenditure was borne by India. As early as 1886, the Government of India had been actively urging the propriety of part of the expenses of Aden being borne by His Majesty's Government on account of the Imperial importance of Aden. In 1895, as Honourable Members know, the Welby Commission was appointed to examine this and other matters. They recommended that possibly an equitable solution would be for His Majesty's Government to pay half of the military cost and, as a result of that recommendation, from 1901, His Majesty's Government contributed annually £72,000. I find at the time, when the Welby Commission reported, the actual military expenditure was 21½ lakhs per annum. I suppose £72,000 was fixed for the contribution as being something near half the cost. From that date the military expenditure in Aden rose very considerably and I find that in 1926-27 the actual cost of military expenditure borne by India was no less than 47½ lakhs. That was the position when the arrangement was made that His Majesty's Government should become responsible for the whole political and military expenditure of Aden. As from the 1st April, 1927, His Majesty's Government became responsible for the whole of that expenditure, but the arrangement was that the Government of India should contribute £250,000 a year for three years and then £150,000 a year or one-third of the actual cost whichever was the less. I think it is important to call attention to that past history because, owing to the fact that His Majesty's Government have taken over already a major part of the responsibility for Aden, the taxpayer in India is being saved a very substantial amount indeed. It is not merely a question of 10 or 15 lakhs, but actually in 1926-27 we were spending 47 lakhs a year on Aden. The position now is that we have reached the second stage of that arrangement and our contribution is, as I have just said, £150,000 a year or one-third of the cost whichever is the less. And, as my Honourable friend, who has just spoken, pointed out, we paid the full £150,000 in 1930-31. In 1931-32, we paid £136,000 odd and in 1932-33, we have paid just under £120,000. I interrupted my Honourable friend to point out that the last figure was not yet the final figure, but I have no reason to suppose that that figure will be substantially altered. So we may take it that our liability now is in the neighbourhood of £120,000, but it might, at any time, rise to £150,000. That is our contribution to the military expenditure. The reduction which has been effected since 1930-31 has been brought about, as my Honourable friend pointed out, because His Majesty's Government are experimenting on a fairly large scale in the substitution of air force defence for land forces at Aden. Possibly they may reduce the expenditure still further, but we have no information on that point; and I think it is important that the House should bear in mind that our liability at present may go up to £150,000 in any one year. Then we have to consider what has to be set against that as regards the balance of the revenue and expenditure on the account of the civil Government for which we are at present responsible. My Honourable friend pointed out that in the year 1932-33 there actually was a small surplus on account of Aden, a surplus of about 2½ lakhs. But if we take a broader view of the situation and take the average figures for a period of years, for instance if I go back to the year 1927-28 and take the average figures for seven years including the budget estimates of the current year, I find that there is actually a small debit balance on the average of about Rs. 66,000 annually. I do not think we can take the surplus of 1932-33 as a reliable figure, because, at present, as Honourable Members know, we have imposed very severe cuts on expenditure and we were able in the case of Aden to make some special economies. I do not think we can count on being able to maintain that position. Therefore, if one tries to put a fair picture before this House I think the fairest thing to do is to say that as regards the civil expenditure we can count on revenue and expenditure about balancing. Honourable Members must remember that, if there was a regular surplus, we should certainly have very urgent claims from the Resident at Aden that that surplus should be expended for the benefit of Aden, and it would be very hard to resist those claims, because there are very urgent works which they have been pressing for several years. I do not think, therefore, that we can maintain the position better than an even balance. Therefore, so far we have got this. We save the military contribution which at present is about £120,000 a year and may amount to £150,000; and as regards the civil expenditure we hand over an even balance.

Now, Sir, my Honourable friend has referred to certain other items which he says are not included in the full statement that was provided in the Council of State. I find it rather difficult to follow exactly what my Honourable friend had in mind, but as soon as possible I will get a shorthand copy of his speech and verify what he has said. I do not think that any of the items to which he referred would in any case have appreciably affected the position, and I think that the statement which I have just given is really substantially correct. But there is one item to which he referred which I think one must put before this House. In calculating what is the revenue of Aden, we have included the annual income-tax receipts which come in under the heading of Aden. But, as my Honourable friend pointed out, there may be merchants who make their returns for income-tax in India and who include in those returns profits which might after separation become liable to income-tax in Aden; and in that case of course, under our provisions for double income-tax relief, we should have to lose part of that income-tax. It is quite impossible to give any reliable estimate as to what that figure might be; I do not think myself that it could be a very substantial figure.

[Sir George Schuster.]

I think my Honourable friend reckoned something like four lakhs under that head. I think that must be a very considerable over-estimate, but if Honourable Members wish to have an exact figure, then they must bear that possibility in mind. There may be some slight loss on our income-tax under that head. That, Sir, I think is the position as fully and fairly as can be put as regards revenue and expenditure. We shall save something like between 15 and 20 lakhs a year on the military contribution as against which we may lose a lakh or two under the head of income-tax in the manner which I have just explained.

Then, Sir, my Honourable friend, Dr. Ziauddin Ahmad, made on Saturday last the same point that has been made by the last speaker as to the value of the assets which have been or may be handed over ; and the feeling I suppose was that some sort of claim should be made against His Majesty's Government if they take over the whole administration of Aden. I have already rejected my Honourable friend's method of compound interest calculation and I have tried to find out exactly what the capital value of those assets might be. But I am afraid it is impossible at this stage of history to get back into the past and get an accurate figure. I would only just like to ask the House to consider what the various classes of assets are. There is first of all the harbour and the port. That belongs to the Port Trust. The Port Trust was set up in 1888, and as far as I can ascertain, when it was set up they took over the existing assets at a valuation and took over the liability on that account. Since then they have been entirely independent. They have been raising money on loans and they are responsible for those loans and there will be no change in the beneficial interest as regards the Port Trust as a result of this transfer. So that class of assets goes out ; the Government of India cannot make any claim under that head.

Then, as to the question of buildings, as regards Provincial Government buildings, we had, as a matter of fact, quite recently gone into that particular question when the administration of Aden was taken over by the Government of India from the Government of Bombay. A claim was made by the Government of Bombay and figures were gone into, and it was ascertained that the cost of the buildings amounted to something like nine lakhs, but we resisted that claim in the Government of India, because we said that we had already in other cases adopted the principle that when responsibility in administration in any sphere passes from one authority to another, the assets and liabilities connected with the ordinary administration should also pass free of payment. That is the sort of principle on which discussions as regards the separation of Burma, for example, have always been based, and I think perhaps my friends are inclined to take what is a misleading view of the situation in considering the possibility of making claims on account of assets of that kind. They are really part of the ordinary equipment of Government ; they have been provided out of revenue, and they have to be maintained out of revenue, but, ordinarily speaking, when an administration is handed over, it is not so much an asset as a liability, or at least one must take into account the fact that there is a liability as well, and we certainly have always taken the line in the Government of India that any claim based on account of the cost of buildings, which, as I say, are only part of the ordinary equipment of administration, is a mistake. Rightly or wrongly, that has been our view. Therefore, we resisted the claim of the Bombay Government to that nine lakhs, and we have maintained that position.

Apart from provincial buildings, there are a few Central Government buildings—I have not got any details of their cost,—but their cost would be negligible.

Then of course, there is the question of military buildings, and here I must point out that when the control of the military administration was taken over by His Majesty's Government in 1927, all military buildings were transferred to His Majesty's Government, free of cost, on the basis of the principle which I have just explained,—the principle being, as I said, that they cannot be assessed at a commercial value, that they carry liabilities with them, and in this case of course the transfer of the military responsibility carried with it a very heavy liability which at the time of the transfer amounted to nearly 50 lakhs per annum. That, Sir, is the position as regards these liabilities.

There is only one other class of assets, and that is the Water Works, and there, according to the information which I have got, about three lakhs was spent on an aqueduct, and about 5½ lakhs was spent on water tanks. This expenditure was undertaken a very long time ago. The information which I am giving was taken from the Imperial Gazetteer of 1908, and apparently that expenditure was undertaken as a grant to the Municipal Committee.

That, Sir, I think, covers what we call all the assets which are to be taken over. I do not think that I have got anything further to add, but I can only say this, that if any other points are made, such as have been made just now by my friend from Bombay, we will most carefully check all statements that the Honourable Members make. If they want themselves to get the results of our investigations from checking these statements, I should be very pleased to forward them to them, and if we find that we have been wrong in our figures, we will certainly take t into account in considering the matter on behalf of the Government India after this debate, and we will see that correct information forwarded to His Majesty's Government.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I am thankful to the Government for giving us an opportunity of discussing this important question. I also recognise with appreciation the decision of the Government to observe an attitude of neutrality and to confine the discussion only amongst non-official Members of the House. My friend, Mr. Anklesaria, in the course of his speech, said that he was looking for guidance and advice from Government. Sir, my friend is accustomed to look for guidance and advice from the occupants of the Treasury Benches, but those of us, who sit on this side of the House claim to judge every question on its own merits, and come to a decision irrespective of what the views of the Government Members may be.

Sir, as Honourable Members are aware, Aden was captured in 18 by Major Baillie, who was sent out on behalf of the Government of Bombay. Even before that time, Indians were in Aden under the Sultan of Lehaj ; and, since the acquisition of Aden on behalf of the Government of India, it remained under the Government of Bombay, and a

[Mr. Gaya Prasad Singh.]

expenditure in connection with its administration was borne by Government. What was then, Sir, a mere barren rock at the time of its capture was converted, in course of time, by Indian labour, Indian capital and Indian industry into a flourishing port of first rate strategic and commercial importance, a first rate harbour and a distributing trade centre. Sir, the question of the transfer of Aden had been loomimg large on the horizon since the year 1921, if not before. On the 28th of February, 1921, the Prime Minister of England stated in the House of Commons, that the responsibility for administration and policy in Palestine, Mesopotamia and Aden was to be transferred to the Colonial Office ; and then, later on, the Right Honourable Mr. Winston Churchill, speaking in the House of Commons on the 14th July, 1921, made the following statement. I shall read out only one paragraph from his statement, as giving an indication of the working of the mind of the Cabinet in England, and the motive which prompted them to arrive at this decision. This is what he said :

" There is another possibility of a reduction of expenditure in Aden. The India Office has very kindly handed over Aden to the Colonial Office, and my acceptance of the gift ; "

—please mark the words carefully—

" the India Office has very kindly handed over Aden to the Colonial Office, and my acceptance of the gift has only been delayed by the financial negotiations because India has hitherto played a great part, and I certainly should not be serving the interests of the British taxpayer if I assumed the whole burden without any of the funds which are necessary to maintain a fortress of first consequence to India..... "

Dr. Ziauddin Ahmad : Will you please read it out again, I mean the portion relating to the gift—it is a very important point.

Mr. Gaya Prasad Singh :

" There is another possibility of a reduction of expenditure in Aden. The India Office has very kindly handed over Aden to the Colonial Office, and my acceptance of the gift has only been delayed by the financial negotiations because India has hitherto played a great part, and I certainly should not be serving the interests of the British taxpayer if I assumed the whole burden without any of the funds which are necessary to maintain a fortress of first consequence to India, but I hope for a happy solution. In fact, I think very few days we shall have reached an agreement and the moment that Aden is transferred to the Colonial Office, it will be possible to amalgamate the administration of Aden and Somaliland. Somaliland and Aden are really the most happy marriage that could be made. They are really necessary to one another. The high ground, five or six thousand feet high in Somaliland, will afford a Hill station to which the British soldiers in Aden under the most trying conditions all through summer could go company by company, in night's journey across the sea to Somaliland. You could not have a more economious minor proposition, and if this amalgamation be carried out in such a way as to effect perhaps, a saving of £200,000 to £300,000 a year in the reduction of military expenditure, it will repay the trouble which it takes to arrive at such a conclusion. "

This is what Mr. Winston Churchill said in the House of Commons on the 14th July, 1921.

Then, again, on the 26th September, 1921, the Honourable Sir Phiroze Sethna moved a Resolution in the other place which stated that the administration of Aden be continued under the Government of India and not be transferred to the Colonial Office. Speaking on that occasion, the Honourable Mr. Pratt, who was then, I believe, the official representative of the Government of Bombay in that House, stated as follows :

" Mr. President, the transfer of Aden to the Colonial Office is a question in which the Government of Bombay is deeply and closely interested. Towards that question the attitude of the Bombay Government cannot under any circumstance be one of neutrality

in the future Government. It is also stated that Aden is already to some extent under the Imperial control, and so we should not object to the transfer of the civil control of the Settlement. This step was taken in the midst of the Great War, and only as a temporary measure, and now, we are to be deprived of the remnant of control over the administration of Aden which we were having all these years. Some people recognised at that very time that the partial transfer of the control would lead to the British Government was only the thin end of the wedge, and that has now come to be true. It is stated in the communiqué that Bombay would be relieved of the annual contribution of approximately 20 lakhs at present payable towards the military and political administration. I refer ... to the Honourable the Finance Member for having given us a statement of the financial position of Aden, and its implications. ...ation of the question. I do not want to speak with regard ...ut I would like to say very clearly that in this calculation ...h the Government of India has been deriving from salt ... and super-tax has also to be taken into account. I am ...t to correction by the Honourable the Finance Member that ...hich is being derived by India from these and other sources ...nts to something like 10 lakhs of rupees. If this is so, then out of ... lakhs we shall be losing 10 lakhs of revenues if the civil administration ... Aden is taken out of our control.

The Honourable Sir George Schuster : I think my Honourable ...iend is definitely incorrect. We have included in the revenue statement ... the income-tax receipts from Aden. As I explained, there is only one ...all marginal receipt from income-tax we might lose, that is to say, to ... extent we now get income-tax from business men assessed in India in ...spect of profits made in Aden. To that extent we may find that we ...se a little income-tax, but it will be quite a small sum.

Mr. Gaya Prasad Singh : I am glad to stand corrected. However ... may be, this 20 lakhs is not much when considering the position of ...en with regard to the future constitution of India, as it is regarded ... the Gibraltar of the East.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : ... is not 20 lakhs ; it is 15 lakhs.

The Honourable Sir George Schuster : It is about 16 lakhs this year.

Mr. Gaya Prasad Singh : However that may be, is it the contention of the Government that every administration which has a deficit budget, or which is being carried on at the expense of the Government of India should form no part of our territory ? For instance, the North-West Frontier Province is a deficit province, and it has been swallowing about a crore of rupees every year. Will that be the reason for taking it away from India and putting it under the Colonial Government ? Sind is also going to be a deficit province, and so I think Orissa for some years. But that is no reason for taking away those portions of our territory and annexing them to the Colonial Office. The same is the case with the Andamans. Will His Majesty's Government give back all the money we have spent in Aden for nearly a century ?

Now, Sir, it is stated that the right of appeal in judicial cases to the Bombay High Court would be maintained. Is that a very great concession ? If the right of appeal to the Bombay High Court is not retained, what will be the result ? The right of appeal will go to His Majesty's

[Mr. Gaya Prasad Singh.]

Government in England which is over 6,000 miles aw... and a long way off from Aden. So, in their own interests ... interest of the public of Aden, it is but natural that the righ... should be retained by the Bombay High Court. It is also sta... Majesty's Government would maintain the existing policy of m... a free port unless some radical change in the present economic ... should take place. Sir, in the first place, there is no unequivocal ... that Aden will continue for all time to be retained as a free port. ... fied by the statement that if some radical change in the present ... situation should take place, Aden will cease to be a free port. ... change in the present economic situation of the country ... economic condition is not a very remote possibility. It ... in the near future. When that contingency happens, Ad... be a free port. What has happened to the other free p... which Government claimed to retain as free ports? ... Aden, was at one time a part of India, and it was adm... Bombay Government. So long as it was administered ... Government, its three ports, namely, Barbara, Bulhar, a... prosperous, and were flourishing ports of trade. But when Somal... was transferred to the Colonial Office, they ceased to be flourishing po... As a matter of fact, duties began to be imposed to meet the increase ... cost of administration, and they ceased to be free ports thereafter. T... Indian, the Arab and the Jewish traders in course of time left the ... ports, and they have now become desolate places. This, I am afra... will be the fate of Aden if such a contingency happens.

It is further stated in the communiqué that His Majesty's Gover...
1 P.M. ment would do their utmost to maintain the prese... standard of administration, and would not impo... any additional taxation unless such a course became in their opini... absolutely necessary. Sir, this stipulation is not worth the pa... on which it is printed. We know the condition of our countrymen ... the Colonial Office. We know how Indians are being treated in So... Africa, in Kenya, in Fiji, in Mauritius and in so many other pla... overseas inspite of the assurances of the Government. Myself, as well ... other Honourable Members, have been responsible for bringing to the ... notice of this House the conditions of our fellow countrymen overse... from time to time, and the racial and other kinds of discrimination ... which has been imposed upon them in the exercise of their political as ... well as economic rights in the colonies in which they have settled. I do ... not pin much faith in the assurance that the imposition of any additional ... taxation will not be undertaken unless such a course became absolutely ... necessary. I take it, whenever additional taxation is imposed, it is ... assumed that such a course is necessary, so the value of this stipulation ... is nothing. Only tomorrow fresh taxation might be imposed upon Aden, ... and it may be pleaded in justification that such a course was necessary. ... It is again stated in the communiqué that the proportion of Indian ... service administrative personnel would be retained in Aden for some ... years after the transfer takes place. It is to be noted that it is only a ... proportion of the Indian service administrative personnel and not the ... whole personnel which will be retained, and that also for some years only ... after which the Indian personnel will very likely be eliminated altogether ... from the service in the Aden administration.

Now, the last point which has been urged in the communiqué is that no racial discrimination or segregation would be permitted by His Majesty's Government. We know the value of such promises with regard to the fate of our countrymen overseas. The history of British India is strewn broadcast with fragments of broken promises and unredeemed pledges; and this is likely to be the inevitable fate of our fellow countrymen in Aden if it is snatched away from India and transferred to the control of the Colonial Office. This proposal has evoked unprecedented opposition from all quarters both amongst the people in India and in Aden. The other day, we read that a meeting was held in Calcutta presided over by Sir P. C. Ray recording the protest of the citizens of Calcutta against the proposed transfer. I also received a telegram from Mr. A. K. Aziz, Secretary, Muslim Chamber of Commerce, Calcutta, which states:

"The Muslim Chamber of Commerce, Calcutta, strongly protest against the separation of Aden from the Indian Government as it will be greatly detrimental to commercial interests of India in which the Bengali's share is quite important."

The Imperial Indian Citizenship Association, Bombay, the Indian Merchants' Chamber, the Buyers and Shippers Chamber, Karachi, the Indian Chamber of Commerce, Calcutta, ... all protested against the proposed transfer. A public meeting was held in Aden on the 16th April last which was attended by the Arab and the Indian citizens of Aden in which resolutions of protest were passed. A representation has been addressed to the Chief Commissioner, Aden, and His Excellency the Commander-in-Chief by 500 Arab residents in Aden protesting against the proposed transfer. The Jewish residents of Aden, in a meeting held there on the 25th May last, have similarly protested. It will, therefore, be seen that all the communities and interests concerned, whether in India or in Aden, are united in offering their vehement protest against the proposed transfer.

Sir, with regard to the amendments that are under discussion, there is one amendment of my Honourable friend, Mr. Bhuput Sing. Personally I would have thought that it was the best amendment, inasmuch as it not only records our protest against the contemplated transfer, but also demands retransfer of the political and military control which has already passed into the hands of the Colonial Office. The other amendment is that of my Honourable friend, Dr. Ziauddin Ahmad, which limits itself to a condemnation of the military and political control of Aden passing out of our hands, and protests against the contemplated step of transferring the civil control to the Colonial Government. I think, as he has himself suggested that my Honourable friend, Mr. Bhuput Sing, will not press his motion; and we should concentrate our attention upon the amendment of Dr. Ziauddin Ahmad and pass it unanimously without any dissentient voice. (Cheers.)

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, for the last two days, I have been ill and I feel very weak now, but the great importance which this question of transfer of Aden has assumed in the country has compelled me to come to this House for a few minutes and say a few words on this question. The few words that I will say would mean a great deal. I would confine myself only to the great feeling that is prevailing in the country on this question. A growing suspicion has arisen in the minds of both Indians, of all creeds and castes, as well as Adenese of all creeds, Muslim, Jew, Christian,

[Maulvi Muhammad Shafee Daoodi.]

etc., that the transfer of Aden to the Colonial Office would mean a decline of all those relations which have developed between India and Aden during the last so many years while it had been under the control of India. Since this question has been actively discussed in the country, the evidence has been so great that I would only be surprised if the Government ignore them and have their own way of dealing with this question. I have correspondence with so many people both in Aden as well as in India that I can undoubtedly say that the feeling is genuine, it is by no means engineered. The feeling is that the conditions of Indians as well as the Adenese will be much worse when they go to the Colonial Office. The feeling has gained ground and I do not believe any amount of argument on the part of British Government could remove those feelings from their minds. If a genuine man could give any advice to the Government on this question, it will be not to disturb the minds of Indians and Adenese at such a moment on such a vital question. They should remember that it is sentiment which plays a great part in such questions rather than financial considerations which the Honourable the Finance Member has chosen to put before the House. On the question of finance, many Honourable Members who are of better health than I am will be able to reply, but I know there is very little in that question. I, therefore, lend by wholehearted support to this question.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

Mr. Jehangir K. Munshi (Burma : Non-European) : Sir, I had given notice of an amendment which I cannot move, because the time prescribed for it is past, but, with your permission, I shall refer to it as part of my speech. My amendment reads as follows :

" That for the original motion the following be substituted :

' This Assembly, after duly considering the Government of India Press Communiqué of June 20th, 1933, resolves and recommends that Indian interests as well as indigenous Arab interests should be sacrificed, and that the Civil Administration of Aden should be transferred to the Colonial Office with a view to safeguarding and promoting Imperial interests '."

(Laughter and Cheers.)

Sir, there are two Members of this House who are specially qualified to speak on this subject. One is my Honourable friend, Nawab Ahmad Nawaz Khan who hails from the North-West Frontier Province, and the other, I venture to suggest, is myself representing the North-East Frontier Province of Burma. I am in agreement with the Honourable Nawab that Honourable Members who hail from Bombay and Madras and who lead lives of, I think the Honourable Member said, licentious ease (Laughter), can never realise the difficulties of frontier people. The Nawab's province, Sir, stands between India on the one side and Afghanistan and Russia on the other side ; similarly my province stands between India on the one side and China and Japan on the other side. And we have cultivated a mentality which can think in Imperial terms, whereas my

Honourable friends sitting on the Opposition Benches can think only in parochial terms. (Laughter.) We, Sir, the Honourable Nawab and myself, are capable of rising above parochial thoughts and, on this occasion, we have done so.

Sir, the communiqué of the 20th of June, 1933, issued by His Majesty's Government, I think, has, in a great many parts, been misunderstood by the Opposition Benches and more particularly by my Honourable friend, Mr. Gaya Prasad Singh. In that communiqué he has read a number of pledges. I think he is doing injustice to His Majesty's Government. In that communiqué, Sir, I read no pledges. I think it is a very honest communiqué, which gives plain warnings (Laughter and Cheers), and I shall now try to convince my Honourable friends sitting on the Opposition Benches that it is so. Amongst the various reasons given in that communiqué for the transfer of the Civil Administration of Aden to the Colonial Office, the first reason is that " Aden is an area geographically remote from India ". I think, Sir, nobody can quarrel with that proposition. Aden is certainly geographically remote from India. It has taken His Majesty's Government more than a century to discover this profound truth (Laughter and Cheers), but, having discovered it, surely it is their duty to place the truth before the country. They have done so and I really fail to see what grievance this House can have about it. The second reason given in the Communiqué is that " the Aden Protectorate has already passed wholly out of Indian control". This reason, Sir, if properly elaborated, should read as follows : " the Aden Protectorate has already passed wholly out of Indian control *by an act of God* ". The Aden Protectorate was taken out of Indian control without our consent, and, therefore, I think it should be treated as *an act of God.* (Laughter.) In that Communiqué, Sir, His Majesty's Government contemplate that certain conditions will be established as a result of the transfer of Aden to the Colonial Office. First of all, a reference is made to the financial relief which will be afforded to India. Whether the annual saving to India will be 20 lakhs or only 16 lakhs, as my Honourable friend, Sir Cowasji Jehangir, insisted this morning, it will be a substantial relief. Now, Sir, when His Majesty's Government shows so much solicitude for the welfare of the people of India and when they desire to save annually for the Indian taxpayer 16 lakhs of rupees, should the Opposition Benches in this House condemn it or praise it ? (Laughter.) The Opposition Benches may rightly or wrongly accuse His Majesty's Government and the Government of India of having misspent or wasted large sums of Indian money in the past. It may or may not be so ; but that His Majesty's Government have developed a different mentality and are very anxious to see that not a single penny of the Indian taxpayers' money is wasted, so far as Aden is concerned, I think it is a change of policy which should be welcomed by the Opposition Benches. (Laughter.)

Then, Sir, coming to the third condition, His Majesty's Government, I think, have made it clear that radical changes in the economic situation are taking place and further radical changes will undoubtedly take place in the near future ; and, therefore, they give a warning.—they give no pledge but a warning, and a very honest warning,—that, as a result of radical changes in the economic situation, which are bound to take place, the existing policy of keeping Aden a free port cannot be maintained,

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : May I know if my Honourable friend is a nominated Member ?

Mr. Jehangir K. Munshi : No, Sir, I am an elected Member, but there are occasions when elected Members should think in Imperialistic terms. (Laughter.) Furthermore, Sir, there is no bar to an elected Member indulging in satire or sarcasm. (Cheers.)

Then, Sir, coming to the fourth condition, His Majesty's Government have sounded another warning that it will be necessary for them to impose additional taxation on the people of Aden. His Majesty's Government are perfectly honest. They say that they will impose additional taxation and they give us ample warning about it.

The fifth condition is that the present Indian Service Administrative personnel cannot be retained in future and that it will be abolished as quickly as possible.

The sixth condition is that "no racial legislation or segregation would be permitted by His Majesty's Government"—what they mean is that "no racial legislation or segregation would be *willingly* permitted by His Majesty's Government". If they are unwillingly forced to permit racial legislation or segregation, that cannot be helped. Now, take the case of South Africa. His Majesty's Government are not willingly permitting racial legislation or segregation in South Africa, but *unwillingly* they are forced to permit it, and, in the case of Aden also, they sound a warning, a very honest warning, that they will not be a *willing* party to any racial legislation or segregation, but if that course of action is forced on them, they will have to permit it *unwillingly*. So far as this particular communiqué is concerned, I think it is one of the most honest communiqués ever issued by any Government Department. (Laughter.)

Now, Sir, to my Honourable friends sitting on the Opposition Benches who think in terms of the parish pump (Laughter), I commend a memorable passage from the speech of my Honourable friend, Mr. Anklesaria, who preached a novel doctrine of patriotism ; and I apprehend that certain Honourable Members have missed the full significance of that doctrine. Mr. Anklesaria said that if he was convinced that the transfer of Aden to the Colonial Office was necessary in Imperial interests, if he was convinced that it was necessary in Imperial interests to hand over Aden to the Colonial Office or to the Foreign Office at the sacrifice of Indian interests, he would be prepared to support that action. He went further and exclaimed : "Is there any Member in this House lacking in Empire patriotism ?" There is no such thing as Indian patriotism according to my Honourable friend, Mr. Anklesaria. His doctrine of patriotism places the Empire first and India last. (Laughter.) Now, Sir, let us translate Mr. Anklesaria's doctrine of patriotism and apply it to our Honourable friend, Mr. James. If Mr. James was called upon to give up England to Germany so that the rest of the Empire may prosper, will Mr. James or any Member of the European Group in this House agree to part with England to Germany so that the rest of the Empire may prosper ?

Mr. F. E. James (Madras : European) : No, certainly not.

Mr. Jehangir K. Munshi : This is disappointing. I felt that Mr. James and Mr. Anklesaria always thought alike on Imperial questions. (Laughter.)

Mr. F. E. James : Not after lunch.

Mr. Jehangir K. Munshi : Since my Honourable friend, Mr. James, does not agree with Mr. Anklesaria, may I express the hope, a hope which is entertained by the overwhelming majority of the Members of this House, that he will take part in this debate and tell us what views the European Group holds with regard to the contemplated transfer of the Civil Administration of Aden to the Colonial Office. I think Europeans in this country are as much interested in Aden as Indians, and it is only right and fair that their able spokesman should proclaim their policy in this House. (Applause.)

Now, Sir, it has been urged by the Opposition that Aden has been built up by Indian enterprise and Indian capital, and that the Indian taxpayer's money has also been spent by the Government of India to build up a large and prosperous port from a barren rock. But following the line of argument which I have taken up, and in which I have the support of my Honourable friend, Major Ahmad Nawaz Khan (Laughter), that is no reason whatever why the British Empire should not have the benefit of something which India has built up, even though such benefit be at the sacrifice of Indian interests. (Laughter.) Moreover, how is it possible for India to have an increasing measure of control over Aden which is an important strategic link in the chain of the Empire route ? I, therefore, feel, Sir, that the arguments which have been advanced against the transfer of Aden to the Colonial Office are all of a parochial nature, and if my friends on the Opposition Benches try to think seriously and take a broadminded view, they will come to the conclusion, that although, at the first blush, His Majesty's Government's action may seem to be wholly indefensible on any grounds, and particularly indefensible on moral grounds (Laughter), still on grounds of high Imperial morality, this is the only step possible for His Majesty's Government. Sir, it seems to me that Aden is already lost to India and that this debate is of purely academic value. (Applause.)

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Mr. Deputy President, after a debate on this motion for a day and a half on the floor of this House, after the debate in the Council of State, and after the very exhaustive review of my friend, Mr. Jadhav, the *Ex*-Minister from Bombay, and the flood of literature which has been brought to bear upon the discussion by my friend, Mr. Gaya Prasad Singh, and the biting sarcasm of the last speaker which has enlivened this debate, ordinarily I would have considered that enough has been already said and that I should not take part in the debate, but the intense feeling which His Majesty's Government's proposals have created in this country, which is as profound as it is intense, has compelled me to say a few words. Furthermore, Sir, this morning, the Finance Member was pleased to make one or two remarks about which I am a little disturbed. Sir, a few months ago, we were discussing a similar question, and that question was with regard to the separation of Burma. This morning when the Honourable the Finance Member said that there were certain principles which guided us for assessing the assets and liabilities of Aden, I thought that we were guided

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today on this motion by a different set of principles from this which we had followed in regard to the separation of Burma. Sir, with regard to the question of Burma, Honourable Members are aware that the Standing Finance Committee was asked to go into the question of the settlement of accounts, I mean into the assets and liabilities both of this country as well as of Burma, and the whole question of financial obligations involved was to be taken into consideration. But, Sir, we find today that the methods of approach for a proper assessment of the assets and financial liabilities involved are not the same. However, when I refer to the financial aspect on this motion, I should like to say a few words.

Turning now to the question of the Settlement of Aden, one thing cannot be gainsaid, that this Settlement had been won by Indian arms, that it had been developed by Indian labour, that it had been maintained by Indian enterprise, and that it had been sustained by Indian money. That cannot be gainsaid. All that was not the work of His Majesty's Government. A barren rock across the bay was not converted into a prosperous Settlement in a day. It was the work of nearly a century attended with grave risks—and that was the work of Indians in this country. Sir, for what end was all that done? Was it done merely for the purpose of providing a link in the Imperial chain of aggression? No, Sir. The cautious Indian merchant, in his affluence, the groaning tax-payer of India, in his poverty, would not have contributed but for the assurances given by the then Government that Aden would ever remain a part of the Indian Empire. This question of separation of Aden from India was not a question of yesterday or today. It has been a live question from the day when popular control was sought to be introduced into the Legislatures of this country. When the reforms of 1919 were introduced, it was contemplated that Bombay should be deprived of Aden, because, under the Constitution, the Provincial Governments would have an admixture of popular element. But the actual transfer was only made after the report of the Simon Commission when it was found that provincial autonomy was at any rate inevitable under the Constitution. The transfer from Bombay to Delhi was made in the teeth of opposition of the Bombay people and the rest of the country. It was openly said by the public of this country that this was only a step in aid to take it ultimately under the control of the Imperial Government. We were then assured that it was not so. But today we find that that apprehension was not misplaced. His Majesty's Government would have us believe that we should have trust in them. I would like to ask why that trust should be on our side alone? Why do not they extend the charity of their confidence a little to us when they expect some trust from us? They were always speaking of self-determination. Only a few hours ago, Mr. Jadhav referred to it. When they wanted to separate Burma, they impressed upon us the virtues of self-determination. Where is that self-determination now? Do they propose to give self-determination to the people of Aden? The Arabs, the Jews, the Somalis and the Indians, one and all have been repeatedly protesting against the transfer of Aden to the Colonial Office. Why is there no self-determination for them now? When it suits their purpose, the Government talk of self-determination. If it does not suit them, they hunt for excuses and reasons. What is the most formidable reason that they advance today for transfer of this possession?

As a bait to us, as an inducement to us, for favourable consideration of their proposal, they say that it will relieve a portion of the burden upon the taxpayer of this country, because, by the transfer of this settlement, we will be saved so much money under military expenditure. May I respectfully ask, did His Majesty's Government think that there was such a person as a taxpayer in this country whose burden had got to be relieved when crores and crores of rupees were being spent upon, what is called, the military expenditure in this country, an expenditure which is out of all proportion to the actual requirements of this country, and certainly out of all proportion to the capacity of this country to bear? Where was this taxpayer then? Why did they not think of the taxpayer's burden? Why are they thinking of a few lakhs now? The reason is not far to seek. A few years ago, Mr. Wedgwood Benn, *ex*-Secretary of State, admitted that the military expenditure that we had been incurring, and had been found charged upon the revenues of this country for the purpose of keeping a big army of this country, might be, to some extent, a legitimate charge upon the Imperial revenues. He wanted to give an assurance that the whole question would be examined, and that only such portion as India could legitimately bear would be apportioned to her. A tribunal was constituted for that purpose; but we do not know what the award of that tribunal was. But if an impartial judgment is given by that tribunal, there can be no doubt that much of this expenditure, whether it is incurred at Peshawar or whether it is incurred at Aden, would be a legitimate charge upon His Majesty's Government rather than upon the taxpayer of this country. Therefore, it is a bit complicated to bring in the question of the Imperial aspect of the defence of Aden into the profit and loss account of this possession. However, when we come to discuss the financial aspect of the question, we can give it due consideration. This morning, Sir George Schuster was pleased to state that up till 1900, the entire cost of the civil and military administration of Aden was borne by India. The fact is admitted that so far as the civil expenditure is concerned, that civil expenditure has been more or less evenly balanced. Assuming for the moment that the figures for 1933-34 which would show even a favourable balance to us should not be taken into account, taking the average which was given by the Finance Member for the last seven years, even then, it would show that it is evenly balanced. Therefore, the civil expenditure need not trouble us. The question, then, is the question of military expenditure. When we consider it, we have to consider the purpose for which the Settlement was founded. Honourable Members are fully aware of the fact that Aden is just across the Bay. Without India there is no Aden, and there can never be an Aden. That Aden is very vital to the defence of India, cannot be gainsaid. Whatever may be its position, whatever may be its importance for the purpose of protection of the trade routes passing that way, it cannot be gainsaid for a moment that its position is such that it is mainly essential for the defence of India. Then, why should we be deprived of that possession, and why should we be told that we need not pay or incur any expenditure in that behalf. When it is so essential for the Defence of India, it is our right to possess that defence post, and it is our duty to incur expenditure on that account. And we are prepared to do that. If it is not the concern of India, and if it is not an essential part of our defence, may I ask, what right had they to spend all these years the taxpayer's money for a purpose which was not India's? Even according to Sir George

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Schuster, several lakhs of rupees have been spent every year on military expenses and the figure was Rs. 47½ crores one year.

The Honourable Sir George Schuster : As my Honourable friend is mentioning my name, I must ask him to speak up. I have not heard even five words of what he has said so far in his speech.

Mr. B. Sitaramaraju : I was stating, Mr. Deputy President, that according to the figures which were given by Sir George Schuster, the expenditure that was incurred for military purposes at Aden was sometimes even as much as Rs. 47½ crores.

The Honourable Sir George Schuster : I never used a figure of that kind.

Mr. B. Sitaramaraju : Then my note is incorrect, because I have got here Rs. 47½ lakhs.

The Honourable Sir George Schuster : Lakhs, yes, and not crores.

Mr. B. Sitaramaraju : I made a mistake, I meant lakhs ; it is Rs. 47½ lakhs.

The Honourable Sir George Schuster : That was the figure in 1926-27.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : For these years it will be crores.

Mr. B. Sitaramaraju : Since 1839, from 16 lakhs of rupees to the peak figure of Rs. 47½ lakhs can be said to be the expenditure that had been incurred for the purpose of military control there.

The Honourable Sir George Schuster : That was not expenditure in 1839. The expenditure in 1839 was a mere fraction of that.

Mr. B. Sitaramaraju : I am afraid I am misunderstood. What I am saying is this, that from 1839, up to the present moment, whatever may be the variations, the figures range from Rs. 16 lakhs to Rs. 47½ lakhs at the highest.

The Honourable Sir George Schuster : No.

Mr. B. Sitaramaraju : Was it ever less than Rs. 15 lakhs ?

The Honourable Sir George Schuster : I have no information as to what the expenditure in 1839 was. The expenditure in 1900 was about Rs. 20 lakhs a year.

Sir Cowasji Jehangir : Was it not in one year something like Rs. 60 lakhs also ?

The Honourable Sir George Schuster : I have already said to my Honourable friend that in 1926-27 the net cost to India was about Rs. 47½ lakhs. Therefore, as His Majesty's Government was paying £72,000, the total cost must have been very nearly Rs. 60 lakhs.

Mr. B. Sitaramaju : There is a little difficulty about these figures. Mr. Jadhav gave certain figures which were not admitted by the Honourable Sir George Schuster, who, in his turn, gave some figures. I have a third set of figures with me. To reconcile them is rather difficult. The difficulty is due to the fact that we have not gone fully into these figures in any Committee. But nobody

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can dispute that large sums of money have been spent on the military expenditure at Aden. If the total amount is to be taken, assuming that we are not to calculate compound interest, it would go to several crores. If the control of the Settlement is going to be taken over, what right has England to ask us to bear this money which was spent ? If they want to take it away, they must refund every single pie that had been spent by the taxpayer of this country. We are not claiming compound interest or even simple interest. We simply claim that the money that had been taken from the exchequer of this country should be refunded to us. I venture to submit that the assets which have been taken from this country should be assessed on the same principle that had been followed in the case of the separation of Burma.

The Honourable Sir George Schuster : The Honourable Member refers to the separation of Burma. When I addressed the House this morning, I pointed out that, as regards Aden, we have followed exactly the same principle, which has been proposed in connection with the separation of Burma, that is to say, when the military and political administration was taken over, the buildings which were part of the normal equipment of the Government were transferred without any charge. That is the principle which is being suggested as regards Burma.

Mr. B. Sitaramaraju : I heard this morning Sir George Schuster to say that they made a free gift of the barracks and other buildings to His Majesty's Government.

The Honourable Sir George Schuster : What I stated was that when His Majesty's Government took over the responsibility for the military and political administration of Aden with all the cost that that involved, the buildings necessary for carrying out such functions were transfererd. But what we transferred to His Majesty's Government was not an asset, but a very heavy liability.

Mr. B. Sitaramaraju : There is one other aspect of the question. Unless we have a proper profit and loss account, we cannot properly consider the financial obligations really involved.

I now come to the civil administration of Aden. I for one consider that the question of the civil administration is not so important as the military control Important as it may appear to a few merchants in Bombay, I think the question does not assume the same proportion as the military control does. Without the military control, the possession is not of much use to this country. It is essential that for the defence of this country such an important outpost, which is so vital to us, should be with us. It may be that that post also protects the trade routes of other colonies, in which case we are entitled to get a fair conribution from those who get the benefit of this port. So I venture to submit that the military control and the civil administration are inseparable and, so far as we are concerned, we are not going to accept anything short of that. The argument advanced for transfer is that Aden will not fit into the Federation that we are going to have. The reason advanced about its geographical position has been already dealt with by other speakers. The Secretary of State has said that Aden does not form a province and, therefore, it will be a misfit in the Federation. If Aden does not form a province or a part of the province, whose fault is that ? It was till lately a part of the Bombay Presidency. It was deliberately transferred from the province of Bombay to Delhi. We

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were not parties to it. We protested against it. It is the Government that brought about this situation by separating it from Bombay and, having brought that about, they find fault with it. It is not fair. With all these autocratic Princes coming into the Federation, I do not know if the Federation is going to be a proper fit, but if Aden, being a non-provincial unit, is a misfit in the Federation, the remedy is to restore Aden to the province of Bombay from which it has been taken. I am glad to note from the reply that the Secretary of State has given that the difficulty about Aden was not insurmountable. I do hope that the obstacle will soon be surmounted. One thing more and I have done. It is said that Aden is so far away and remote from India. Why, in that case, I ask, should it be linked with the judicial administration of Bombay still ? That would go to show that the connection of Aden could not be separated altogether from Bombay, however much they may want it. Further, it will not pay them to do so. With these few remraks, I venture to submit that it is the unanimous opinion not only of this House, but of the whole country that the administration of Aden, civil and military, should never be separated from India with which it has been connected so far.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I had given notice of a motion which I do not propose to move, but which I certainly proposed to place on record, after hearing the speech of the previous speaker :

"This Assembly, after duly considering the Government of India Press Communiqué of June 20th, 1933, submits that whilst no longer objecting to the transfer to Imperial control of the political and military administration of Aden, as it exists at present, it is definitely of opinion that its civil administration be continued with the Government of India or, if thought necessary, to be retransferred to the Government of Bombay, but that such civil administration not be transferred to the Colonial Office."

Sir, I personally am not very much charmed by the motion of my Honourable friend, Dr. Ziauddin Ahmad, which begins by saying :

"While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement, etc."

But if I propose to support it, it is because it is a compromise between Mr. Bhuput Sing's motion which wants the re-transfer to India of the military and political control and the motion that was moved in the Council of State which I wanted to be repeated in this House. Therefore, as an agreed proposition, I hope that it will be put to vote and carried unanimously. If I do not record my emphatic protest against the transfer of military control and political control of Aden to Great Britain, it is because I do not believe in doing things too late. Six years ago, this transfer took place. This Assembly has been in existence for the last six years and it wakes up today. Six years ago, the matter came up for discussion. We have been quoting the reply of Sir Denys Bray and criticising that reply today and reading meanings into it which are not accepted by the Government. This Assembly, which is competent and has been clever and sometimes even clumsy in making motions for adjournment on matters of great or trivial importance, could certainly have moved all these six years or, after the accomplishment of the transfer, an adjournment motion of protest. Not having moved it, I do not personally like to protest : I like to bow to the inevitable. We, with open eyes, missed our opportunities. We have shown silence of which we have not been generally capable on matters on which we felt deeply. Having acquiesced in the transfer of military and political control, I personally am willing to bow to the inevitable. What I would not agree to is the transfer of civil control and I shall tell you why. The civil control is necessary for our trade purposes. Aden is an important factor in the promotion of India's trade. It is also necessary from a sentimental—Indian as well as British—and a military point of view. Sir, I believe in British connection ; I believe in Dominion Status : I tore away from a national organisation when it was committed to a policy of independence.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : Suppose there is a dispute between the civil and the military administration, what would my friend suggest ?

Mr. C. S. Ranga Iyer : I am coming to that. Sir, I tore away from an important political organisation when it declared war on British connection. If I say that Aden should be under India's civil control, it is because Aden is under England's military control. My gallant friend over there, who is always anxious to know the connection between civil and military matters, can be easily answered. When there are emergencies and crises, naturally the military control dominates the civil control. The master of military and political affairs is certainly the master of the situation when civil authorities will not be powerful. As for the question of distance between India and England in this world, where we can cover long distances by air, the distance between England and Aden has shrunk. It has also shrunk between England and India. Aden is an important centre between India and England, and it must remain so, so far as military and political affairs are under England's control, for it is England's Gibraltar of the East. I am willing to place England in that position knowing as I do that my country has a large seaboard and no navy of her own. We are very much dependent upon the British navy, for we have a vulnerable seacoast which many of us oftentimes choose to forget. But trade is of very great importance to us. The money that we have invested in Aden is of equal importance. Indian brain and Indian money has improved the Aden of today and it is but fit and proper that Great Britain, which believes in British connection, should leave the civil control in our hands so that we may feel that, in some sport in the middle, Great Britain and India are working together. It is, from this point of view, to illustrate the Indo-British connection, that I would insist that the civil control should rest with us. I am not chasing the will-o'-the-wisp of military control. Some one said that Aden was like a kettle which had gone into the sea. Aden is not under the sea. On the contrary, it is, as it were, the watch tower of the East and, from there, it views and surveys the sea. Sir, as these are the times of depression and as the trade of India is important to Aden as well as to India and to countries from which our goods are distributed, I would suggest to His Majesty's Government that they should not, against the unanimous wish of this House and of the Council of State, take away the civil control from our hands. I hope they will not take away the civil control, for I believe they will not like to estrange us on an important matter like the civil control of Aden. Sir, the Honourable the Leader of the House mentioned, I believe, the question of constitutional changes which are probably worrying either some people in Aden or His Majesty's Government. But there are no constitutional difficulties in re-transferring Aden to Bombay's control if Aden must come under

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the Federation. Aden was under the control of Bombay before, and the Bombay Government could carry on the civil administration. It is provided even in this communiqué of the Government that the Bombay High Court will be of use to Aden subjects even after the completion of the transfer. I think I am right in saying so, because I have not got the communiqué before me, and I am speaking from recollection. If that is so, and if distance does not come in the way in this particular respect, I canot see why civil control should not be in Bombay's hands as it has been hitherto. I hope and trust that, in the constitutional adjustment, Aden will not be taken away from us so far as the civil affairs are concerned.

Dr. F. X. DeSouza (Nominated Non-Official) : Mr. Deputy President, with your permission, I should like to intervene for a few moments in this debate, because I am interested in Malabar and, to some extent, in the trade of the West Coast. You are aware that Aden is the distributing centre for a considerable portion of the produce of Malabar consisting of pepper, tobacco, spices, plantation products and timber. The trade in these articles is handled by Arab merchants who are financed by Indian bankers resident in Aden who allow them credit from three to six months at a time. They buy these articles in Malabar and carry them in Arab bottoms built at Aden out of Malabar timber and distribute them in Persia, Iraq, Arabia and the east coast of Africa. This trade has been roughly estimated to amount to something like half a crore.

When it was announced by His Majesty's Government that the control of Aden was to be transferred to the Colonial Office, considerable perturbation was caused in Malabar among traders as well as producers as to what was to happen to this trade. We all know that trade follows the flag, but it has been the unfortunate experience of Indian trade that it has never flourished under the Colonial Flag. On the contrary, whenever a Colonial Administration has taken charge of Indian trade, a blight seems to have overtaken that trade. You have only to look across the water and you will find that Somaliland, when it was administered by the Government of Bombay, had a flourishing trade and its seaports of Barbara, Zaila, Bulhar were thriving ports ; the port of Barbara had a population of 20,000 with busy docks, wharves and warehouses. After the Somali war, the Government of that Colony was handed over to the Colonial Office and the result was that these ports are now practically dead. Indian merchants, unable to bear the heavy taxation and the discrimination against them made by the Colonial Administrators, gradually left the Colony and in their wake followed the Jewish and the Arab merchants. For the same reasons, in Kenya, it appears that the Indian wheat trade has been practically eliminated; that the Indian transport trade has been suppressed and that attempts are being made to eliminate the Indian maize trade. The reason seems to be that the Colonial Administrator does not understand the Indian settler at all. He knows the European trader and settler. He knows the native of the Colony which he is administering ; but the Indian settler, an Asiatic who claims equality of opportunity with the European, has no place in his philosophy. In the result, we find that whenever the Colonial Office has taken over the administration of territory where Indians are settled, the trade of India suffers very severely.

The Aden trade with Malabar will suffer for another reason, *viz.*, that the neighbouring African Colonies of Kenya, Tanganyika and Uganda are very serious rivals to Malabar with regard to the produce which Malabar exports. Only the other day, I heard that there was a trade mission sent under the ægis of the Government of Kenya to Aden to negotiate an agreement for the sale of the plantation produce of Kenya. As it happened, the Indian bankers at Aden refused to give credit to the merchants and the English bankers also refused to give credit, because their credentials were not satisfactory. We all know that the planters in Kenya have very powerful connections and have friends at Court and there is no doubt that they will in a short time be able to eliminate the Malabar produce from the Aden market if Aden is transferred to the control of the Colonial Office.

This debate has been initiated by my Honourable friend, the Leader of the House, with a motion that this House do take into consideration the communiqué of the Government of India. The communiqué contains the following words :

"Already Aden (Settlement) to some extent is under Imperial control and it is inseparable in practice from the Aden Protectorate which has already passed wholly out of Indian control."

If I understand these words rightly, they seem to imply that if the Settlement of Aden continues to remain under the control of the Government of India, there would be divided control—a sort of dyarchy—which, in time of war, will be unworkable. That seems to be the most reasonable interpretation to be placed upon this communiqué. If that is so, it is clear that the mind of His Majesty's Government is already made up with regard to the transfer of the civil control of the Aden Settlement. Unfortunately the Honourable Members on the Treasury Benches have their lips sealed under an Ordinance, whether it is a self-denying Ordinance or an Ordinance imposed by the Secretary of State, I do not know. We do not know what really are the reasons which have prompted His Majesty's Government to take the course which they propose to do. Therefore, not knowing the reasons underlying the action of His Majesty's Government the arguments advanced by the several speakers in this House against the measure seem to be more or less like tilting at a wind-mill. But, being a Subordinate Legislature, we have no reason to complain.

Be that as it may, it seems to me that the most reasonable explanation to be placed upon the action of His Majesty's Government is this. During the war, the strategic importance of Aden, as a military and a naval base, in case of a future war, was discovered. His Majesty's Government is unwilling to disclose the implications of this discovery, because it would not be in the public interest to do so, and I venture to think that that is the reason why they have imposed a seal of silence upon the lips of the occupants of the Treasury Benches. If that is the correct explanation, it seems to me that it is idle to charge either the Government of India or His Majesty's Government with breach of faith or violation of pledges. Because, as my Honourable friend, Dr. Ziauddin Ahmad, pointed out, here we are functioning not in the moral plane but in the plane of high politics ; and we all know that to a politician as well as a diplomat, language is given to conceal his

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thoughts. Then, again, it is idle to urge our moral claims to the retention of Aden, claims based upon Aden having been developed from a barren rock with a population of 3,000 to a flourishing port, the entrepot for the trade of the middle east, with a population of more than 50,000. It seems to be idle to urge our moral claims, because, if it is Imperial policy that dictates the transfer of Aden to the Colonial Government, there is no answer. *Salus patriae suprema lex.*

What then should this Assembly do ? Should we, as was said by my Honourable friend, Mr. Puri, whom I am sorry not to see here, fold our hands in silence and offer Satyagraha ; because, as he said, it is useless to try to bargain with an opponent with overwhelming strength ? Or shall we say, as my Honourable friend, Major Nawab Ahmad Nawaz Khan, suggested, that the people of Bombay and Karachi and the other ports affected should look upon this as a loss caused by an act of God, say by an earthquake ? Of course, it is very easy to preach resignation under other people's misfortunes. But these seem to me to be counsels of despair. I do not think that that is an attitude of mind with which we should meet the situation. A similar situation on a vastly larger scale offered itself to the British Government in framing a scheme for the Federation of India. They had to hand over the immense trade of the British nation with India to the future Federal Government. Did they fold their hands and say : " We do not care what happens to this trade ; let it take care of itself " ? No ; they insisted upon constitutional safeguards being inserted in the Constitution that no discrimination shall be allowed against British trade by the future Federal Government. I wish our Honourable friends, the Members of the European Group, would help us and tell us how a similar guarantee may be inserted in the Instrument of Transfer, transferring the administration of Aden from the Government of India to the Colonial Government. It is true that there are certain vague promises which are offered in this communiqué. But, as pointed out by every speaker on the Opposition Benches as well as on these Benches, these are hedged round with so many " ifs " and so many " ans " that they are certain to be treated as mere scraps of paper.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

What we want is a categorical guarantee, specially with regard to clauses 3, 4 and 6 of the communiqué, *viz.*, that Aden will be maintained as a free port, that no further additional taxation will be imposed and that on no account will any racial legislation or segregation be permitted by His Majesty's Government.

Sir, enough has been said about compensation which ought in justice be paid to India and I do not wish to dilate further on this point.

But whatever the compensation granted may be, I feel certain that there will be deep and sullen resentment in the mind of political India caused by the action proposed to be taken by His Majesty's Government. Sir, at a time when every other country and every other nation is endeavouring to capture foreign markets by appointing Trade Commissioners and otherwise to develop the trade of their country, here we are asked to sacrifice a large market amounting to eight crores of rupees, at our very door, created by our enterprise. And while unemployment is acute, we are asked to sacrifice a not inconsiderable field for the employment of our nationals, not only in the service of Government, but also in mercantile houses. And, above all, we are asked to give up to an unsympathetic administration a flourishing Colony which has been developed at the expense and by the enterprise of Indian nationals. And when, in course of time, the Colonial Office takes charge of Aden, and, in the picturesque language of the *Statesman* newspaper, the Indian population exchanges the whips of the Government of India for the scorpions of the Colonial Office there will be one more cry raised from Indians overseas and that cry will stir political India deeper than any other cry of a similar kind has stirred it before ; because, it will be a cry raised not from the descendants of indentured coolies as in South Africa or from segregated hawkers and shopkeepers as in Kenya and Tanganyika, but it will be a cry raised by powerful mercantile interests with influential connections in Karachi, Bombay, Rangoon and all the other important ports of India. And, therefore, in all humility, I ask His Majesty's Government to pause before they decide to take the action they propose, and if the blow is inevitable, then, so far as lies in their power, to soften the blow.

Sir Cowasji Jehangir : Sir, I rise to support, I believe it is a Resolution moved by my Honourable friend, Dr. Ziauddin Ahmad. I understand, the intention of Government in allowing the non-official Members of this House to express their opinion is to enable Government to realise the feelings of all Indians on this question. I should have thought that by now, Mr. President, all Honourable Members on the opposite side had fully realised the strong feelings,—you may call it sentiment if you like or you may, if you like, call it bad argument combined with sentiment,—that exists throughout the country ; that the step now proposed by His Majesty's Government, namely, the transfer of the civil administration of Aden to the Colonial Office is strongly resented. Sir, every one of us has been supplied with a considerable amount of literature. I have got it in front of me, and, I am sure, my friend, the Honourable the Leader of the House, must have got two copies each sent to him. (Laughter.)

The Honourable Sir Joseph Bhore : Not even one.

Sir Cowasji Jehangir : Then, Sir, may I present him with this bunch of pamphlets on the question of the transfer of Aden,—and every one of these pamphlets protests against the proposed transfer. Sir, my friends who have already spoken have left very little for any one else to say, but the fact that, even after what little I shall have to say many more will rise to their feet, will, I trust, convince Honourable Members opposite, if they are not already convinced, that the proposed transfer of Aden has not got the approval of the people of this country. Now, Sir, the latest contribution that has been made to this subject is this communiqué. I think my friend, Mr. Munshi, from Burma was rather enamoured of this communiqué, and, lest anybody might misunderstand him, he candidly said that it was one of the worst arguments ever put forward by Government, but his sarcasm went to such

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an extent that it was liable to be misunderstood ; as a matter of fact, I quite agree with him that this was one of the worst arguments ever put up by Government to my knowledge with regard to the transfer of Aden. Now, Sir, what are the reasons given in this communiqué which we are seriously asked to consider ? The first point is that Aden does not naturally fit into the new Federation. Well, Sir, I presume there are other Federations in this world like Germany, United States, and so on—they all have colonies. Do Government seriously mean to contend that if India is to be a Federation in the future, she should give up all hopes of having colonies, or do they mean that it will be difficult to attach Aden to any one province ? Sir, I honestly say that when the administration of Aden was transferred from the Government of Bombay to the Government of India, we never realised that it would be brought up as an argument in favour of transferring Aden to the Colonial Office,—for that is the meaning of this argument. If it had remained with Bombay, there would have been no justification for putting forward this argument that Aden will not fit into a Federation. Shall we be said to exaggerate when I say that we had apprehensions of some such thing when Aden was transferred from Bombay to the Government of India ? As a matter of fact, I know very well that many of my friends in Bombay said that this was merely a thin end of the wedge, and the next step would be that it would have to go to the Colonial Office ; but the very strong language, in which we were told that Government had no such intention, allayed our apprehensions. I do not want to worry this House by reading again the words of the then Foreign Secretary uttered in the presence of the Viceroy to a deputation that waited on him in 1931, when he told the deputation that Government had no ulterior motives in making the transfer from the Government of Bombay to the Government of India, and that it was only a question of administration. Now, Sir, personally I did not really even then fully understand the great difficulty of administration. I had something to do with the administration of Aden for several years, and although there was some delay on account of the Bombay Government having to get the approval of the Government of India in many of their proposals, it was not an insuperable difficulty. Such delays occur every day in the administration of this country. Provincial Governments have to get the orders of the Government of India on many questions which cause delay and inconvenience, but it is no use crying over spilt milk. The transfer was made, but we never expected that that transfer would be flung in our faces as an argument in favour of again transferring the administration of Aden to the Colonial Office. Sir, it is a poor argument to put forward after what fell from the lips of responsible officers of the Government of India.

Then, Sir, we are told that to some extent the control has already passed into Imperial hands. Now, who agreed to that transfer ? We were never consulted. And what is much more, an undertaking was given that we would be consulted. Mr. President, not even the Government of Bombay was consulted. Far from being consulted, they heard of it for the first time when the Home Member for the Bombay Government was actually on his feet moving a Bill in the Legislative

Council of Bombay for Aden—he heard of it for the first time in the Legislative Council when he was actually moving a Bill, and he was taken by surprise. His only answer was that all he could say was that the Government of India had approved of his moving the Bill, and he was not responsible. Now, Sir, if that is an argument for the transfer of the civil administration to the Colonial Office, my answer is, retransfer the military and foreign control to the Government of India, and you will get rid of this argument. If you have caused a difficulty for yourself, then undo the wrong you have done already, but don't bring it up as an argument at this stage, for it was your action and not ours, your action without our approval.

Then, Sir, we come to this question of money. We are told that we shall be let off £150,000 a year, that is what it comes to. If I have understood the Finance Member correctly, the budget of the civil administration balances itself and the contribution of £150,000 we pay a year to His Majesty's Government will be saved if we agree to the transfer of Aden to the Colonial Office. In these matters we do not look at all questions from the point of view of pound, shilling and pence. Suppose it does cost us £150,000, it is much less than what it cost us in 1926-27, which was Rs. 47 lakhs, and if against our will and against our wishes this burden was taken off our shoulders, it is no use now coming forward and telling us, " We will relieve you of a further burden of £150,000 ". We did not pass any Resolution in the Imperial Legislative Council, or in the Legislative Assembly, or in the Council of State, asking for this relief. It was a relief given to us because it was convenient to somebody else. We did not ask for such reliefs. No. 2 is too absurd for words, that the right of appeal in judicial cases will remain with the Bombay High Court. Take it, for goodness's sake, to the High Court in England. We do not want it. If you are to transfer Aden to the Colonial Office, I think the Government of Bombay would be justified in saying, " We shall have nothing further to do with you and we shall not have our High Court helping you to administer justice ". It is a convenience to yourself ; it is not a convenience to us. Why put it down as an argument in favour of transferring Aden to the Colonial Office ? If it is put here as a bait to my friends in Aden that they won't have to go so far to England for their justice, then they might reply, " We shall have to go 1,600 miles, as we do now, for our appeals. We shall all the same have to go 6,000 miles when we want justice in all other directions ". It is said that Aden will remain a free port if it is transferred to the Colonial Office. Has it ever been contended that it would not be a free port if it remained under the administration of India ? What is this ? Is this an assurance given, or is it meant to be said that if Aden remains with the Government of India it will no longer be a free port ? What is this assurance to us ? It is qualified. My Honourable friend, the Leader of the House, can, without even consulting his colleagues, give exactly the same assurance on behalf of the Government of India that if the *status quo* is maintained Aden will remain a free port so far as it is possible, and I am sure that there would be no objection, without consulting even a single one of his colleagues, to his giving us such an assurance and giving the Adenites that consolation. The same thing applies to taxes. But No. 5 is much more important. Sir, I hear from Aden that notwithstanding no

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action having been taken, no decision having been arrived at, still some officers in Aden have taken it for granted that the administration is to be transferred to the Colonial Office, and all appointments that were given to Indians are now being given to others. I have heard that for the last two years, for certain for the last one year, but I refused to believe it. I do not know where these orders emanated from ; they may not have emanated at all ; but I am distinctly given to understand from Aden that posts that would ordinarily have gone to Indians are now being filled by others. This assurance means that all Indians in service in Aden will be sacked as soon as possible, that some Englishmen whose services have been lent to Aden by the Government of India may continue to retain their posts so long as they are wanted, and then all appointments will be made by the Colonial Office as they are made for the other colonies. And in these hard times when unemployment is rampant we are asked to accept the position that many Indians should be sacked to make room for others.

The Honourable Sir Joseph Bhore : May I interrupt my Honourable friend just for a moment ? So far as my information goes, I can assure him that no orders have emanated from the Government of India on the lines suggested by him just now.

Sir Cowasji Jehangir : Will my Honourable friend then issue orders that posts that have been held by Indians up to now should be filled by Indians, until at least this transfer is decided on ?

The Honourable Sir Joseph Bhore : I have no doubt that the normal practice which has prevailed in the past will prevail in the immediate future.

Sir Cowasji Jehangir : I am glad to hear that, and I trust that my Honourable friend's words will reach the administration in Aden and that no further Indians will, I do not say, be dismissed, but when vacancies occur, Indians will get those posts as they have got them for the last number of years.

Sir Leslie Hudson (Bombay : European) : On a point of information, Sir. May we be told what those posts are which have been taken away from Indians ?

Dr. Ziauddin Ahmad : Education Department.

Sir Cowasji Jehangir : I am not talking of the Education Department ; I am not going to enlighten my Honourable friend and I tell him why. For a simple reason. One post was brought to my attention a fortnight ago. I know it. It was in the Port Trust.

Sir Leslie Hudson : Is that a Government department ?

Sir Cowasji Jehangir : It is a semi-Government department. If my Honourable friend wants to know the posts, what they are, and what people in Aden are saying, I will refer him to those who will be able to give him the names of the men who have been employed. I do not desire to bring these personal matters before the Assembly. It is against my principles to talk about any posts, but I make the statement, a general statement, and I say it is a correct one.

The Honourable Sir Joseph Bhore : May I bring to the notice of my Honourable friend that appointments under the Port Trust are not under the control of the Government of India ?

Sir Cowasji Jehangir : That may be so. I know it is so. But the idea prevails that Aden is going to be transferred to the Colonial Office and preparations should be made for that purpose.

Dr. Ziauddin Ahmad : Only a fortnight ago, many persons spoke to me about it when I was in Aden.

Sir Cowasji Jehangir : Now, Sir, as to racial discrimination No. 6. I have not the slightest doubt of the *bona fides* of this assurance. Government do intend that no racial discrimination shall take place but I have my strong suspicions that Government will not be able to do it. We have had bitter experience, Mr. President. What is the use of repeating those experiences over and over again here. They have been brought to the attention of Government, of the Colonial Office. Commissions have been appointed. People have had to go out to the colonies to investigate the injustice to our countrymen. Do we desire to add one more grievance to the many grievances that this country has with regard to the preferential treatment shown to others, as compared to Indians in the colonies ?

4 P.M.

Major Nawab Ahmad Nawaz Khan (Nominated Non-official) : There is a Persian proverb which says :

"Een ham bar sari alam."

Sir Cowasji Jehangir : Translate it. If I am interrupted in Persian, I cannot reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : Reply in Gujerati.

Sir Cowasji Jehangir : You will rule me out of order, Mr. President, if you find out the meaning of my Gujerati. (Laughter.) At any rate, Sir, we do not desire to take any further risks with regard to Aden, because a good percentage of the population of Aden are Indians and if after all anything went wrong and there was discrimination against Indians, I am afraid the trouble would assume a character which I do not like even to visualise. This bitterness between our two countries has increased greatly on account of the ill-treatment of Indians in some of the colonies. We do not want to add another cause of bitterness. Sir, we have heard a good deal about discrimination in India. Nobody wants to discriminate but we do ask those who ask us not to discriminate in India to help to see that there is no discrimination against Indians in the British Empire and if they cannot help us effectively, which they cannot with all the desire in the world, let them at least stand side by side with us in fighting, to see that we do not have another colony where there will be discrimination, a colony which has been administered by India. If there was discrimination in that colony, it would never be forgiven in this country and for that reason alone it would be to the interests of both countries that Aden shall never be transferred to the Colonial Office. It is not discrimination against Indians in favour of Englishmen. It is discrimination against Indians, because they are Asiatics, in favour of Europeans. The English population of Aden is next to nothing. There are Frenchmen, Italians and Germans in Aden. Do

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you desire that there shall be discrimination in their favour against Indians ? We know that in some of the British colonies, there is discrimination against the British citizens of this Empire in favour of men who are citizens of other countries because they happen to be Europeans. That is the strongest argument against this transfer. I am not going to repeat how Aden became a part of the British Empire but let me remind Honourable Members opposite that if the administration of Aden remains with India, Aden shall remain a part of the British Empire, at the service of not only England and India but at the service of Australia, the Straits Settlements and other countries in the Far East, colonies in the British Empire, which Aden serves just as well as it serves India.

Now, Sir, I will just refer to one more point. It has already been made. That is, that if this transfer is inevitable, if as rumour has it, it is an accomplished fact,—personally I do hope and trust it is not an accomplished fact,—then I do appeal to the Government of India to see that justice is done to the taxpayers of this country. I have just now said that Aden serves not only India but it has been of equal service to Australia and the Straits Settlements. We have paid out of our monies for the defence of Aden up to the year 1926. A contribution was paid by Great Britain. We shall still continue to pay a contribution, while a major portion of the expenditure will be borne by the British exchequer but if Aden is transferred, then I think it is only justice and equity to the taxpayers of this country that the monies that we have spent out of their money for the protection of Aden should be refunded to us, not with compound interest but so far as can be ascertained without any interest at all and my main argument for that is, and I will repeat it, that Aden is and has been maintained as a fortress not only for India but for the Empire as well and for certain parts of the Empire in particular and all should put their hands into their pockets. Why should India be called upon to contribute £150,000, even if the administration remains with India ? Why not Australia ? Why not Straits Settlements ? I would like that point to be considered by the Government of India. In any case, whether it is left with the Government of India or whether it is transferred to Great Britain, in both cases all parts of the Empire should contribute. Why should England alone bear the burden ? Why should England pay a contribution or why should we pay a contribution ? Are there no other parts of the Empire which are benefiting and are there no other parts of the Empire which are being protected ? Sir, I have nothing else to say except to reiterate that I do not think there is a single Honourable Member, an elected Member, of this House who is in favour of this transfer. I confidently say that not one elected Member is in favour of the transfer, and we do hope that the Government of India will convey to His Majesty's Government the strong resentment that this country will feel if the transfer does take place. (Applause.)

Sardar G. N. Mujumdar (Gujrat and Deccan Sardars and Inamdars : Landholders) : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Bhuput Sing. Though I represent the Landholders of the Bombay Presidency proper, I have to look to the welfare of India in general and of the Bombay Presidency in particular,

I think it, therefore, my duty to protest against the transfer of Aden from the Government of India to His Majesty's Government. Not only the people of Bombay, but also of India and even of Aden are strongly against this transfer. On the 13th September last, a big public meeting was held at Calcutta which unanimously protested against the transfer. It is a very sad thing that Aden is being snatched away from us after our very long and happy connection with her for about a century. The people of Aden, comprising of Arabs, Jews and Indians, live in Aden together as brethren, and there has never been any sort of inequality of status, which state of things we prize the most. Even with regard to commerce, industry and employment, every one in Aden feels secured. The present prosperous condition of Aden is only due to the efforts of the Bombay Government and the people of Bombay and India, who went and established themselves there. The tax-payers of India in general and of Bombay in particular have annually contributed lakhs of rupees for a number of years to make it what it is today. I know very well of what great importance our connection has been with Aden and how, therefore, in the mutual interest of Aden and India, every endeavour has been made by Indians to make Aden a prosperous port and a market for our produce. Whenever any question came before our Legislature regarding the improvements at Aden, we have been most sympathetic and I must say we have all along felt that Aden was a part of our own. Aden is about 1,600 miles from Bombay, yet with the recent improved shipping, it has come nearer to us than many parts of India for the transport of our produce, and hence it is very valuable to us.

Sir, we felt very much when Aden was transferred from Bombay to Delhi and Simla, but we felt safe on the assurance given by His Excellency the Viceroy to Sir Chunilal Mehta's deputation in November, 1931, that the transfer would not cut off Aden from India and that our trade and commerce would be the special care of the Government of India. Sir, on such an assurance, we, in the districts, did feel and still do feel that our Government will not let us down. To us this proposal of transfer has come as a surprise. It is really unthinkable, after so much sacrifice on our part, and when the Settlement of Aden has become prosperous, that our Government could be a party in Aden being taken away from us and that, too, against the desire of the people. I am sure, Sir, our Government will respect the feelings of the people and will also take into consideration our sacrifices. Sir, Aden is a central distributing port and through Aden our produce is being distributed in the whole of Arabia and even Africa. Aden has been our valuable market and, in these days of depression, when the condition of our agriculturist is so miserable, I ask, is it not the duty of this Legislature and of this Government to do all they can to encourage Indians and the people of Aden to keep up and even improve their connection with India ?

Sir, what is going on everywhere in the world ? Every nation is doing its best to find out markets for its produce and to try to find out employment for its people. Why was the World Economic Conference held ? Why did the President of the United States make his first duty to improve the depression and increase the value of its produce ? I ask, Sir, why the Japanese and Lancashire deputations are coming to Simla ? When the nations of the world are doing all this, what do we find here ? Our people are being driven away from South Africa and from East Africa, and now it is proposed that we should be a party to an action

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which would drive away Indians from Aden and Arabia. Is this position not pitiable ? Should we be a party to such an action and thereby create more starvation ? I think it is the duty of our Government not only to retain Aden, but, as often promised by them, to try and improve the condition of Indians outside India and to establish connections in the world at large for the disposal of our produce and thus improve the half-starving conditions in India.

Sir, when in 1921, an attempt was made to transfer Aden, the Bombay Government strongly protested, as will be seen from the proceedings of the Council of State. Again, in 1927, when the question of Aden came up in this House, not only Members of this House, but all the important bodies strongly protested against the transfer and even the Government of Bombay, through its Honourable Member, Sir Ernest Hotson, and its Chief Secretary, expressed surprise at such an action in the Bombay Legislative Council. Sir, this is our position. I appeal strongly to Government to consider seriously our position and take courage in their hands and tell the British Government that they cannot be a party to their desire, as it is entirely against our wishes and interests. Sir, after all, the Government of India is also a part of the British Government, and what is the fear if Aden is with us ? Why should they have any kind of suspicion ? The people of Aden have stood by the Empire at all times and have contributed to the exchequer as willingly as the Indians. Even during the Somaliland war and the Great War, their sacrifices have been as great as those of any part of the Empire. If not for anything else, for the sake of sacrifices that the Aden people have made and for what Indians have done, I appeal to Government to respect their wishes and their trade relations. I assure Government that, if they respect them, they will always be having their good sympathies and it is that alone, I believe, Government must prize the most. Sir, with these words, I protest against the transfer of Aden. In conclusion, I may be allowed to ask our Finance Member to enlighten as to the total amount the Government of Bombay and the Government of India have spent on Aden for the last 80 years. I know it is a very big amount. Several crores of rupees have been spent by the Bombay Government and the Indian Government too. Will the British Government pay this large amount back to us ? So far as civil population is concerned, we will lose crores of rupees. The Honourable the Leader of the House had made a very important statement, the day before yesterday, with regard to the payment of annual contribution by India, towards the military expenditure at Aden, and, if this side of the House has rightly understood him, with the transfer of Aden to the Colonial Government, the citizens of the Aden Settlement will be relieved of this payment and the Imperial Government will pay it. May I ask, why this discrimination ? Is it right that India should pay this amount if Aden stands connected with India and if it is transferred to the Colonial Government, the Imperial Government should come to the rescue of the Colonial Government ? I say, Sir, India is not rich enough to bear this burden and Indians hope that the Imperial Government will not look after her with a step-motherly affection. This is really an expense for the safeguard of Imperial trade-routes, and justice demands that it should be borne by the Imperial Government hereafter and, I hope, the Imperial Government will be generous enough to refund the enormous amount collected on this account from poor India for all these years. Sir, with these words, I support the amendment.

Sir Leslie Hudson : Sir, neither I nor any of my Group have had the advantage of being supplied with the library of pamphlets which the Honourable the Leader of the Independent Party, Sir Cowasji Jehangir, has exhibited to the House. I am sorry because I have no doubt that I should have been able to add to my knowledge of the history of Great Britain's taking possession of Aden and the reasons for which it was taken.

My recollection of it is that it was consequent on the wreck of an Indian sailing vessel from the coast of Madras, belonging to the Nawab of Carnatic, at Aden, and the plunder of its cargo and the robbing of its crew and passengers, the survivors of whom managed to reach the port of Mocha where they got into contact with the agent of the Government of Bombay, that in due course an expedition was sent from Bombay to Aden, an expedition consisting of 700 British and Indian troops under the command of Commander Haines. That was the reason given for taking possession of Aden, but the actual reason for gaining a foot-hold in the port and harbour of Aden was to furnish a harbour and a coaling station for those early steam vessels that have just begun to ply in the ocean between Bombay and Suez. Such a depôt was necessary, because those vessels could not take sufficient coal for the long voyage between Bombay and Suez. Aden was the place chosen upon and the real reason for taking possession of Aden was for the formation of a coal depôt there. Ever since that time, for nearly a hundred years, Aden has been one of the main fuelling stations of coal and oil throughout the world and, while I agree that large sums of Indian capital have been invested in Aden, there have also been very large sums of British capital invested in Aden. I should like Honourable Members to recollect this, for we have heard quite a number of Honourable Members opposite saying that, because of these Indian investments in Aden, there is a very strong case for India to retain civil control of Aden.

When I heard Member after Member getting up and making use of that expression, it brought to my memory almost exactly similar arguments which I frequently heard when I was in England, namely, that in view of the vast amount of British capital invested in India, Great Britain should retain her control in India. I wonder, if Honourable Members opposite will agree that the same argument should, with justice, apply. Although there appears to us on these Benches to be an obvious advantage in the unification of the control of Aden we do recognise and sympathise with the obvious desire in India that she should continue to control the civil administration of Aden. There is considerable strength in that sentiment. There is also something else besides sentiment behind that desire and that is the financial interests of Indian merchants, and that too will carry weight with Honourable Members opposite.

I repeat that we have considerable sympathy with the desire of India to retain the civil control of Aden, and no doubt His Majesty's Government will take full note of the debates in this House and in the Upper House. So, while we cannot support the motion of Mr. Bhuput Sing, we shall not oppose that of Dr. Ziauddin.

There is just one other point I should like to make. Ever since the late lamented Dr. Woodrow Wilson gave expression to the word " self-

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determination ", that has become one of the hardest used phrases throughout the world and I wonder whether Honourable Members opposite have realised that possibly there may be a certain amount of desire for " self-determination " on the part of those inhabitants of Aden who do not happen to be Indians.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir (Laughter), the complete unanimity of the House in protesting against the transfer of Aden to the Colonial Office should set the question at rest. The Leader of the European Group is also in sympathy with our sentiment and that is a matter for congratulation. Sir, I don't know why my rising to take part in this debate should create laughter even amongst my friends, Messrs. Mitra and Singh.

Mr. S. C. Mitra : We laughed because three or four Members stood up at the same time, and not because the Honourable Member got up to speak.

Mr. Amar Nath Dutt : I was rather a little surprised, because I was never given such a reception in the House before. Be that as it may, the reason for my standing up is this. There has been an appeal to the feelings of the Bengalis in this matter by a certain paper which calls itself " the friend of India " and also the " *Statesman* ". It was really a friend of India in its infancy when it was nursed by Indian milk, but I cannot say that it is so now. It has tried to rouse the feelings of the Bengalis in these words :

" The sooner Aden is cut loose from India, the better will Bengal be placed. It is hard to avoid using libellous language about the extra 4½ as. salt duty imposed over two years ago in the interest of a handful of merchants working from Aden."

Sir, I take this statement as a libel upon Bengali patriotism. Sir, Bengal has always given the lead in every matter in India formerly, but unfortunately at the present moment we have not got such outstanding personalities as Messrs. W. C. Bonnerji, Mano Mohan Ghose, Lal Mohan Ghose, Ananda Mohan Bose, Sir Surendra Nath Banerjea, and others. Sir, some years ago, that great politician and patriot of Bombay, the late Mr. Gokhale, remarked that what Bengal thinks today India will think tomorrow. That was the compliment paid to Bengal in those days. He said : " Do not try to trifle with the feelings of the Bengalis. A race which can produce a scientist like Sir J. C. Bose, a jurist like Sir Rash Bihari Ghose and a poet like Rabindra Nath Tagore is not a race to be trifled with." That the editor of the *Statesman*, having lived so many years amongst us, could think that the Bengalis can be induced to support a motion like this, namely, the transfer of the port of Aden to the control of the Imperial Government, I consider nothing but a libel upon the posterity of that race of stalwarts and patriots. Sir, as I have said, I am at one with every one of the speakers who have opposed this proposal of transfer ; and there are two amendments and I may make it clear that I would have willingly supported the amendment of Mr. Bhuput Sing, for I believe that, by remaining with India for nearly a century, Aden is and has become a part and parcel of India and we have a right to demand that Aden should be linked with India.

Sir, I think my friend, the Leader of the European group, gave rather a little incorrect history of the Protectorate of Aden as also Aden

itself. Here I find in an authoritative book, the authenticity and the correctness of which cannot be challenged, namely, the Indian Year Book, that :

" Aden was the first new territory added to the Empire after the accession of Queen Victoria. Its acquisition was the outcome of an outrage committed by local Arabs upon the passengers and crew of a British Indian buggalow wrecked in the neighbourhood."

Sir Leslie Hudson : I think that is what I said.

Mr. Amar Nath Dutt :

" Negotiations having failed to secure satisfactory reparation the Government of Bombay despatched a force under Major Baillie which captured Aden on January 19th, 1839."

My Honourable friend wanted to give us an idea that it was in order to get a harbour and a coal depôt, but here we find a different reason given. The troops were mainly composed of Indians and not, as my Honourable friend would make us believe, Indian as well as European. Sir, I shall not repeat what has been said by other speakers about the reason why Aden should be with India, and the criticism, that has been levelled against the so-called advantages that might be gained by separation, has also been dealt with amply. So I do not think it is necessary for me to go over the same ground again and, if I have taken up a few minutes of the time of the House, it is in order to show that we Bengalis do not lag behind any of our Indian fellow-countrymen in protesting against a measure like this, although I am painfully aware that at times Bengal is not fortunate enough to get the same support from the people of other Presidencies.

Mr. Muhammad Muazzam Sahib Bahadur : Mr. President, before I address myself to the question of the transfer of Aden, I wish just to read out a few lines from the column of the *Statesman* of the 16th instant where you, Sir, have been referred to as the dumb President. The opening paragraph reads :

" It was unfortunate that, throughout the discussion of the Reserve Bank motions, the only non-official Member of the Assembly who really understood the subject was the necessarily dumb President."

Then towards the end, referring to the debate on the question of the transfer of Aden, the paper says :

" Perhaps it is fortunate for everyone that the Assembly so seldom has time enough to take stock of what it is doing and saying from one day to the next. The Opposition, for instance, urges that the press should be completely at liberty to plague the rulers of Indian States but should be prosecuted with all rigour if it says what it thinks about Mr. Gandhi. The same will probably happen on Monday in the discussion of Aden's future. The Opposition will use precisely those arguments for whose employment they most bitterly criticise their opposite numbers in England. The parallel will run somewhat after this fashion :

Opposition M. L. A. : Aden has been under British Indian rule for nearly a century.

Lloyd-Churchill : India has been under British rule for over a century.

Opposition M. L. A. : Indians have put crores of money into Aden's development.

Lloyd-Churchill : The British have put hundreds of crores of money into India's development.

Opposition M. L. A. : The separation of Aden will be a blow to Indian trade.

Lloyd-Churchill : Self-government for India will be a blow to British trade.

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Opposition M. L. A. : The Arabs who want Aden's transfer are not really representative.

Lloyd-Churchill : The vocal Indian politicians who talk of Swaraj are not really representative of the masses.

Opposition M. L. A. : Aden and India are ours and must remain ours.

Lloyd-Churchill : Aden and India are ours and must remain ours."

That is how it concludes. I think, Sir, that what is really meant is the Home Government and that, instead of using the words " Lloyd-Churchill ", it would have been much more appropriate to have said " The Home Government ".

I have very closely followed the debate on the motion of the Leader of the House and I think three ourstanding facts emerge from what has actually happened regarding Aden during all these years for nearly a century and from the communiqué which we are asked to discuss. The first one which strikes me as the most important is that the Home Government have long had an eye on the Settlement of Aden. But the idea in their mind appears to have been that, in this particular case, it was better to play a waiting game. They did not like the idea of taking possession of a lean calf. On the other hand, they said : " Let it grow fat and then we shall have it."

Then the next point that occurs to me is that whenever the Government of India profess to express a defined policy which the Home Government is pursuing or is going to pursue, their statements can only be taken as an expression of opinion which might or might not be carried into effect. Specially is this so when the matters relate to foreign and colonial policy. The third is that the burden of the annual contribution by India has been steadily on the decrease. There can be no two opinions on this aspect of Aden's finances.

I think, Mr. President, we have now reached a stage at which Aden, instead of her being a burden to India, which it has been for so many years, will begin to show ever increasing returns on the credit side of India. As a matter of fact, I can say with confidence, that, in the space of another five or six years, the debit side will be completely wiped out, and the credit side will begin to swell. Mr. President, I am not going to enter into a controversy with my Honourable friend, Sir George Schuster, in relation to the financial effects of the transfer of Aden. I shall take the figure which the Honourable the Finance Member has stated to be almost a correct one representing the burden to India this year—1932-33—and he put that figure at 15 lakhs and 60,000. As against that, we have to bear in mind that India will be losing every year something like one lakh and sixty thousand by way of loss in income-tax earnings on the principle that there cannot be double assessment to income-tax. I believe, if I have understood the Honourable Member correctly, the loss would come to about one lakh and sixty thousand rupees.....

The Honourable Sir George Schuster : I told my friend that it was impossible to give an exact estimate, and that all I could say was that it would not be a large sum.

Mr. Muhammad Muazzam Sahib Bahadur : Conceding, then, Mr. President, that the burden to India is something like 15 lakhs this year,—that at the present moment the expenditure and the income balance each

other so far as the civil administration is concerned, that the income to India is steadily rising, and that India is entitled to claim from the Colonies for the safety of their trade route to the East a share of her annual contribution to Aden,—is it too much to expect that henceforth from year to year the revenue income to India from Aden will begin to swell to an extent that the necessity of a subvention by India will cease to exist ?

Mr. President, I shall not devote any time in dealing with the ancient history of Aden. I shall refrain from paying my tribute to Major Bailey and to the other Colonel to whom my friend, Sir Leslie Hudson, referred. But, I think, I shall have to point out, that, in the course of the discussion on this motion, when my friend, Dr. Ziauddin, said that Sir Denys Bray had made two statements which could not be reconciled, the Honourable the Leader of the House stood up and said, that the statements taken together purported to convey what we exactly were doing now. Now, Sir, this is what Sir Denys Bray said. I shall quote his very words :

" I repeat my promises that the transfer of Aden will not be effected without the House being consulted."

Then, Sir, in the same speech, the Foreign Secretary has also said :

" I hasten to add that all idea of such a transfer has long since been abandoned."

—referring to the civil and municipal administration of Aden. Now, taking those two statements together, I am in entire agreement with the Honourable the Leader of the House that opportunity has in fact been given to us to discuss this motion, and if I have to reconcile with the communiqué under discussion the other statement made by Sir Denys Bray, namely, that the Home Government had given up all ideas of a transfer, then, it appears to me that I need only repeat what I said just now, that on questions where the Government of India professed to speak on matters relating to foreign and colonial affairs, the last word lay with the Home Government and not with the Government of India, and their statements and utterances in this House could at best be taken only as mere expressions of opinion and no more. As a matter of fact, they reflect the utter helplessness of the Government of India in these matters.

Sir, I shall now address myself to the obstacles which have stood so far in the way of the Home Government effecting their purpose. It was only the day before yesterday that my friend, Mr. Puri, while speaking on this motion, said,—what is the use of discussing this motion, the Home Government have already come to a certain decision, and all our talk here will be a waste of time,—indicating thereby that the Home Government had already made up their minds and the matter which we are discussing now has already once for all been settled. Sir, while I am confident on the one hand, that what the Home Government have done already will not now be undone, that is to say, that the military and political control of Aden will not be retransferred to India any time, I do trust, on the other, in spite of what my friends, Sir Cowasji Jehangir and Dr. Ziauddin Ahmad, have said regarding the entertainment of Europeans in place of Indians in Aden for the last few months and the permanent establishment there of the National Bank two or three months ago replacing the small banks which were doing business formerly and the employment further in the Education Department of a European in place of an Indian who was holding that office for a long time,—although all these things may tend to show in a way that the Home Government was contemplating a transfer, I do hope that, when the point of view of this House and that of

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the Council of State is placed before that Government, they will see the reasonableness of our demand, and that they will give up pursuing the line which they appear to have taken.

Now, Sir, I shall not go deep into the whole case, but I shall just say a few words on what I feel, in regard to three or four points. As regards the grounds which are set out as points indicating the desirability for the transfer of the civil and military administration of Aden, I find that the first ground deals with geographical remoteness. Sir, arguing on those lines, I submit that Ceylon is very close geographically to India, and, as such, would the Home Government be prepared to make a sporting offer to India of that small island ? Can India expect that Ceylon would be given to us in exchange for Aden ? It is geographically closer to India than Aden, and so, I ask, would they ever make that sporting offer ? Then, again, where at all is the Colonial Office ? Not at Suez surely, nor at Malta, but as many as 5,000 miles away in Downing Street. Sir, in these days of conquest of speed over distance, geographical remoteness for purposes of administration has no meaning at all. The next point made is that Aden will not naturally fit into the Federation. I wonder what those words " naturally fit " precisely mean. I ask, do those tiny little Indian States in the north naturally fit into the federating structure ? Is the dovetailing of the Federation so very perfect ? The last ground taken is that Aden is already to some extent under Imperial control. To this, I retort, " Was that of our making ? " Was not the transfer of the military control thrust upon us suddenly by His Excellency the Commander-in-Chief in 1927 when he made the announcement on the floor of this House that the control of Aden had been definitely transferred to the Colonial Office ? That was a bombshell that His Excellency the Commander-in-Chief dropped in this House. After 1927, deputations have been coming up to Simla and Delhi to wait on His Excellency the Viceroy, the last one, I believe, waited on His Excellency Lord Willingdon in 1931, a few months after His Excellency assumed the reins of office. There had been references and resolutions in both Chambers suspecting that the announcement of His Excellency the Commander-in-Chief was but a first step towards the transfer of the entire control of Aden to the Colonial Office.

The communiqué is very cautiously worded. Mr. President, if you will only turn to the last sentence of the first paragraph, which I shall read out :

" If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established "—

they would not commit themselves to saying that—

" these conditions will prevail ",—

or that—

" His Majesty's Government vouchsafe to Aden the following conditions."

They simply contemplate that the following conditions would be established. And what are those contemplated conditions ? The first of them is the relief afforded to the Government of India in the matter of the annual contribution of £150,000 sterling or about 20 lakhs a year. I need not further develop that point, because, I have already pointed out how in the coming years there is a very real prospect of Aden yielding to India

an income which would cover the expenditure which India might have to incur for carrying on the military as well as her civil and municipal administration. The present has been found to be the most opportune moment for the Home Government to take over the control of the civil and municipal administration, because they are afraid that, if Aden is allowed to continue any longer under the Government of India, the effect will be that the income from Aden will go on increasing and it might be that, in the course of a few years, the Indian Government may be able to pay the cost of the military expenditure also from the revenues derived from Aden. One thing which makes me feel what I have just said is that in the matter of income-tax, the law that is prevalent in Aden is not the law which is prevalent in India. I am quoting it from a book, Sir, it is not of my own imagination.

The Honourable Sir George Schuster : I may inform the Honourable Member that the income-tax law in Aden is the Indian income-tax law.

Mr. Muhammad Muazzam Sahib Bahadur : May I know from the Honourable the Finance Member whether the average for six years is not calculated in assessing income-tax in Aden ?

The Honourable Sir George Schuster : I do not know what my Honourable friend has in mind, but the Indian income-tax law applies to Aden.

Mr. Muhammad Muazzam Sahib Bahadur : I think I have got the pamphlet. However, for the present, I shall not dilate on that point. Another thing which has struck me as rather remarkable is that the Home Government have consciously or unconsciously waited for nearly a century after the conquest of Aden, without having cared to take up the entire administration from the very beginning. It is only now, after as many as 93 or 94 years since it came into the possession of Great Britain, that any attempt is being made to take over the civil and municipal administration, and why they have delayed taking action earlier is not at all explained. On the floor of this House, the Commander-in-Chief stated in 1927—I am probably quoting his very words—that in consideration of Indian welfare and Indian interests the control of the civil and municipal administration of Aden would continue to be exercised by the Government of Bombay. That statement was made on the floor of this House by His Excellency the Commander-in-Chief, and I think the Home Government felt it rather awkward that, in the face of such a definite statement by a responsible Member of the Government, in the face of definite public opinion which had gathered round this question both in Aden and in Bombay, and of the attitude of the Bombay Government itself on this question which had expressed itself rather strongly,—because of these three things, Mr. President, the Home Government thought that they should delay the matter until people had to some extent forgotten what had happened and until the Home Government could find a much stronger weapon than the ones at their disposal at that moment. That weapon they had discovered now—I mean the weapon of Federation. That is the main ground that is now advanced for a transfer. The second condition is the maintenance of the right of appeal to the Bombay High Court. But I need not discuss this matter at length, because as Sir Cowasji Jehangir has already said, it simply maintains the *status quo* and does nothing more. The third condition is : " His Majesty's Government would maintain the existing policy of making Aden a free port ". But, Mr. President, there is a grim

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" unless " tacked on. It reads : " unless some radical change in the present economic situation should take place ". Mr. President, even without the " unless " and the rest of it, what is it that they are doing ? They are doing nothing in advance of the prevailing conditions. With the " unless " and what follows it, it is indeed worth nothing. In the fourth condition also, they use the word " unless ". It says, " unless such a course became in their opinion absolutely necessary ". We all know what is the significance of this word " unless " in Parliamentary papers and documents. It is so easy to create the desired causes and then say that the step sought to be taken is absolutely necessary and they have got to do it. The fifth one deals with retaining in the Aden Service a proportion of Indian Service Administrative personnel for some years, which, when paraphrased, only means that at the end of a few years, you would not have one Indian in the Aden Administrative Services. The last one, Mr. President, is much more definite than all the other conditions, and it says :

" No racial legislation or segregation would be permitted by His Majesty's Government."

Sir Cowasji Jehangir has already dealt with this point and I need not dilate on it over again. I shall merely say this, that from our experience of Kenya, the Fiji Islands and other Colonies, the treatment accorded to Asiatics in those countries is something which every Indian resents. That, Sir, is a matter of common knowledge. There is no doubt that the Indians in the colonies are segregated and if tomorrow severance of control does take place in regard to Aden, what is there to prevent the European element there from insisting on a uniform law with regard to the Whites in all the Colonies. The European population which is sure to grow in Aden, if transfer is effected, will doubtless claim that the law which prevails in the other colonies should be made applicable to Aden and I doubt whether the Home Government would be able to resist the claim of the European element.

5 P.M.

Lastly, I would refer to the strategic position which Aden occupies on the principal trade route to the East. Who are all the people who are getting the benefit of that most important station ?—Australia, Ceylon, East and South Africa, the Federated Malay States and some other Colonies. I ask my Honourable friend, Sir Joseph Bhore, why then the expenditure incurred on Aden should not be treated as an Imperial charge. Should not the other Colonies such as Australia, who share the benefit of this trade route, be called upon to bear a share of India's annual contribution equally with India, and let me assure you, Mr. President, that that is exactly what is going to happen once the transfer of control is effected.

I do not think I need take up the time of the House any more except, with your permission, to digress a bit and to point out, that, for the past few months, the trend of legislation and communiqués that are brought forward before this House has taken a most reprehensible turn. Only the other day we were discussing a Bill to prevent the activities of the British Indian press and the Indian public in regard to the Rulers of Indian States. The principal reason stated in its Statement of Objects and Reasons, as necessitating such a measure, was that the Federation was being set up in the near future and a Bill of that kind was absolutely necessary and we are now told that for the same reason a step, like the one that is now contemplated in the Government communiqué, has become desirable.

Both these have a common presiding deity, namely, the Goddess of Federation. Mr. President, I feel I cannot do better than invoke the aid of that dubious Goddess and say to her " Federation, what sins are committed in thy name ! "

Several Honourable Members : I move that the question be now put.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

The motion was adopted.

Mr. S. C. Mitra : I like to make the point clear about the voting on this closure motion. Let those who had a chance to speak vote against us. There are others who feel very strongly that they should get a chance to speak on this important motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would remind Honourable Members once again about the rule relating to closure. The Standing Order says that, where a closure has been applied, the Chair shall accept it, unless it is satisfied that there has not been a fair debate. Therefore, unless the Chair is satisfied that there has not been a fair debate, it is a mandatory injunction on the Chair that the closure shall be accepted. Twenty Non-Official Honourable Members have already spoken for a day and a half. The Chair finds that the number of Non-Official Members present is, on the average, about 30 or 32 and, under these circumstances, the Chair is not prepared to say that there has not been a fair debate. The Chair would like those Honourable Members who want a division on the closure to stand up in their seats. (After counting.) There is no general consensus of opinion in favour of continuing the debate and the Chair proposes that the division be not taken.

Mr. S. C. Mitra : Is it your ruling that I cannot claim a division ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Not on closure. So far as the closing of a debate is concerned, the Chair, even without the application of a closure motion, can always put the question, when the Chair is satisfied that there has been a full and fair debate. Therefore, applying that principle, the Chair does not think that it is bound to put the closure to a division, when only one or two Honourable Members wanted a division.

Mr. S. C. Mitra : It is more than half a dozen Members that are claiming a division.

Mr. President (The Honourable Sir Shanmukham Chetty) : Even half a dozen Members wishing a division on a closure motion is not indicative of a general desire on the part of the House to have the division taken up.

Mr. S. C. Mitra : There is a large number of Members on this side who are likely to speak ; so, if there is a division, it should be confined to Members on this side only, because Official Members are not going to speak on this motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair is paying consideration only to the non-official side. Does Mr Bhuput Sing want his amendment to be put to the vote ?

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : No, Sir. As the purpose of my amendment will be equally served by Dr. Ziauddin's amendment and, in order to concentrate attention on one motion, I ask the leave of the House to withdraw my motion.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty) : The original question was :

"That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration."

Since which the following amendment has been moved :

"That for the original motion the following be substituted :

'While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place'."

The question is that that amendment be made.

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable the President of the Council of State has been requested to convene a meeting of the Joint Select Committee on the Reserve Bank and Imperial Bank Bills tomorrow afternoon at 2-30 P.M. Honourable Members will get due notice of this meeting.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 20th September, 1933.

LEGISLATIVE ASSEMBLY.

Wednesday, 20th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

MUSLIM GAZETTED OFFICERS IN THE UNITED PROVINCES POSTAL CIRCLE.

1020. ***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (*a*) Will Government be pleased to state the number of permanent Muslim Superintendents of Post Offices and Railway Mail Service in the United Provinces Postal Circle ?

(*b*) Will Government be pleased to state the number of Muslim Deputy Postmasters General and Assistant Postmasters General in the United Provinces Postal Circle ?

(*c*) Will Government be pleased to state the number of Muslim gazetted officers in the United Provinces Postal Circle ?

(*d*) Will Government be pleased to state the communal composition of the permanent holders of the following appointments in the United Provinces Circle :

(*i*) Deputy Post Master General ;

(*ii*) Assistant Post Master General ;

(*iii*) Superintendent, Post Offices ; and

(*iv*) Superintendent, Railway Mail Service ?

The Honourable Sir Frank Noyce : (*a*) One, who is, however, employed at present in the Director General's Office as Assistant Deputy Director General.

(*b*) None.

(*c*) It is presumed that the Honourable Member refers to the Postal Branch of the United Provinces Posts and Telegraphs Circle ; if so, the number of Muslim officers is two.

(*d*) The permanent holders of the posts of Deputy Postmaster-General, and of Superintendents, Railway Mail Service, are all Hindus. Of the three permanent Assistant Postmasters-General, two are Hindus and one is an Anglo-Indian. Of the thirteen permanent Superintendents of Post Offices, eight are Hindus, four are Anglo-Indians, and one is a Muslim.

COMMUNAL COMPOSITION OF THE HOLDERS OF SELECTION GRADE POSTS UNDER THE POSTMASTER, ALLAHABAD.

1021. ***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (*a*) Will Government be pleased to state the number of selection grade posts under the Postmaster of Allahabad, and the communal composition of the holders thereof ?

(*b*) Is it a fact that for the last two decades not a single Muslim was appointed as Head Clerk or Assistant Head Clerk or Accountant or Assistant Accountant in the Allahabad General Post Office ?

The Honourable Sir Frank Noyce : (*a*) The information is not readily available. I may, however, state that appointments to selection grade posts are by promotion and promotions are not made on a communal basis.

(*b*) Government have no information but postings of officials are not made on communal considerations.

PROMOTION OF TWO NON-HINDUS AS TOWN INSPECTORS IN THE GENERAL POST OFFICE, ALLAHABAD.

1022. ***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (*a*) Is it a fact that in the General Post Office, Allahabad, two junior non-Muslims have been promoted to Town Inspectorship ?

(*b*) Have these newly appointed men had any previous experience of Town Inspector's work, and have they worked on that post before ?

(*c*) Were senior fit Muslim clerks available for Town Inspectorship ? If so, why were they not appointed ?

(*d*) Is it a fact that there are Muslim clerks and Sub-Postmasters under the General Post Office, Allahabad, who have experience of Town Inspector's work and are senior to the non-Muslims who have been recently appointed ?

(*e*) If the reply to the above questions be in the affirmative, what action is proposed to be taken to safeguard the interests of Muslims ?

(*f*) Will Government be pleased to state the length of service and tenure of the office of the two recently appointed Town Inspectors in the Town Inspector's line and of those referred to in part (*d*) above ?

The Honourable Sir Frank Noyce : (*a*) to (*f*). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

NON-APPOINTMENT OF MUSLIMS AS EXTRA-DEPARTMENTAL POSTMASTERS AT ALLAHABAD.

1023. ***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (*a*) Will Government be pleased to state the number of extra departmental Postmasters appointed recently under the Postmaster, Allahabad ?

(*b*) Is it a fact that none of these posts has been given to a Muslim ?

(*c*) Is it a fact that representations of Muslims for the posts were not entertained, and their names were not even registered ?

The Honourable Sir Frank Noyce : (*a*) to (*c*). Government have no information. The matter is one within the competence of the Head of the Circle to whom a copy of the question is being sent. I may explain, however, that Government orders as to recruitment do not apply to the posts of extra-departmental agents since these are not included in the cadres of whole time Government posts.

Mr. M. Maswood Ahmad : May I ask, Sir, whether they will get any information from the Department concerned ?

The Honourable Sir Frank Noyce : If the Honourable Member is anxious to have it, I will do so.

COMMUNAL REPRESENTATION OF THE INFERIOR SERVANTS IN THE ALLAHABAD GENERAL POST OFFICE.

1024. ***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (*a*) Will Government be pleased to state the communal representation of the inferior and lower-grade staff in each scale in the Allahabad General Post Office and its Sub-Offices ?

(*b*) How many vacancies in each cadre occurred during the years 1928 to 1932 in the Allahabad General Post Office and its Sub-Offices and how many of these were given to Muslims in a permanent, officiating and temporary capacity ?

(*c*) Were Government orders about the third vacancy rule followed in the General Post Office, Allahabad, and if not, why not ?

The Honourable Sir Frank Noyce : (*a*) Government regret that information as to communal representation in each scale of the inferior service in the Allahabad General Post Office and its Sub-Offices is not available. There were, however, altogether 74 inferior servants in these offices on the 31st December, 1932, of whom 65 were Hindus and 9 Muslims.

(*b*) and (*c*). Government regret that the information is not readily available. If, however, the Honourable Member will bring to my notice any specific and authenticated instances of the non-observance of the recruitment orders in recent years I will gladly enquire into the matter.

ADH-KUMBH MELA, HARDWAR.

1025. ***Mr. Muhammad Azhar Ali** : (*a*) Will Government please lay on the table a statement showing :

(*i*) the total expenditure incurred by the East Indian Railway Administration on the Kumbh Mela, 1927, and Adh-Kumbh Mela, 1933 at Hardwar ;

(*ii*) the total inward traffic (excluding Rishikesh Branch) at both these Melas and the Solar Eclipse Fair, 1933, together with the corresponding figures of the said period in 1932 ;

(*iii*) the strength of the staff at these three Melas and the period of duration of the posting of extra staff for the purpose, with the total expenditure incurred on each Mela ?

(*b*) Are Government satisfied that the expenditure incurred during Adh-Kumbh Mela, 1933, was justified ? If not, what action do Government propose to take against such squandering of the public money ?

Mr. P. R. Rau : With your permission, Sir, I shall reply to questions No. 1025 to 1027 together. I shall collect whatever information is readily available with regard to questions Nos. 1025 and 1027 and lay a reply on the table in due course. As regards question No. 1026, the number of Melas, regarding which information is required cannot be small, and Government do not consider that the expense involved in collecting these reports and printing them in the debates of the House is justified.

Mr. Gaya Prasad Singh : May I know, Sir, what is the reply of the Government with regard to part (*b*) of question No. 1027 ?

Mr. P. R. Rau : I am collecting the information.

MELAS HELD AT PLACES IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

†1026. ***Mr. Muhammad Azhar Ali** : Will Government be pleased to lay on the table a copy of the working reports of the Melas held at places situated within the jurisdiction of the Divisional Superintendent, Moradabad Division, East Indian Railway, during the period from the 1st January, 1933, to the period ending the 31st August, 1933 ?

ADH-KUMBH MELA, HARDWAR.

†1027. ***Mr. Muhammad Azhar Ali**: (*a*) Are Government aware whether it is a fact that the Adh-Kumbh Mela, 1933, was held at Hardwar, East Indian Railway on the 13th April, 1933 ? If so, (*i*) who was directly in charge of the Railway administration at Hardwar ; (*ii*) what classes and number of staff were employed there ; (*iii*) what was the net loss to Administration, and (*iv*) what was the number and nature of complaints, if any, received from the public with the result of their disposal ?

(*b*) Will Government be pleased to lay on the table a comparative statement of the earnings and expenditure under each head of the Melas of Adh-Kumbh, 1927, 1933 and Kumbh 1927 showing separately, (*i*) pay and allowances of the staff under each group, *i.e.*, Traffic, Commercial, Power, Engineering, etc., (*ii*) hire of tents, chouldaries, etc., (*iii*) construction of temporary quarters for staff, (*iv*) haulage of officers' carriages, (*v*) haulage and hire of four wheel first class carriage for Mr. Amar Nath Logwany and family for the days it remained at Hardwar, (*vi*) consumable stores, (*vii*) kerosene oils, (*viii*) purchase of high power kitson are lamps, (*ix*) electric installation and current consumption, (*x*) temporary construction of cabins, platforms, etc. ?

(*c*) Is it a fact that the passenger traffic was only 65,000 (sixty-five thousands) in excess of ordinary traffic for the corresponding period during the year 1932 ? If it is not so, (*i*) what was the inward and outward traffic respectively at Hardwar excluding side traffic to and from Rikhikesh, (*ii*) what was the inward and outward traffic at Rikhikesh, (*iii*) what was the number of Special trains which arrived at Hardwar, and (*iv*) what was

†For answer to this question, *see* answer to question No. 1025.

the number of Special trains which left Hardwar, with the number of passengers in each train, together with the number of engines attached to each ?

(*d*) Is it a fact that 17 engines remained on steam for more than 48 hours and that due to lack of traffic no Special could be arranged ? If it is not so, will Government please lay on the table a copy of the time table of the Specials which were to be run during Adh-Kumbh Mela, 1933, issued and circulated under the signature of Mr. A. H. Hollis, in which no less than 26 Specials were to run during 24 hours each day ?

(*e*) Is it a fact that the time table of Special trains was never adhered to and that the public was put to much inconvenience and harassment ? If so, who is responsible for an unworkable time table and what action has been taken against the officer for such gross inefficiency ?

(*f*) Is it a fact that the Sawan and Solar Eclipse Mela 1933 was much more successful than the Adh-Kumbh Mela, 1933 ? If not, what was the expenditure incurred and the earnings, derived from these two Melas respectively, and what was the strength of the staff employed during these two Melas respectively ?

RECRUITMENT OF BENGAL MUSLIMS IN SERVICES UNDER THE GOVERNMENT OF INDIA.

1028. ***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (*a*) With reference to the replies to starred questions Nos. 636 and 637 by Mr. S. C. Mitra, will Government please state whether they did not accept the resolution of Sir Devaprasad Sarbadhikari on the 10th March, 1923, with regard to the recruitment of the subordinate staff in the Government of India offices and that no province or a class of people should have preponderance in any branch or office thereunder ?

(*b*) Is it a fact that there is a preponderance of any province or class in the Government of India offices ? If so, what measures have they adopted to remove the same ?

(*c*) Is it a fact that the Bengal Musalmans form 35 per cent. of the Muslim population in India ? If so, what steps have Government taken so far for the representation of the Bengal Mussalmans in the services subordinate, judicial and administrative under the control of the Government of India ?

The Honourable Sir Harry Haig : (*a*) and (*c*). In the Resolution adopted by the Legislative Assembly on the 10th March, 1923, it was recommended that Government should take steps to prevent the preponderance of any one community or province in the services under their control. After careful examination, the Government of India decided that it was not practicable to take special measures to redress inequalities of provincial representation in Central Services which are recruited on an All-India basis. As regards the first clause of part (*c*), I would refer the Honourable Member to the reply given by me to Mr. S. C. Mitra's starred question No. 636 on the 5th instant.

(*b*) As regards the preponderance of any class in the Government of India Offices, I would refer the Honourable Member to the annual

statements showing the communal composition of the staff which are placed in the Library of the House.

ABOLITION OF THE EMPIRE MARKETING BOARD.

1029. *Sir Leslie Hudson : (*a*) Are Government aware of the decision of His Majesty's Government to abolish the Empire Marketing Board ? Is it not a fact that the Board's activities have been of increasing benefit to India in recent years ?

(*b*) Have Government made any representations to His Majesty's Government in connection with this decision, and if so, what are those representations ?

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

(*b*) No, Sir ; I may, however, state for the information of the Honourable Member that although the Empire Marketing Board will cease to exist after the 30th September, 1933, some of the important functions performed by it, *viz.*, (1) the preparation of periodical market intelligence notes, and (2) the carrying out of world surveys of production and trade, will after that date be carried on by the existing Imperial Economic Committee. The question of agricultural research activities which might in future be conducted on a co-operative basis will be considered by the Executive Council of the Imperial Agricultural Bureaux. In this connection, I would invite the Honourable Member's attention to paragraph 358 of the Report of the Imperial Committee on Economic Consultation and Co-operation, 1933, a copy of which is in the Library.

Mr. F. E. James : Am I to understand that all the propaganda activities associated with the Empire Marketing Board are to be discontinued ?

Mr. G. S. Bajpai : So far as I am aware, that is the position except to the extent that the Imperial Economic Committee may take over the work.

Dr. Ziauddin Ahmad : May I ask, Sir, whether there was any Indian in this Marketing Board and whether there would be any Indians on the Committee which this Marketing Board would replace ?

Mr. G. S. Bajpai : The Empire Marketing Board works through various Committees and the High Commissioner for India in London or his Trade Commissioner were associated with its important Committees or in the Board itself.

Dr. Ziauddin Ahmad : Will the Government of India inform the House of the reasons for abolishing this Marketing Board when it is admitted that it has been doing important work ?

Mr. G. S. Bajpai : The position is explained in the report of the Committee to which I have referred. The main reason is that the Empire Marketing Board had been financed exclusively by His Majesty's Government in the United Kingdom and they feel that they are not in a position to continue the burden of financing it alone.

Dr. Ziauddin Ahmad : Did they approach the Government of India to share the cost ?

Mr. G. S. Bajpai : The matter was considered, as a result of recommendations made at Ottawa, by a Committee which was representative of the various Empire Governments and the conclusion reached was the one which is set out in the report.

Dr. Ziauddin Ahmad : Did they approach the Government of India to pay the proportionate cost of the Marketing Board ?

Mr. G. S. Bajpai : The position is that the report of this Committee is under consideration by the various Governments at the present moment, but the representatives of the various Empire Governments in London appear to have made it clear that they were not prepared to finance the Empire Marketing Board on the basis on which His Majesty's Government have been doing it.

Mr. F. E. James : Did I understand the Honourable Member to say in answer to part (*b*) of the question that the Government of India have made no representations in the matter to His Majesty's Government ?

Mr. G. S. Bajpai : That is perfectly true. The Government of India did not represent that the Empire Marketing Board should continue.

Mr. F. E. James : Were the Government of India consulted either through the High Commissioner or through their representatives on the Economic Committee ?

Mr. G. S. Bajpai : The Government of India were represented by Sir Atul Chatterjee and Sir Padamji Ginwala on the committee of the representatives of the various Empire Governments which considered the whole question of the activities of these various imperial bodies such as the Empire Marketing Board, the Economic Committee, the Imperial Agricultural Bureau, etc.

Mr. F. E. James : Did they report to the Government of India and is there any available information as to the views which the representatives of the Government of India put forward in connection with the abolition of the Empire Marketing Board which is of very great importance to India ?

Mr. G. S. Bajpai : The report of the Imperial Committee on economic consultation and co-operation is unanimous and represents the views of all the Empire Governments including the views of the representatives of the Government of India.

Mr. F. E. James : May I take it that the Government of India have acquiesced in the proposal to abolish the propaganda activities of the Empire Marketing Board ?

Mr. G. S. Bajpai : I have said that it does not imply the complete cessation of the publicity activities of the Empire Marketing Board. Some work which was being done by the Empire Marketing Board will continue to be done by the Imperial Economic Committee.

DELAY IN THE ISSUE OF THE REPORTS OF LOCAL RAILWAY ADVISORY COMMITTEES.

1030. *Mr. J. Ramsay Scott : (*a*) Are Government aware that the reports of Local Railway Advisory Committees for the quarters ending the 30th September, 1932 (No. 13), and the 31st December, 1932 (No. 14), have only been issued this Session ?

(*b*) Will Government please state the reason for the delay in issuing these publications ?

(*c*) Will Government please state when the quarterly reports for March 31, 1933 (No. 14) and for June 30, 1933 (No. 15) will be issued ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Government regret the delay in the issue of these publications and have taken steps to expedite them in future.

(*c*) The report for the period ending March, 1933, is in print and that for the next quarter is under compilation.

RUNNING OF A THROUGH BOGIE BETWEEN LUCKNOW AND BOMBAY.

1031. ***Mr. J. Ramsay Scott :** (*a*) Have Government received a copy of a letter dated the 24th August, 1933, from the Upper India Chamber of Commerce, Cawnpore, addressed to the Agent, Great Indian Peninsula Railway, Bombay (Receipt acknowledged in the Deputy Director, Railway Board's No. 4013-T. of September, 1933) ?

(*b*) Have Government seen the reply from the Secretary to the Agent, Great Indian Peninsula Railway, Bombay, No. 14041, dated the 29th August, 1933, to the Secretary, Upper India Chamber of Commerce, Cawnpore ?

(*c*) Are Government aware that no reply is given to the specific enquiry for information regarding a first, second and third class composite bogie which was promised to be put on Bombay-Lucknow mail ?

(*d*) Is the Agent, Great Indian Peninsula Railway, due to arrive in Simla in the first week of October ?

(*e*) Do the Railway Board propose to see the Agent, Great Indian Peninsula Railway, when he is in Simla, regarding the reply ?

(*f*) Are the Railway Board aware of the great inconvenience caused to the public of Lucknow and Cawnpore by having to change at Jhansi when travelling by the Mail between Lucknow and Bombay and *vice versa* ? If so, do they propose to inform the Agent, Great Indian Peninsula Railway, about the same ?

(*g*) Are Government aware that in view of the number of passengers travelling and the large amount of merchandise given to the Great Indian Peninsula Railway, the public of the United Provinces consider that the Great Indian Peninsula Railway should improve the service between Lucknow and Bombay ? Are the Railway Board prepared to take this matter up with the Agent, Great Indian Peninsula Railway ?

Mr. P. R. Rau : (*a*) and (*b*). I am obliged to my Honourable friend for copies of these communications.

(*c*) The Agent's reply shows that he is prepared to meet a deputation in Bombay and his intention is no doubt to discuss the matter fully on that occasion.

(*d*) Yes.

(*e*), (*f*) and (*g*). The Railway Board have already been in communication with the Agent on this subject, and I shall be glad to bring these questions again to his notice.

REVISION OF THE TIMINGS OF THE GRAND TRUNK EXPRESS BETWEEN MADRAS AND DELHI.

1032. ***Mr. T. N. Ramakrishna Reddi :** (*a*) Will Government be pleased to state if it is a fact that it is proposed to revise the timings of the Grand Trunk Express between Madras and Delhi and *vice versa* ?

(*b*) Is it proposed to take a longer time during the journey between Bezwada and Madras ?

(*c*) Is it proposed to start the Express from Delhi much earlier than at present ?

(*d*) Will Govenment please state if the saving in time proposed to be obtained is mostly spent in stopping at a larger number of stations *en route* ?

(*e*) Do Government propose to consider the question of speeding up the trains so that they may leave Madras or Delhi at least two hours later than they do at present and arrive at Delhi or Madras an hour or two earlier, not stopping at unimportant places *en route* ?

Mr. P. R. Rau : (*a*) Yes ; from October 1st, the journey each way will take about 2¼ hours less than at present.

(*b*) The time will be the same as at present.

(*c*) 1½ hours earlier.

(*d*) From the reply to part (*a*) of this question, my Honourable friend will notice that this is not so.

(*e*) The proposed timings are as follows :—

North bound.		South bound.	
Madras departure	9.20	Delhi departure	16.30
Delhi arrival	10.00	Madras arrival	15.20

MUNICIPAL ADMINISTRATION OF AJMER CITY.

1033. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of Government been drawn to the proceedings of a public meeting held in the Ajmer Town Hall on the 2nd September ; and published in the *Hindustan Times*, dated the 5th September, 1933, severely condemning the municipal administration of Ajmer City ?

(*b*) Do Government propose to appoint an enquiry committee, as suggested, or take any other step in the matter ?

Major W. K. Fraser-Tytler : (*a*) Yes.

(*b*) An enquiry on the subject has been made from the Local Administration, and a reply will be laid on the table in due course.

DISCHARGE OF RAILWAY EMPLOYEES IN CERTAIN DEPARTMENTS IN THE DINAPORE DIVISION.

1034. ***Pandit Satyendra Nath Sen :** (*a*) Is it a fact that quite a large number of non-gazetted Railway servants have been discharged during recent years in Traffic, Engineering, and Locomotive Departments in Dinapore Division ?

(*b*) If so, what is the approximate number in each Department during 1932 and 1933 ?

(*c*) How many of the discharged servants have been re-instated ?

(*d*) How many of them have been discharged on suspicion and how many under specific charges against them ?

(*e*) In how many of such cases as mentioned in part (*d*) were joint enquiries made and appeals allowed under the rules framed by the Railway Board ?

Mr. P. R. Rau : (*a*) to (*e*). I shall obtain whatever information is readily available and shall place a reply on the table.

INADEQUATE REPRESENTATION OF MUSLIMS ON THE CANTONMENT BOARD, POONA.

1035. ***Maulvi Sayyid Murtuza Saheb Bahadur :** Will Government be pleased to state :

(*a*) the population figures of the following communities in the local area of the Poona Cantonment Authority :

(*i*) Hindus,

(*ii*) Muslims,

(*iii*) Christians, and

(*iv*) Parsis ;

(*b*) the number of seats allotted to the four communities on the Cantonment Board, Poona ;

(*c*) whether it is a fact that the Hindus whose voting strength is 500 are given three seats, while the Muslims with a voting strength of 400 are given only one seat on the above Board ;

(*d*) if so, the reasons for the poor representation of Muslims on the Board ;

(*e*) whether it is a fact that some representations have been made to the Officer Commanding, Poona Brigade Area, for at least nominating a Muslim on the Board with a view to give adequate representation to this important community ; and

(*f*) if so, the action taken or proposed to be taken by Government in the matter of rectifying the anomaly of the inadequate Muslim representation on the Board ?

Mr. G. R. F. Tottenham : (*a*) to (*d*) and (*f*). Government have no information and do not propose to call for a report. Under section 31 (*a*) and (*b*) of the Cantonment Act, the question of the division of the inhabitants of the Cantonment into classes and the determination of the number of members to be elected by each class of persons, is the concern of the Local Government to whom a copy of the question is being sent.

(*e*) The proviso to section 14 (*1*) (*e*) Cantonment Act does not allow the nomination of a person to represent any community which is already represented.

ARTICLE IN THE *Indian Railway Gazette* AGAINST THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

1036. ***Mr. K. P. Thampan :** (*a*) Will Government be pleased to state whether their attention has been drawn to an article in the July issue of the *Indian Railway Gazette* on the Standing Finance Committee for Railways ?

(*b*) Are Government aware that the members of the Standing Finance Committee are stated by the writer to be " ignorant of Railway needs ", " that they are very stupid people " and require " more intelligence " and that they should append to reports their " assinine observations " ?

(*c*) What action do they propose to take against the editor of the *Gazette* ?

(*d*) Are Government paying any subsidy to the *Indian Railway Gazette* either by cash payment or by way of subscription and advertisement charges ? If so, what is the amount paid during the last three years ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Government are aware of these criticisms which they consider to be unjustified. As Chairman of the Standing Finance Committee I can testify to the valuable help I am constantly receiving from the members of the Committee and to the great care and attention which they bestow on the examination of all questions placed before them.

(*c*) Government consider that the article is deplorable in tone and would like to add that in their view it should always be possible to indulge in criticism without at the same time offending against the canons of ordinary courtesy and good taste. They consider, however, that in all the circumstances it is best to take no notice of the article in question. I may add that the members of the Standing Finance Committee at their last meeting were unanimously of the same opinion.

(*d*) Government do not pay any subsidy of any sort to the *Indian Railway Gazette*, but subscribe for one copy of it, the subscription being Rs. 10 per annum. I have noticed certain railway tender notices in the advertisement columns of the paper.

PROPOSED TRANSFER OF ONE SUDHANSU RANJAN SEN, A POLITICAL PRISONER, TO THE ANDAMANS.

1037. ***Mr. S. C. Mitra :** (*a*) Is it a fact that one Sudhansu Ranjan Sen, a political prisoner, is being sent to the Andamans ?

(*b*) Is it a fact that the said prisoner is at present suffering from pharyngitis and tuberculosis ?

(*c*) Is it a fact that he is suffering from serious eye troubles also ?

(*d*) Will Government be pleased to state whether the said political prisoner was sent up for medical examination before it was decided to send him to the Andamans ? If not, why not ?

(*e*) Is it a fact that the jail authorities asked the father of the prisoner to supply spectacles for the said prisoner ?

(*f*) Is it a fact that the said prisoner has lost 25 pounds weight due to suffering from tuberculosis while in the Rajshahi jail ?

(*g*) Do Government propose to cancel the order of his transfer to Andamans ? If not, why not ?

The Honourable Sir Harry Haig : (*a*), (*d*) and (*g*). Sudhansu Kumar Sen Gupta was selected for despatch to the Andamans but was held back on the recommendation of the Medical Board because he was temporarily unfit.

(*b*), (*c*), (*e*) and (*f*). No.

CONVERSION OF THE NOAKHALI POST OFFICE INTO A SUB-POST OFFICE.

1038. ***Mr. S. C. Mitra :** (*a*) Is it a fact that the Head Post Office at Noakhali has been converted into a Sub-Post Office ?

(*b*) Is it a fact that the District Bar Association, Noakhali, made several representations to the postal authorities including the Postmaster General, Bengal, against such conversion ?

(*c*) Will Government be pleased to state the reasons why this Head Post Office has been converted to a Sub-office ?

(*d*) Are Government aware of the difficulties and hardships to which the public of Noakhali has been subjected by such conversion ?

(*e*) Do Government propose to remove the grievances of the Noakhali public by restoring the Head Post Office to that town ? If not, why not ?

(*f*) Are Government aware that a large number of District Board and landlord fee money orders, landlord fee notices and civil court notices are received at the post office for postal money orders and registration ? If not, do they propose to enquire as to the number of such tansactions in a year ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) to (*f*). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

ALLEGATIONS AGAINST THE CALCUTTA PORT TRUST.

1039. ***Mr. S. C. Mitra :** Are Government aware that there is a strong feeling amongst the public that Port Trust, Calcutta, ignores the Government of India control ?

The Honourable Sir Joseph Bhore : Government are not aware of any such feeling. The Commissioners for the Port of Calcutta exercise the powers conferred upon them by the Calcutta Port Act, 1890, in accordance with the provisions of that enactment.

Mr. S. C. Mitra : Are not the Government of India aware that even as regards policy of Indianisation the Port Trust is not following the general policy of the Government of India ?

The Honourable Sir Joseph Bhore : That is rather a difficult matter to pronounce an opinion upon. I would not like to pronounce an opinion.

Mr. S. C. Mitra : Are not the Government of India aware of the strong feeling among Indians on this point in regard to Indianisation ?

The Honourable Sir Joseph Bhore : I think that matter has been more than once brought to notice.

Dr. Ziauddin Ahmad : I take it that the Honourable Member is considering this matter.

The Honourable Sir Joseph Bhore : My Honourable friend has to realise that the Port Trust is given certain powers within which they are at liberty to act, and the power of the Government of India to interfere is limited.

ECONOMY AND RETRENCHMENT IN THE CALCUTTA PORT TRUST.

1040. ***Mr. S. C. Mitra :** (*a*) Has the attention of Government been drawn to the article headed " Economy and Retrenchment in the Calcutta Port Trust " published in the *Advance*, of July 5th, 1933 ? If so, what action do Government propose to take against the Calcutta Port Trust to remove the grievances noted therein ?

(*b*) Do Government propose to redress the grievances of the staff mentioned in the said article ?

The Honourable Sir Joseph Bhore : (*a*) I presume the Honourable Member refers to the letter published under that caption on the date mentioned. That letter deals with two matters, namely, the stores purchase policy of the Port Commissioners, Calcutta, and the labour contract given by them to Messrs. Bird and Company, Calcutta. As regards the former, Government do not propose to take any action as the Port Commissioners have full power to make their own purchases without interference by Government. As to the latter, the attention of the Honourable Member is invited to the reply given to Mr. Gaya Prasad Singh's starred question No. 375 in the Legislative Assembly on the 1st September, 1933.

(*b*) I have not been able to discover any reference to the grievances of the staff in the letter in question.

ALLEGATIONS AGAINST THE CALCUTTA PORT TRUST.

1041. ***Mr. S. C. Mitra :** (*a*) Has the attention of Government been drawn to the article headed " Port Commissioners and Stores purchase, Government explanation of non-protective policy " published in the *Advance*, dated the 26th May, 1933 ?

(*b*) Do Government propose to enquire into the allegations and remove the grievances mentioned therein ?

(*c*) Has the attention of Government been drawn to the article headed " Retrenchment in the Calcutta Port Trust " published in the *Advance*, dated the 14th July, 1933 ? If so, will Government be pleased to state whether they propose to investigate the allegations made therein and remove the grievances mentioned ? If not, why not ?

The Honourable Sir Joseph Bhore : (*a*) Yes, Sir.

(*b*) The attention of the Honourable Member is invited to the answer given by me just now to part (*a*) of his starred question No. 1040.

(*c*) Yes, Sir, the attention of Government has been drawn to the article or rather the letter referred to, but the power to appoint, dismis

or dispense with the services of the clerical and menial staff in question vests entirely in the Port Commissioners and the Government do not propose to interfere.

PUBLIC SERVICE COMMISSION EXAMINATION FOR RECRUITMENT OF CLERKS FOR THE GOVERNMENT OF INDIA.

1042. ***Mr. S. C. Mitra**: (*a*) Is it a fact that the Public Service Commission propose to hold a competitive examination for the recruitment of Government of India clerks? If so, is it a fact that nine posts are reserved for ladies? If so, what is the number of total vacancies expected to be filled on the results of this examination, out of which nine vacancies have been reserved for ladies?

(*b*) Is it a fact that Government have laid down that candidates who have failed at two previous examinations will not be allowed to sit at the forthcoming examination, even if such candidates are otherwise eligible? If so, do Government propose to remove this bar? If not, why not?

The Honourable Sir Harry Haig: (*a*) The answer to the first two parts is in the affirmative. As stated in the notice issued in the Supplement to the Gazette of India, dated the 12th August, 1933, the number of vacancies to be filled on the results of the examination is not yet known definitely, but it is expected that it will not be less than fifteen.

(*b*) The answer to the first part is in the affirmative. The restriction referred to by the Honourable Member was imposed after due consideration and Government do not propose to remove it.

Dr. Ziauddin Ahmad: Are the lady candidates to be included among the minorities who share one-third seats reserved for the minority communities?

The Honourable Sir Harry Haig: I think, if my Honourable friend wishes to pursue this question, he had better address it to my Honourable friend, the Army Secretary, who is the expert on this matter.

Mr. S. C. Mitra: May I take it that lady candidates include not only Anglo-Indians, but also Indians?

Mr. G. R. F. Tottenham: Indian ladies are also equally eligible.

ECONOMY AND RETRENCHMENT IN THE CALCUTTA PORT TRUST.

1043. ***Mr. S. C. Mitra**: (*a*) Has the attention of Government been drawn to an article "Economy and retrenchment in Calcutta Port Trust—Fairness sacrificed at the altar of favouritism", published in the *Advance*, dated the 28th June, 1933?

(*b*) Are Government prepared to enquire into all the allegations made therein and state how far the statements made therein are correct and how far incorrect? If not, why not?

The Honourable Sir Joseph Bhore: (*a*) Yes, Sir.

(*b*) Government have already enquired into the question of the appointment of an outsider as Assistant Yard Superintendent. It appears that the Commissioners for the Port of Calcutta found it necessary to revive this post and though they are usually opposed to filling

appointments by outsiders they considered such action necessary in this particular case. As regards the other matters referred to in the article mentioned by the Honourable Member, I would invite his attention to the reply I have just given to part (*c*) of his starred question No. 1041 and the reply given by me on the 1st September, 1933, to Mr. Gaya Prasad Singh's starred question No. 375.

ILLNESS OF PROFESSOR J. C. GHOSH, A POLITICAL PRISONER.

1044. ***Mr. Bhuput Sing**: Has the attention of Government been drawn to the article headed "Condition of professor J. C. Ghosh—Bengal Government's statement", published in the *National Call*, dated the 7th September, 1933? If so, will they be pleased to state whether Professor J. C. Ghosh, a political prisoner under Regulation III, is suffering from paralysis, and if so, when did he get it, and do Government propose to release the said political prisoner for better medical aid and treatment?

The Honourable Sir Harry Haig: I have seen the newspaper report to which the Honourable Member draws attention. My inquiries from the Local Government show that the State Prisoner is not suffering from paralysis. The other parts of the question do not arise.

RECRUITMENT OF DEPUTY FINANCIAL ADVISERS.

1045. ***Mr. Bhuput Sing**: (*a*) Is it a fact that five Deputy Financial Advisers have been recruited from the Military Accounts Department? If so, are Government aware that all these officers overlook the claims of the men of the Military Finance Secretariat in favour of the men from the Military Accounts Department?

(*b*) Do Government propose to appoint one of the Assistant Financial Advisers, who does not belong to the Military Accounts Department, as the Establishment Officer by transferring the present Establishment Officer to some other branch of the Military Finance Department?

The Honourable Sir George Schuster: (*a*) The reply to the first part is in the affirmative and to the second part in the negative.

(*b*) No.

AUDIT CONTROL OF FURNITURE, ETC., OF THE GOVERNMENT OF INDIA DEPARTMENTS.

1046. ***Mr. Bhuput Sing**: (*a*) Will Government be pleased to state whether there is any rule by which junior officers of the Government of India are entitled to take office furniture and carpets to their private residences either in Simla or Delhi?

(*b*) Is there any system of audit control of the furniture, carpets and durries of the different Departments of the Government of India? If so, what are the methods of control used by the Government of India?

(*c*) Will Government be pleased to state how many carpets and durries were purchased by the Military Finance Department since 1921 and how many have been sold and how many are being used in the office of the Military Finance and how many are unaccounted for?

The Honourable Sir George Schuster: (*a*) No.

(b) No, as regards the first part. As regards the second part, the Heads of Departments are expected to maintain inventories of furniture, etc., in possession of the Department.

(c) Sixteen carpets (the last purchased in 1926) and 29 durries. None have been sold. All except three carpets and five durries are actually in office use. All are accounted for.

TENDERS FOR FURNITURE SUPPLIED TO THE MILITARY FINANCE DEPARTMENT.

1047. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether tenders are invited by the Military Finance Department when furniture is purchased for the office and whether Messrs. Gopinath and Company, the contractor for the Military Finance Department, became a contractor by the tender system or whether the firm was appointed by the Establishment Officer ?

(b) Is it a fact that the record boxes were supplied by Messrs. Gopinath and Company, to the Military Finance Department in the year 1932 ? If so, what was the number of such record boxes and the total cost of such boxes ?

(c) Is it a fact that in the first journey from Delhi to Simla most of the boxes were broken and had to be rejected ? If so, what steps did the Establishment Officer take against the firm for such loss to Government ?

The Honourable Sir George Schuster : (a) Furniture is rarely purchased by the Military Finance Department. Such articles as may be required from time to time are usually made by the office carpenter. Within recent years certain small stationery cabinets and chairs were purchased from Messrs. Gopi Nath and Company, Delhi, as their rates were the cheapest obtainable in the market. This firm is not the contractor for the Military Finance Department, but it is believed to enjoy a considerable patronage among the offices of the Government of India. It is not the practice to call for tenders for petty and occasional supplies of furniture.

(b) The reply to the first part is in the affirmative. As regards the second part, 50 record boxes at a total cost of Rs. 550 were ordered. The rate, *viz.*, Rs. 11 per box, which included painting and numbering was considerably lower than the quotations of various office carpenters which were in the region of Rs. 16 per box.

(c) Certain boxes were damaged owing to rough handling in transit ; and the Establishment Officer succeeded in having them repaired by the firm without any extra expense to the Government.

Sir Cowasji Jehangir : Will the Honourable Member kindy tell me what proportion of the cost of the articles referred to in the answer is the cost of the reply to this question ?

The Honourable Sir George Schuster : I am afraid the Honourable Member must wait until the next Session for a full reply.

EXTENSION GIVEN TO THE ESTABLISHMENT OFFICER OF THE MILITARY FINANCE DEPARTMENT.

1048. ***Mr. Bhuput Sing :** Is it a fact that the present Establishment Officer of the Military Finance Department is under extension ? If so, will Government be pleased to state why in these days of retrenchment he has been given an extension when Government is seriously thinking of retiring the men serving under the old rates of pay at the earliest possible date provided in the rules?

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

DEPUTATION OF MEN FROM THE MILITARY ACCOUNTS DEPARTMENT.

1049. ***Mr. Bhuput Sing :** (a) Is it a fact that a large number of men of the Military Accounts Department are being employed in the Military Finance and that they are shown on deputation ? If so, will Government be pleased to state whether such men are paid deputation allowance over and above the pay and other allowances such men are entitled to in the Headquarters of the Military Accounts ?

(b) Is it a fact that the men on deputation from the Military Accounts Department to the Military Finance draw more salary than they would have been entitled to if such men would have been recruited permanently in the Military Finance ?

(c) Will Government be pleased to state the different kinds of allowances and the different sums of each of such allowances that are paid to those men shown on deputation at present from the Military Accounts Department to the Military Finance Department over and above their actual pay ?

The Honourable Sir George Schuster : (a) Five men of the Military Accounts Department are on deputation in the Military Finance Department, which has a total staff of over 100. They receive no deputation allowances.

(b) Yes.

(c) I lay a statement on the table showing the pay and allowances admissible to men on deputation in the Military Finance Department.

The section to which these men are on deputation was transferred *en bloc* from the Military Accounts Department in 1925. They draw the rates of pay to which they would be entitled under the rules if serving in the office of the Military Accountant General. The only exception is the Assistant-in-Charge who gets the usual special pay of Rs. 100 per mensem for the control of a section, in addition to his emoluments in the Military Accountant General's office.

Statement showing the pay and allowances admissible to men on deputation in the Military Finance Department.

		Rs.
1 Accountant	Pay	500
	Duty allowance	100
	Special pay	100
	Local allowance	80
		780
1 Accountant	Pay	230
	Local allowance	70
	Duty allowance	46
		346
1 Clerk	Pay	150
	Local allowance	65
		215
1 Clerk	Pay	205
	Local allowance	70
		275
1 Clerk	Pay	195
	Local allowance	65
		260

APPLICATIONS FOR LEAVE BY THE GUARDS ON THE EAST INDIAN RAILWAY.

1050. ***Mr. D. K. Lahiri Chaudhury** : (*a*) Is it a fact that the application for leave by the Guards over the East Indian Railway are always to be made through the Station Master of their Headquarters ?

(*b*) Will Government be pleased to state the number of applications for leave by Guards which were received by the Station Master, Gaya, during the year 1932, and the number of cases in which leave was refused by the said Station Master ?

(*c*) Will Government be pleased to state whether in such cases of refusal of leave to the Guards by the Station Master, the applicants cannot under the rules apply direct to the Divisional Superintendent for grant of leave and whether under the rules the Divisional Superintendent can grant leave to subordinate staff when they apply direct to him for such leave ?

(*d*) Will Government be pleased to state whether the application for leave direct to higher railway authorities contravenes any of the Railway Servants' Conduct Rules ? If so, will Government be pleased to quote the rule ?

(*e*) Is it a fact that for such a technical offence as applying for leave direct to the Divisional Superintendent, a Guard at Gaya station has been dismissed ? If so, will Government be pleased to state whether the applicant for such leave violated the Railway Servants' Conduct Rules, or whether the officer granting leave on such direct applications violated the Railway Servants' Conduct Rules ?

Mr. P. R. Rau : (*a*), (*b*), (*c*) and (*e*). Government have no information but have sent a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

(*d*) The Government Servants' Conduct Rules do not deal with questions of procedure about applications for leave ; but ordinarily a Government servant's application for leave is made to his immediate superior.

RETIREMENT OF SUPERANNUATED MEN FROM GOVERNMENT SERVICE.

1051. ***Mr. D. K. Lahiri Chaudhury** : (*a*) Will Government be pleased to lay on the table a statement showing the number of men with 30 years' service or more and of 55 years age or more (*i*) in the different Departments of the Government of India and Attached Offices, (*ii*) in each of the different Railway Offices, and (*iii*) in the Posts and Telegraphs Department ?

(*b*) Do Government propose to retire such men from all Government posts for relieving to a certain extent the hardships of the unemployed young men of India ? If not, will Government be pleased to state the reason why they do not propose to retire all such superannuated men from Government service ?

(*c*) Are Government aware that by adopting the suggested course in all Government services a great opening will be made for educated young men throughout the country, and that it may lead to removing to a great extent the general cry of unemployment ?

(*d*) Will Government be pleased to state whether they have under consideration a proposal to retire compulsorily all persons who have put in 25 years' service or more ? If so, have they come to any decision in the matter ? If so, what is the decision ?

(*e*) Will Government be pleased to state whether there will be any actual saving to the country by adopting the procedure of retiring men with 25 years' service or more on half pension and by recruiting men in their places on new and lower rates of pay ?

The Honourable Sir George Schuster : (*a*) Government have not got the information readily available and do not consider its collection would be worth the time and labour involved.

(*b*) No. Officers of the first category cannot be compulsorily retired before they reach the age of superannuation unless reductions are being made in the number of posts in the cadre of their service or they are personally inefficient. As regards officers of the second category, I would refer the Honourable Member to clauses (*a*) and (*b*) of rule 56 of the Fundamental Rules, a copy of which is in the Library of the House.

(*c*) Government are unable to express an opinion.

(*d*) Government have no such proposal under consideration.

(*e*) In most cases the immediate saving in salaries would be counterbalanced by the addition to pensionary charges. Government have no

power to retire officers on half-pension as a means of economy and furthermore it is not part of Government policy of retrenchment to discharge officers and replace them by officers of the same grade on lower rates of pay.

ASSAULT BY A GURKHA SEPOY ON SOME PROFESSORS OF A BARISAL COLLEGE.

1052. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that on or about the 2nd September, 1933, some Professors of the B. M. College, Barisal (Bengal), were assaulted by a Gurkha sepoy on a public road in the town ?

(*b*) Has any enquiry been made into the case ?

(*c*) If so, by whom and with what result ?

Mr. G. R. F. Tottenham : (*a*) to (*c*). The Government of India have no information. No troops are stationed at Barisal.

CERTAIN ALTERATIONS IN THE " D " TYPE ORTHODOX QUARTERS IN NEW DELHI.

1053. ***Mr. S. G. Jog** : (*a*) Are Government aware that the floor area of ' D ' type orthodox quarters in New Delhi is hardly as much as that of the floor area of garage and servant quarters of big bungalows for officers ? If not, will they please state its proportions ?

(*b*) Are Government aware that owing to the allotment of very small area for this type of quarters, the court-yard of the quarters is left comparatively very little after providing the necessary living accommodation ?

(*c*) Are Government aware that in a corner of this small court-yard there is a latrine provided for the inmates of the quarters ?

(*d*) Are Government aware that owing to the very close proximity of the latrines in the ' D ' type quarters, it becomes very difficult to sleep in the court-yard during summer season ?

(*e*) Are Government aware that owing to the above mentioned difficulty some of the tenants are compelled to sleep in the front common space and thus leave the quarters open to theft, etc., from the back side during the nights ?

(*f*) Did Government consider the above defect of the quarters when preparing the new plans of this type of quarters, and tried to widen the inner court-yard ? If so, with what result ?

(*g*) Are Government prepared to remove this great difficulty of the tenants of this type of quarters ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) The information is not immediately available and I do not think that any public purpose would be served by collecting it. Its collection would further entail considerable labour which I consider would not be justified.

(b) The smallest courtyard in the ' D ' type orthodox quarters has an area of 400 square feet, which is considered sufficient for all reasonable requirements.

(*e*) No ; further all doors can be locked and iron bars are provided to all windows.

(*f*) Government do not consider the size of courtyards in the ' D ' type orthodox quarters as a defect. The suggestions received from tenants regarding these quarters have been incorporated in the new plans so far as they are consistent with reasonable economy.

(*g*) Does not arise.

Sardar Sant Singh : What trouble can there be in finding out the area of a garage in officers' bungalows in order to compare it with the area of the ' D ' type orthodox quarters ?

The Honourable Sir Frank Noyce : The reason is that there are various types of officers' bungalows and it will involve trouble to collect the information for all of them.

Sardar Sant Singh : Where is the difficulty of comparing it, specially when the question mentions the ' D ' type orthodox quarters and the floor space therein ?

The Honourable Sir Frank Noyce : If the Honourable Member is anxious to have a comparison made, I am prepared to ask my staff to collect the information.

Mr. S. G. Jog : Have Government consulted the persons for whom these quarters are meant as to what their requirements are ?

The Honourable Sir Frank Noyce : I doubt whether their requirements, as stated by them, would be quite the same as those Government would be prepared to give them. But I would point out that, in the reply to part (*f*) of the question, I have said that the suggestions received from tenants regarding these quarters have been incorporated in the new plans so far as they are consistent with reasonable economy. The Honourable Member will see from that that the tenants of these quarters have been consulted.

Mr. S. G. Jog : May I know if Government took steps to consult their wishes in this matter ?

The Honourable Sir Frank Noyce : I have said that their suggestions have been incorporated. It is, therefore, obvious that they must have been consulted ; or, at any rate, if they were not consulted, they made representations which were duly considered.

DISMISSAL OF PUBLIC SERVANTS IN MILITARY EMPLOY.

1054. ***Mr. S. G. Jog** : Is it a fact that under Rule (V), Appendix XI, Regulations for the Army in India, no permanent public servant in military employ is permitted to be dismissed from service unless he has been allowed an opportunity to know the *charge* against him and to submit his *defence* to the same ?

Mr. G. R. F. Tottenham : Yes.

INDIANISATION OF THE CENTRAL CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

1055. ***Mr. Bhuput Sing :** (*a*) Has the attention of Government been drawn to the following statement published in the *Hindustan Times*, dated Friday, the 8th September, 1933 ?

"Might and Right :

An Indian can become the Governor of a Province, a Member of the Governor General's Executive Council and even be the Chief Justice of a High Court, but he cannot be appointed even as a clerk in the cypher branches of the Foreign and Political Department of the Government of India. The difficulty, Sir George Schuster told the Assembly, was that the cypher codes were issued by His Majesty's Government on the understanding that they would be used by British subjects only, the implication being that Indians were not British subjects. But the more important point is that by a ruling of His Majesty's Government, Indians are excluded from appointments, in a Department of the Government of India. And still this very same Government insist on all sorts of commercial and financial safeguards because there is just the possibility of the new Federal Government discriminating against British subjects in India. But consistency is not the virtue of politicians whose only conception of right is their own might."

(*b*) If so, will Government be pleased to state whether, in view of the said inconsistency as complained of therein, Government propose to remove the anomaly ? If not, why not ?

Major W. K. Fraser-Tytler : (*a*) The answer is in the affirmative.

(*b*) The answer is also in the affirmative. I may refer the Honourable Member to my reply to the Honourable Mr. Muhammad Muazzam Sahib Bahadur on the 15th. Every effort is being made to open the Central Cypher Bureau as soon as possible to Indians.

Mr. Uppi Sahib Bahadur : May I know if the typists of this Department are drawn only from one particular community ?

Major W. K. Fraser-Tytler : I am afraid I have no information on that point and shall require notice.

UNSTARRED QUESTIONS AND ANSWERS.

PROPOSED SHIFTING OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA, TO DELHI.

122. **Mr. Bhuput Sing :** (*a*) Is it a fact that Government intend to shift the Government of India Press, Calcutta, from its present location to Delhi ?

(*b*) Is it a fact that the shifting of the printing machines and establishment from Calcutta, the present location, to Delhi will entail heavy expenditure ?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, have Government considered whether it is advisable to remove the said Press from Calcutta to Delhi at an abnormal cost ? Is there any difficulty in managing the work at Calcutta ?

The Honourable Sir Frank Noyce : (*a*), (*b*) and (*c*). It is the policy of Government to concentrate their ordinary printing work at New Delhi, as they are satisfied that this is desirable both on administrative and on financial grounds. But any wholesale transfer would involve substantial capital expenditure and the transfer is likely to be effected by gradual stages. The Honourable Member will find further particulars in the proceedings of the Standing Finance Committee, Volume XIII—No. 2, pages 45-46.

INTRODUCTION OF LINO MACHINES IN THE GOVERNMENT OF INDIA PRESSES.

123. **Mr. Bhuput Sing :** (*a*) Is it not a fact that with the introduction of mono lino machines in 1914 in the Government of India Presses, Calcutta, Delhi, Simla and Aligarh, a large number of compositors and distributors have been reduced ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to state the exact number of the compositors and distributors reduced from 1922 to 1932, respectively, year by year ?

(*c*) Is it a fact that the mono machines caused to the Government a loss of 40 per cent. ?

(*d*) Is it a fact that matters composed in mono have to be melted away after printing, and that such melting can go on for five times only ?

(*e*) Is it a fact that hand-composed matter lasts 90 lakhs of impressions ?

(*f*) Is it a fact that hand compositors are entitled to remuneration after the first reading, second reading, third reading, revised corrections and rule dress-up are finished ?

(*g*) Will Government be pleased to lay on the table a comparative statement showing the cost of composing by hand 44 × 72 Em non-pareil type 15 column statement, and that of having it in a mono machine, noting specially the charge of :

(*i*) Operator,
(*ii*) Caster,
(*iii*) Arranging,
(*iv*) First reading corrections,
(*v*) Second Reading Corrections,
(*vi*) Third Reading Corrections,
(*vii*) Revise corrections,
(*viii*) Rule Dress up,
(*ix*) Gas,
(*x*) Electricity,
(*xi*) Water, and
(*xii*) Metal ?

(*h*) If the replies to parts (*a*) and (*c*) be in the affirmative, will Government be pleased to state why Government have replaced hand composition by mono machines and why these have not been abolished ?

The Honourable Sir Frank Noyce : (*a*) A large number were reduced in the Presses at Calcutta, Delhi and Simla during the years 1914—1924.

(*b*) No record giving this information has been maintained in my Department or in the office of the Controller of Printing and Stationery.

(*c*) No.

(*d*) Matter cast in monotype is ordinarily melted after printing and this saves distribution charges. It can be melted many times and can then be rejuvenated at a very low cost for many more remeltings.

(*e*) Yes.

(*f*) Yes, if the various operations are necessary.

(*g*) Owing to the varying factors it is not possible to prepare such a statement in respect of monotype or hand composition.

(*h*) Does not arise.

PRINTING CLEARING OFFICE.

124. **Mr. Bhuput Sing**: (*a*) Will Government be pleased to state:

(*i*) When the Printing Clearing Office was started;

(*ii*) What is its function;

(*iii*) What is the number of men working in it; and

(*iv*) The number of officials which compose the management, their respective designations and salaries?

(*b*) Will Government be pleased to state how and by whom the work now done by the Printing Clearing Office was managed before its creation?

(*c*) Will Government be pleased to state the total annual cost for the maintenance of the Printing Clearing Office?

The Honourable Sir Frank Noyce: (*a*) The Honourable Member is referred to the answer to Mr. S. C. Mitra's identical question No. 249 asked on the 2nd February, 1931. Since that date the office has been merged in the office of the Controller of Printing and Stationery.

(*b*) The Honourable Member is referred to the answer to Honourable Srijut Lokenath Mukherjee's identical question No. 74 asked in the Council of State on the 23rd August, 1926.

(*c*) This office does not now exist as a separate office: it is merged in the office of the Controller of Printing and Stationery; but the approximate annual cost of the staff engaged on the work formerly done by the Printing Clearing Office is Rs. 73,000.

MEMORIAL OF INKMEN OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

125. **Mr. Bhuput Sing**: (*a*) Is it a fact that the inkmen of the Government of India Press, Calcutta, submitted a memorial to the Honourable Member in charge, Department of Industries and Labour, through the proper channel in May, 1933?

(*b*) If the reply be in the affirmative, will the Honourable Member in charge, be pleased to—

(*i*) furnish this House with the contents of the said memorial;

(*ii*) state what action has been taken or is intended to be taken in the matter? If not, why not?

The Honourable Sir Frank Noyce: (*a*) and (*b*). I understand that a memorial addressed to the Government of India by certain inkers of the Government of India Press, Calcutta, praying that their service may be classified as superior has been received by the Controller. The question is at present engaging his attention and will be considered by Government when his proposals are received.

MEMORIAL OF TEMPORARY PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

126. **Mr. Bhuput Sing**: (*a*) Is it a fact that the temporary piece-employees of the Government of India Press, Calcutta, submitted a memorial to the Honourable Member in charge, through the proper channel in May, 1933?

(*b*) If the reply be in the affirmative, will the Honourable Member in charge be pleased to—

(*i*) furnish this House with the contents of the said memorial; and

(*ii*) state what action has been taken or is intended to be taken by the Government in the matter?

The Honourable Sir Frank Noyce: (*a*) and (*b*). Memorials from temporary binders of the Government of India Press, Calcutta, praying that they may be granted permanent status were received. The question is at present engaging the attention of the Controller, and will be considered by Government when his proposals are received.

PRINTING OF THE ARMY DEPARTMENT TRAINING MANUAL IN PRIVATE PRESSES.

127. **Mr. Bhuput Sing**: (*a*) Is it a fact that the rate of the private firms for printing the Army Department Training Manual and the binding charge of Army form No. A.-64 were considerably higher than that of the Government Presses?

(*b*) Is it a fact that Mr. H. I. Macdonald, Special Officer, Central Revision Section, Army Department, Government of India, in his note, dated the 1st July, 1931, expressed the desirability of the said work being done at the Government Presses on economic grounds?

(*c*) Is it a fact that the Government of India have five well-equipped efficient presses—two presses in Calcutta, one in Simla, one in Delhi and one in Aligarh?

(*d*) Is it a fact that Government received a resolution passed in the All-India Press Employees' Conference held in June, 1926 under the presidency of Mr. T. C. Goswami, a Member of the Assembly, as well as in the second session of the said conference held in Calcutta in August, 1927, under the presidency of the Honourable Sayyed Muhammad Padshah Saheb and moved by the Government Press employees that the present practice of giving work to outside presses was detrimental to the interest of the Government Press employees and urging the Government of India and the Provincial Governments to abandon the practice as early as possible?

(*e*) Is it a fact that many employees of the Government of India Presses, Delhi, Calcutta, Simla and Aligarh, lost their jobs due to paucity

of work in 1922 to 1924 and the years following and are Government aware that even at the present moment a large number of thrown out employees of the Government Presses are sitting idle ?

(*f*) Is it a fact that the Government of India Press, Calcutta, can easily manage printing Posts and Telegraphs Forms whose value is about Rs. 2,20,000 ?

(*g*) Are Government aware that private contractors make a profit out of the order placed with them by Government ?

(*h*) If the answers to parts (*a*) to (*g*) be in the affirmative, will Government be pleased to state if they are prepared to consider the advisability of discontinuing printing orders with private contractors and having them done in the Government Presses instead ?

The Honourable Sir Frank Noyce : (*a*) During a short period when Training Manuals were printed at private presses without the intervention of the Stationery and Printing Department the cost of their printing was considerably higher. The printing of these Manuals is now arranged for through the Controller of Printing and Stationery either at Government or private presses at rates which compare favourably with those of Government Presses.

There is no Army form No. A-64. There are, however, Army Books, 64-M and 64 for which a slightly higher rate than that of the Government Press was allowed. This was discontinued as soon as the matter came to notice.

(*b*) I have not seen the note to which reference is made, but all opinions recorded in notes are confidential.

(*c*) and (*d*). Yes.

(*e*) The answer to the first part is in the affirmative. As regards the second part, I have no figures of the number still unemployed.

(*f*) No.

(*g*) I assume that unless the contractors secured some profit they would not undertake the work.

(*h*) Does not arise.

LINO AND MONO OPERATORS OF THE GOVERNMENT OF INDIA PRESSES.

128. **Mr. Bhuput Sing :** (*a*) Is it a fact that the lino and mono operators of the Government of India Press are salaried hands ?

(*b*) Is it a fact that the compositors of the Government of India Presses are piece-rated employees ?

(*c*) Is it a fact that the outturn of the lino and mono operators as well as of the compositors is systematically checked and calculated ?

(*d*) Is it a fact that when the outturn of the lino and mono operators is found to be greater in volume than the standard outturn fixed, the operators are awarded a special bonus over and above their pay ?

(*e*) Is it a fact that when the outturn of the compositors is found to have increased in volume over the fixed outturns, it results in the hands being penalised for the same ?

(*f*) If the answers to (*a*) to (*e*) be in the affirmative will Government be pleased to state the reasons for what is stated in part (*e*) ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) In the Calcutta and New Delhi Presses, compositors are employed on piece-rates.

(*c*) and (*d*). Yes.

(*e*) There are no 'fixed outturns' for compositors on piece-rates. They are paid full rates for all work done on piece.

(*f*) Does not arise.

DECREASE IN THE EARNING OF THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND SIMLA.

129. **Mr. Bhuput Sing :** (*a*) Is it a fact that the earnings of the piece-workers of the Government of India Presses at Calcutta and Simla are daily decreasing ?

(*b*) Is it a fact that the Government of India Resolution No. A.-31, dated the 15th July, 1920, stated that the compositors of the Government of India Press used to earn from Rs. 35 to Rs. 90 according to the old class-rates ?

(*c*) Is it a fact that by the said resolution an increment of 40 *per cent.* was given to all workers in the Government of India Press ?

(*d*) Is it a fact that according to the rates of increment given by Government in pursuance of the resolution, above referred to, the earnings of the compositors worked out at from Rs. 49 to Rs. 126 ?

(*e*) Will Government be pleased to lay on the table a statement showing the minimum and maximum earnings of the compositors in the Government of India Presses in Calcutta, Simla, Delhi and Aligarh per month during the years 1930, 1931 and 1932 year by year ?

The Honourable Sir Frank Noyce : (*a*) I have no reason to suppose that this is the case.

(*b*) This statement was made in respect of the piece-work compositors in the Government Presses at Calcutta, Delhi and Simla only.

(*c*) Piece-rates were raised by the percentage stated in the presses at Calcutta and Delhi.

(*d*) Provided that their output had remained unaltered piece-workers who were receiving between Rs. 35 and Rs. 90 would have drawn, on getting a 40 per cent. increase in rates, wages varying within the limits mentioned by the Honourable Member.

(*e*) I have not the particulars of the maximum and minimum earning during the three years mentioned in the question in the Calcutta and Delhi Presses, but the figures for 1931-32 are as follows :

Calcutta : minimum Rs. 41 ; maximum Rs. 82.

Delhi : minimum Rs. 48 ; maximum Rs. 131.

There are now no piece-work compositors in the Simla and Aligarh presses. The compositors in these presses are salaried hands and the maximum and minimum pays during the years in question were in Simla Rs. 90 and Rs. 55 and in Aligarh Rs. 45 and Rs. 25.

FAULTY CHECK OVER COMPOSITORS' WORK IN THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND SIMLA.

130. **Mr. Bhuput Sing**: (*a*) Is it a fact that the compositors of the Government Presses are employed on the piece as well as on the hour system ?

(*b*) Is it a fact that work—both piece and hours—are distributed among the compositors by the respective Section-holders under their immediate supervision who issue certificates accordingly ?

(*c*) Is it a fact that the checkers check the outturn of the compositors on the basis of the papers forwarded to them being certified by the Section-holders ?

(*d*) Is it a fact that the checkers of the Government of India Presses, Calcutta, Delhi and Simla, deduct almost daily something from the actual hours of work of the compositors in spite of the certificates from the Section-holders ?

(*e*) Is it a fact that the majority of the Piece-workers' Committee of 1922 stated in paragraph 22 of their report that the differences among the checkers were serious ?

(*f*) Is it a fact that these deductions by the checkers seriously affect the earnings of the compositors and thereby the class-rates and the pensions ?

(*g*) If the answers to parts (*a*) to (*f*) be in the affirmative, will Government be pleased to state if any action has been or is being taken or is contemplated to be taken at an early date to remedy the present faulty checking system in the said Government of India Presses at Calcutta, Delhi and Simla ?

The Honourable Sir Frank Noyce: (*a*) Only in the Calcutta and New Delhi Presses.

(*b*) Yes.

(*c*) Yes.

(*d*) Deductions are made when necessary.

(*e*) No. The Piece-Workers' Committee stated that the difference of the compositors *with* the checkers were more serious than with the computors.

(*f*) No.

(*g*) Does not arise.

FAULTY CHECK OVER COMPOSITORS' WORK IN THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND SIMLA.

131. **Mr. Bhuput Sing**: (*a*) Is it a fact that the piece-works of the compositors of the Government of India Press, Calcuttta, are distributed by the Section-holders and are done under their immediate supervision and that a register is maintained for that purpose ?

(*b*) Is it a fact that computors are engaged for the purpose of calculating the outturn on the basis of the certificate issued by the Section-holders ?

(*c*) Is it a fact that differences in calculation occur often even on a specific piece of work ?

(*d*) Is it a fact that Mr. Jagadesan, the Examiner of Press Accounts, admitted before the Piece-workers' Committee of 1932 that no two computors would arrive at identical calculations in respect of a specific piece of work ?

(*e*) Is it a fact that compositors are not evenly paid even for a specific piece of work due to this difference in calculations ?

(*f*) If the answers to parts (*a*) to (*e*) be in the affirmative, will Government be pleased to state what steps have been or are being contemplated to be taken to remedy the evils of the present system of computing in the said Government of India Press ?

The Honourable Sir Frank Noyce: (*a*), (*b*), (*c*) and (*d*). Yes.

(*e*) and (*f*). As recognized in paragraph 21 of the Majority Report of the Piece-Workers' Committee, 1922, the differences in computing are ordinarily infinitesimal, and no action to remedy this has been considered necessary.

NON-PAYMENT TO PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESSES ON CERTAIN BANK HOLIDAYS.

132. **Mr. Bhuput Sing**: (*a*) Is it a fact that in 1931 the Government of India Presses, Calcutta, Delhi and Simla, were entirely closed for 22nd, 23rd and 24th August by reason of all the banks being closed ?

(*b*) Is it a fact that the piece-workers of the Government of India Presses, Calcutta, Delhi and Simla, were not paid for those three days ?

(*c*) If the answers to parts (*a*) and (*b*) be in the affirmative, will Government be pleased to state the reason therefor ?

The Honourable Sir Frank Noyce: (*a*), (*b*) and (*c*). There is no record in my Department of the days on which the presses were closed in August, 1931, or of the payments for such days ; but one of the days mentioned was a Sunday and the presses are ordinarily closed on that day. Piece-workers are not ordinarily paid for holidays on which a press is closed, but they can at their option get payment for the holidays actually enjoyed by them by having them counted against the leave with pay admissible to them ; and I have no reason to suppose that the ordinary rules were not applied.

SENIORITY LIST OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

133. **Mr. Muhammad Azhar Ali**: (*a*) Is it a fact that the seniority is counted according to the grades and not according to class ? If so, how are combined seniority lists made up on the East Indian Railway, especially in the Moradabad Division ?

(*b*) Is it a fact that the instructions contained in the note under section II—Recruitment and Training of the Rules for Recruitment and Training of Subordinate Staff—circulated by the Agent under his No. 548|A.E.-2460, dated the 1st October, 1932, are not adhered to by the Divisional Superintendent, Moradabad Division, East Indian Railway ; for instance,

Assistant Station Masters (Higher Grade) or Guards are selected as Transportation Inspectors, *viz.*, Mr. A. N. Logawney, T. K. Reilly, etc. ; and similarly Station Masters (Lower Grade) are not promoted to Assistant Station Masters (Higher Grade) ? If not, what are the percentage of promotions of persons from Station Masters (Lower Grade) and Guards (Goods or Passenger) to Assistant Station Master (Higher Grade) during the preceding three years ?

(*c*) Is it a fact that senior most Assistant Station Masters, Class "C" in Moradabad Division are deprived of the privilege of officiating appointment in Assistant Station Masters (Higher Grade) ? If not, what are the rules prevalent in Moradabad Division regarding the normal channel of promotion to Assistant Station Master (Higher Grade) ?

(*d*) Is it a fact that the Moradabad Division in violation of Agent's Circular No. 548|A.E.-2460, dated the 1st October, 1932, maintained a panel for "F" Class Assistant Station Masters (Higher Grade) and they place in and place out any subordinate according to their will and pleasure or discretion ? If not, what are the correct interpretations of the following letters issued by the Divisional Superintendent, Moradabad Division :

(*i*) (*a*) 12|88|E.T.-2, dated the 14th July, 1928 ; (*b*) Order, dated the 9th December, 1930, signed by Superintendent, Transportation ; (*c*) 12|88|27-E., dated the 9th March, 1928 ; 16th March, 1928 ; 24th April, 1929 ; (*d*) Circular letters No. 11|31-E.T., dated the 16th November, 1931 ; 19th November, 1931 ;

(*ii*) 11|31|E.T.-2, dated the 22nd April, 1932 ; 20th September, 1932 ; 2nd November, 1932 ; 19th November, 1932 ; 17th January, 1933 ; 15th February, 1933 ; 27th February, 1933 ; 16th March, 1933 ; 20th April, 1933 ?

Mr. P. R. Rau : Government have no information but have sent a copy of this question to the Agent, East Indian Railway, for any action that may be necessary.

RECRUITMENT OF GUARDS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

134. **Mr. Muhammad Azhar Ali** : (*a*) Is it a fact that the following persons were recruited as Guards in the Moradabad Division direct on Rs. 140—10—230 as "C" Class :

Messrs. T. K. Reilly, C. N. Logawney, D. MacLeod, J. H. Bond, W. D. Hayde, P. L. Pearce, A. H. Luders, J. N. Vanspall, E. R. Blackford, and L. O. Mantheroo ?

If so, under what circumstances were the rules for the recruitment and training of Transportation (Traffic) Group infringed ?

(*b*) Is it a fact that the following employees are qualified Guards and worked as such for different periods, and were denied recruitment to permanent vacancies to which direct appointments were made :

Messrs. M. V. Bhawnani, T. T. E. ; Kanhaya Lal Pandey, Parcel Clerk ; Syed Karar Hussain, Parcel Clerk ; R. D. Pandey, Free Service Clerk, Moradabad Division ?

If so, what are the reasons for the appointment of persons direct or of those who are junior in service ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, to see whether any action is necessary.

FILLING UP OF VACANCIES OF SUB-HEADS ON THE EAST INDIAN RAILWAY.

135. **Mr. Muhammad Azhar Ali** : Is it a fact that the Controller of Railway Accounts in his letter No. 77-E.-31-C.R.A.-III, dated the 20th July, 1932, prescribed that the vacancies in the grade of sub-heads are to be filled up by the promotion of clerks who have passed either Appendix "D", "E" or S. R. A. S., Part II, examinations and are awaiting their chance for promotion to the rank of Accountants ? If so, under what circumstances was this authority superseded by the Chief Accounts Officer, East Indian Railway, *vide* his No. 11-T.A.|33|R.K.Kaul, dated the 24th August, 1933 ? Do Government propose to inquire into the matter ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Controller of Railway Accounts to see whether any action is necessary.

WITHDRAWAL OF DAILY ALLOWANCE OF INSPECTORS OF STATION ACCOUNTS, ETC., ON THE EAST INDIAN RAILWAY.

136. **Mr. Muhammad Azhar Ali** : Is it a fact that the daily allowance of the class of Inspectors was based on the pay drawn subject to a minimum of Rs. 2-8-0 per day, *vide* Railway Board letter No. 6087-F., dated the 9th March, 1931 ? If so, under what circumstances was this privilege only withdrawn from the Inspector of Station Accounts, Stores and Stock Verifiers, and not from the other class of Inspectors, *vide* Railway Board letter No. 5239-E., of 11th July, 1932 ? Do Government propose to extend the old privilege to Inspectors of Station Accounts, etc. ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Controller of Railway Accounts to see whether any action is necessary.

GRANT OF INCREMENTS TO THE OFFICIALS OF THE SORTING OFFICE, MADRAS GENERAL POST OFFICE.

137. **Mr. N. M. Joshi** : (*a*) With reference to the reply given by Sir Thomas Ryan to question 1169 put by me on the floor of the Assembly on the 10th April, 1933, will Government be pleased to state whether any action has been taken for the grant of increments without any stoppage to the men affected ?

(*b*) If the answer be in the negative, will Government be pleased to state the reasons for the same ?

The Honourable Sir Frank Noyce : (*a*) The matter is under consideration, and a decision has not yet been reached.

(*b*) Does not arise.

ALLOWANCE TO THE STENOGRAPHERS OF THE CENTRAL TELEGRAPH OFFICE AND GENERAL POST OFFICE, MADRAS.

138. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state when the allowances to the stenographers working in the Central Tele-

graph Office, Madras, and in the General Post Office, Madras, were suspended and restored in the year 1931 ?

(*b*) Will Government be pleased to state whether they have restored the grant of allowance to the stenographer of the Central Telegraph Office, Madras, for the suspended period ?

(*c*) If the answer be in the affirmative, will Government be pleased to state why the said allowance was not simultaneously restored for the suspended period to the stenographer working in the General Post Office, Madras ?

The Honourable Sir Frank Noyce : (*a*) The special pay in both cases was held in abeyance on the 16th August, 1931, and was restored on the 1st October and the 15th November, 1931, respectively.

(*b*) Yes.

(*c*) Because the official concerned did not actually work as a stenographer during the period from the 16th August, 1931, to the 14th November, 1931.

POSTAL RECRUITED TELEGRAPHISTS.

139. **Mr. N. M. Joshi :** Will Government be pleased to state whether they have taken any action on the speech of Pandit Satyendra Nath Sen made on 10th March, 1933, at the time of Budget discussions regarding postal recruited telegraphists, and if so, will Government be pleased to place on the table a copy of their decision ?

The Honourable Sir Frank Noyce : No. The case of the telegraphists referred to was re-examined by the Director General as promised by him in this House on the 10th March, 1933, but he found no reason to make any recommendation to Government to re-open it.

GRANT OF PENSION TO BAUDOT MISTRIES.

140. **Mr. N. M. Joshi :** (*a*) With reference to the reply given to my question No. 181 on the 4th September, 1928, regarding the grant of pension to Baudot mistries, will Government be pleased to state whether they have come to a final decision on the matter and if so, what are the decisions ?

(*b*) Will Government be pleased to state whether they now propose to consider and grant compensation in lieu of pension as is given to the Railway servants by the Railway Department and in view of the suggestion given by the Government of India in Circular No. 5042, dated the 8th July, 1919, to consult the Railway authorities ?

The Honourable Sir Frank Noyce : (*a*) and (*b*) The attention of the Honourable Member is invited to the reply given by Sir Thomas Ryan on the 5th April, 1933, to his starred question No. 1124. There has been no change in the position since that date.

RETIREMENTS IN CERTAIN GRADES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

141. **Mr. N. M. Joshi :** Will Government be pleased to furnish a statement showing the number of retirements (*i*) compulsory, and (*ii*) voluntary in each of the following grades after the introduction of Sir Cowasji Jehangir's report ?

(*i*) Telegraphists ;

(*ii*) Telegraph Masters ;

(*iii*) Deputy Superintendents ;

(*iv*) Officers of the First and Second Divisions ;

(*v*) Officers of the Engineering Branch ; and

(*vi*) Clerks.

The Honourable Sir Frank Noyce : The Honourable Member is referred to the reply given in this House by Sir Thomas Ryan on the 5th April, 1933, to his starred question No. 1125. The information available regarding the numbers of compulsory and voluntary retirements effected since then are as follows :

	(*i*) Compulsory.	(*ii*) Voluntary.
Telegraphists	none	61
Telegraph Masters	none	5
Deputy Superintendents ..	none	none
Officers of the 1st and 2nd Divisions of the Superior Traffic Branch.	none	none
Gazetted officers of the Engineering Branch	none	none

The total number of clerks (including Head Postmasters, Sub and Branch Postmasters, Inspectors and Town Inspectors of Post Offices, Sorters, Supervisors, etc.) retrenched between the 1st December, 1932 and the 31st May, 1933 (up to which date information is available) is 1,214 but no information is available as to the number who retired voluntarily or were compulsorily retrenched.

COMMUNAL COMPOSITION OF CERTAIN GRADES OF SERVICES IN THE ACCOUNTS DEPARTMENT, EAST INDIAN RAILWAY.

142. **Mr. M. Maswood Ahmad :** (*a*) Will Government be pleased to state the present communal composition of the following grades of services in the Accounts Department of the East Indian Railway :

(*i*) Accountants ;

(*ii*) Inspector of Station Accounts ;

(*iii*) Inspector of Stores Accounts ;

(*iv*) Sub-Heads ?

(*b*) Will Government be pleased to state the number of vacancies filled in, in each of the grades specified above, since 1926 and the number of Moslems and non-Moslems recruited either directly or by promotions ?

Mr. P. R. Rau : (*a*) and (*b*). Government regret they are unable to supplement the information given about the communal composition of Railway Staff in the Administration Reports by particulars about individual offices or classes of staff.

PROPOSAL FOR THE AMALGAMATION OF THE MUNICIPALITIES OF OLD AND NEW DELHI.

143. **Mr. Bhuput Sing** : Have Government any proposal to amalgamate the municipalities of the Old and New Delhi ?

Mr. G. S. Bajpai : No.

ESTABLISHMENT OF A DEVELOPMENT DIRECTORATE FOR OLD AND NEW DELHI.

144. **Mr. Bhuput Sing** : Do Government propose the establishment of a development directorate for Old and New Delhi ? If not, why not ?

Mr. G. S. Bajpai : No. Government do not consider it necessary to establish a Development Directorate for Old and New Delhi.

DANGEROUS CONDITION OF TIMARPUR QUARTERS, DELHI.

145. **Mr. Bhuput Sing** : (*a*) Has a telegraphic representation been received by Government from Government employees living in Timarpur quarters inviting Government's attention to the dangerous state of their quarters due to the recent rains in Delhi ? If so, what action do Government propose to take ?

(*b*) Would the Timarpur quarters be demolished and new ones built ?

(*c*) Do Government propose to abandon the Timarpur site due to its low level proximity to the Jumna and the terrible malaria that ravages there ?

The Honourable Sir Frank Noyce : (*a*) Yes. The repairs which were considered necessary have since been carried out.

(*b*) and (*c*). No.

MOTOR AND ELECTRIC OMNIBUS SERVICE IN DELHI.

146. **Mr. Bhuput Sing** : (*a*) When is the motor and electric omnibus service sanctioned for the Delhi Electric Supply and Traction Company Ltd., to start ?

(*b*) Are Government aware that this company does not propose to run the sanctioned electric trolley omnibus service due to the overhead line having to run through Azadpur, which is almost double the route requiring considerable additional capital on a very large section, where there is no traffic, which will be unremunerative for some years to come ?

(*c*) Do Government propose to alter the route as desired by the Electric Company ?

Mr. G. S. Bajpai : Enquiries have been made and the result will be communicated to the House in due course.

INTRODUCTION OF A FASTER TRAIN *via* LOOP LINE FROM HOWRAH TO DELHI.

147. **Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether any steps have been taken to introduce the running of a faster train *via* Loop Line from Howrah to Delhi, for the convenience of passengers travelling from stations on this line ?

(*b*) What are the difficulties in the way of running a fast through train over this line ?

(*c*) Are Government aware of a very strong public feeling over the matter for the last several years ?

(*d*) Does not the traffic on the line justify such introduction of a fast through train ?

(*e*) Have Government considered that the train can be made to run *via* Dhulian (B. A. K. Section), if any of the bridges over the corresponding section of the Loop Line is not able to withstand the running of a faster train over it ?

Mr. P. R. Rau : Enquiries have been made from the Agent, East Indian Railway, and I will place a reply on the table in due course.

TENDERS FOR SUPPLY OF FURNITURE TO THE ZOOLOGICAL SURVEY OF INDIA.

148. **Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether tenders were called for by the present Director of the Zoological Survey of India for the supply of office furniture ? If not, why not ?

(*b*) Is it a fact that he has given the contract to a Chinese furniture dealer ? If so, do Government propose to enquire why instead of Indian furniture dealers, a Chinese has been appointed ? If not, why not ?

Mr. G. S. Bajpai : Enquiries have been made and the information will be furnished to the House in due course.

RETRENCHMENT IN THE ARCHAEOLOGICAL DEPARTMENT.

149. **Mr. M. Maswood Ahmad** : (*a*) Is it a fact that Government orders contemplated the appointment of a Board to select personnel for discharge ?

(*b*) Did the Director General of Archæology appoint such a Board ? If so, will Government kindly state the names of the members of the Board ?

(*c*) Was any Muslim member appointed on the Board to safeguard the interests of Muslims ? If not, why not ?

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

(*b*) Yes. The names of the members of this Board are :

1. Rai Bahadur Daya Ram Sahni, Director General of Archæology in India.
2. Mr. J. A. Page, Deputy Director General of Archæology in India.
3. Mr. K. N. Dikshit, Deputy Director General of Archæology for Exploration.

(*c*) No, because there was no Muslim officer attached to the Head Office at the time. Every possible precaution was, however, taken to safeguard the interests of all communities in the Department.

RETRENCHMENT IN THE ARCHAEOLOGICAL DEPARTMENT.

150. **Mr. M. Maswood Ahmad** : (*a*) Will Government kindly lay on the table a statement showing the number of Hindu and Muslim employees

and their percentage before and after retrenchment in the subordinate service of the Archæological Department ?

(*b*) Was any assurance given to this House that the percentage of the various communities would remain the same before and after retrenchment ?

(*c*) Is it a fact that the percentage of Muslims has diminished in that service ever since ? If so, why ?

Mr. G. S. Bajpai : Information is being collected and will be laid on the table in due course.

FREE OCCUPATION OF GOVERNMENT QUARTERS BY CERTAIN EMPLOYEES OF THE ARCHAEOLOGICAL DEPARTMENT.

151. **Mr. M. Maswood Ahmad :** (*a*) Will Government kindly lay on the table a statement showing the names of the subordinates in the Archæological Department who occupy Government quarters and pay no rent ?

(*b*) On what basis have these concessions been allowed to them ?

(*c*) Have Government considered the desirability of charging rent now ? If not, why not ?

Mr. G. S. Bajpai : The information is being collected and will be laid on the table of the House in due course.

RETRENCHMENT IN THE ARCHAEOLOGICAL DEPARTMENT.

152. **Mr. M. Maswood Ahmad :** (*a*) Is it a fact that in the Eastern Circle of the Archæological Department the post of a Hindu was abolished, but actually a Muslim was retrenched ?

(*b*) Is it a fact that disciplinary proceedings were in progress against the Hindu subordinate in question ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government please state the reasons for keeping this man in service and for retrenching the Muslim ?

Mr. G. S. Bajpai : (*a*) and (*c*). One post on the ministerial establishment in the Circle named was abolished and the Muslim employee who was the most junior member of the ministerial establishment was discharged in accordance with the general instructions laid down for the selection of personnel for discharge in connection with retrenchment.

(*b*) Disciplinary proceedings were in progress against two Hindu subordinates. Both have been degraded to lower posts on the minima of the scales of pay attached to them.

ALLEGATIONS AGAINST MR. CHANDRA, ARCHAEOLOGICAL SUPERINTENDENT, POONA.

153. **Mr. M. Maswood Ahmad :** (*a*) Is it a fact that a certain firm known as Messrs. Gorachand and Sons secured huge contracts from Mr. Chandra, Archæological Superintendent, while at Poona and had its office in the very house of Mr. Chandra ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state if this action on the part of Mr. Chandra was not considered seriously objectionable ?

(*c*) Did Government order an enquiry into the conduct of Mr. Chandra ? If so, when, and who were the members of the Enquiry Board ?

(*d*) Was Mr. Chandra's case referred to the Public Service Commission before passing final orders, as was done in similar other cases in the Department ? If not, why was this preferential treatment shown ?

(*e*) Do Government propose to consult the Public Service Commission now ?

Mr. G. S. Bajpai : (*a*) The firm referred to by the Honourable Member did obtain certain contracts.

(*b*) and (*c*). An enquiry was conducted by the Director-General of Archæology in India and Mr. J. F. Blakiston, Superintendent, Archæological Survey of India. Government came to the conclusion, after considering their reports, that although Mr. Chandra's conduct in the matter was objectionable, the requirements of the case would be met if an expression of their dissatisfaction were conveyed to him.

(*d*) No reference to the Public Service Commission was necessary.

(*e*) Government do not consider such reference to be necessary.

TRANSFER OF THE ASSISTANT SUPERINTENDENT OF ARCHAEOLOGY, CENTRAL INDIA AND RAJPUTANA, TO SOME OTHER CIRCLE.

154. **Mr. M. Maswood Ahmad :** (*a*) Is it a fact that the post of the Assistant Superintendent for Central India and Rajputana remained vacant for considerable periods during the past, and his work was done in the Director General of Archæology's office during his absence ?

(*b*) If so, are Government prepared to consider the desirability of transferring the present Assistant Superintendent to some other Circle ?

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

(*b*) The services of this officer are required at the Headquarters to assist the Director-General of Archæology in India in Archæological matters relating to the Indian States in Central India and Rajputana. It is not possible, therefore, to transfer him to a Circle.

IGNORING THE CLAIMS OF MUSLIMS IN THE ARCHAEOLOGICAL DEPARTMENT.

155. **Mr. M. Maswood Ahmad :** (*a*) Will Government kindly state what is the length of the service of the present Director General of Archæology ?

(*b*) Will Government please state how many Hindus and Muslims the Director General has appointed permanently during his service ?

(*c*) Will Government be pleased to state how many Muslims during his long tenure were permanently appointed ?

(*d*) Is it a fact that he held charge of the Lahore Circle of the Archæological Department for a considerable period ?

(*e*) Is it a fact that in the Punjab where there is such a large population of Muslims he did not appoint any suitable Muslim under his control ?

(*f*) Is it a fact that when the present Director General of Archæology was Superintendent of Lahore or other Circles, the Director General at the time issued instructions to Archæological Officers for keeping regard of the representation of the minority communities ?

(*g*) Did the gentleman even then appoint any Muslim in his office ?

(*h*) What action did Government take against the officer for ignoring the orders referred to ?

Mr. G. S. Bajpai : The information asked for is being collected and will be laid on the table of the House in due course.

GREAT INDIAN PENINSULA RAILWAY TRACTION DEPARTMENT.

156. **Mr. T. N. Ramakrishna Reddi :** With reference to the Financial Commissioner's reply to Mr. B. Das's questions Nos. 729 to 732 on the 13th March, 1933, regarding the Great Indian Peninsula Railway Traction Department, are Government now in a position to place before this House the particulars promised ? If so, will they please lay on the table all the available information ?

Mr. P. R. Rau : The information was laid on the table of the House on the 1st September, 1933.

ASSISTANT DIVISIONAL TRANSPORTATION SUPERINTENDENT (TRACTION) ON THE GREAT INDIAN PENINSULA RAILWAY.

157. **Mr. T. N. Ramakrishna Reddi :** (*a*) With reference to Mr. B. Das's question No. 729 (*c*) on the 13th March, 1933, and in view of the Financial Commissioner's assurance that if there is over-staffing in the superior officer's cadre of the Electric Traction Branch of the Great Indian Peninsula Railway, it will certainly be reduced, and recent confirmation of the Assistant Divisional Transportation Superintendent (Traction), are Government satisfied that the retention of the post is absolutely necessary in the interests of the Railway ?

(*b*) Are the qualifications of the present incumbent of the post of Assistant Divisional Transportation Superintendent (Traction) considered adequate for expert technical supervision of the three branches of the Electric Traction Department, *viz.*, Generation, Distribution and Rolling Stock ?

(*c*) Apart from his having held the position of Traction Engineer (Rolling Stock) on the Railway, what special claims does he possess to assume technical and administrative control of the generation and distribution section as well of the Traction Department ?

(*d*) Has he qualified himself in the usual manner in train operation, block signalling, etc., to discharge effectively the duties of a Transport Officer ?

(*e*) Is it the professed policy of Government to secure economy by eliminating wasteful duplication of labour ? If so, why is the Bombay Division of the Transportation Department of the Great Indian Peninsula Railway saddled with two officers at its head in grade Rs. 1,950 *plus* allowances and overseas pay ?

Mr. P. R. Rau : (*a*) and (*b*). Yes.

(*c*) and (*d*). His qualifications are considered sufficient for the post.

(*e*) In the Traction Branch there is only one Assistant Divisional Transportation Superintendent on Rs. 1,950 per mensem.

ELECTRIFICATION OF THE MAIN LINE OF THE GREAT INDIAN PENINSULA RAILWAY.

158. **Mr. T. N. Ramakrishna Reddi :** (*a*) Is it a fact that Government contemplate the extension of the electrification of the main line on the Great Indian Peninsula Railway ?

(*b*) In view of the doubts expressed relative to the satisfactory working of the section of the line electrified at present, will Government please state what reasons have induced them to consider a scheme for extension ? Is the scheme financially and technically justifiable ?

(*c*) If the answer to part (*a*) be in the affirmative, do Government propose to have the project carried out by contractors or by the Railway themselves ?

Mr. P. R. Rau : (*a*) The question of extension of the electrification is not under serious consideration at present.

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

STAFF OF THE CHOLA POWER HOUSE, GREAT INDIAN PENINSULA RAILWAY.

159. **Mr. T. N. Ramakrishna Reddi :** (*a*) Will Government please furnish a comparative statement showing the scales of pay and number of all grades of staff in the Chola Power House, Great Indian Peninsula Railway and of establishments belonging to other power stations of equal capacity in other parts of India ?

(*b*) Have Government considered that it is impossible to reduce the overhead costs of this power station ?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table of the House in due course.

SUPPLY OF ELECTRIC POWER ON THE GREAT INDIAN PENINSULA RAILWAY.

160. **Mr. T. N. Ramakrishna Reddi :** (*a*) When does the Great Indian Peninsula Railway's agreement with Tatas for the supply of power to the suburban section terminate ?

(*b*) Is it proposed to take power from Chola Power House after that date ?

(*c*) If the answer to part (*b*) be in the affirmative, what is likely to be the cost of change-over ? Will this be given adequate consideration in computing the economies derivable from Chola supplying the entire power requirements of the Railway ?

Mr. P. R. Rau : The agreement does not expire till the 31st December, 1939, and it is far too early yet for Government to consider seriously

what should be done when it expires, but I can assure my Honourable friend that the comparative cost of alternative sources of supply and all other relevant considerations will be carefully considered in arriving at a decision.

CABLE REPAIR WORK ON THE TRACTION DEPARTMENT, GREAT INDIAN PENINSULA RAILWAY.

161. **Mr. T. N. Ramakrishna Reddi :** Does the Distribution Section of the Traction Department of the Great Indian Peninsula Railway still get its cable repair work done by contractors ? If so, why ? Is it a fact that the Senior Foreman, Overhead Equipment and Transmission Line, Lonavla, Great Indian Peninsula Railway, is supposed to be an expert in the line ?

Mr. P. R Rau : Government have no information but have sent a copy of the question to the Agent, Great Indian Peninsula Railway, for any action that he may consider necessary.

BREAKDOWNS TO THE ELECTRICAL MULTIPLE UNIT EQUIPMENT ON THE GREAT INDIAN PENINSULA RAILWAY.

162. **Mr. T. N. Ramakrishna Reddi :** (*a*) Is it a fact that most of the serious breakdowns to the Electrical Multiple Unit equipment on the Great Indian Peninsula Railway, are due to the incompetent technical direction of the present Superintending Foreman ?

(*b*) In view of these, and referring to Mr. B. Das's question No. 730 of 13th March, 1933, will Government please state what action they propose to take ?

Mr. P. R. Rau : Government have no information but have sent a copy of the question to the Agent, Great Indian Peninsula Railway, for any action that he may consider necessary.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, three Messages have been received from the Council of State. The first Message runs thus :

"I am directed to inform you that the Council of State has, at its meeting held on the 18th September, 1933, agreed, without any amendments, to the following Bills which were passed by the Legislative Assembly at its meetings held on the 14th and 15th September, 1933, namely :—

(1) A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment) ;

(2) A Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshiadabad and to define the powers and duties of the Manager ; and

(3) A Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India."

The second Message is as follows :

"I am directed to inform you that the following Members of the Council of State have, at the meeting held on the 18th September, 1933, been nominated to serve on the Joint Committee to consider and report on the Bill to constitute a Reserve Bank of India, namely :

1. The Honourable Mr. Bijay Kumar Basu,
2. The Honourable Raja Charanjit Singh,
3. The Honourable Nawab Malik Muhammad Hayat Khan Noon,
4. The Honourable Rajah Sir Annamalai Chettiyar,
5. The Honourable Diwan Bahadur G. Narayanaswami Chetti,
6. The Honourable Saiyed Mohamed Padshah Sahib Bahadur,
7. The Honourable Sir Hormusji Maneckji Mehta,
8. The Honourable Kumar Nripendra Narayan Sinha of Nashipur,
9. The Honourable Mr. Mahmood Suhrawardy,
10. The Honourable Mr. J. S. Henderson,
11. The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,
12. The Honourable Rai Bahadur Lala Ramsaran Das,
13. The Honourable Mr. Hossain Imam, and
14. The Honourable Mr. J. B. Taylor."

The third Message is as follows :

"I am directed to inform you that the following Members of the Council of State have, at the meeting held on the 18th September, 1933, been nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely :

1. The Honourable Mr. Bijay Kumar Basu,
2. The Honourable Raja Charanjit Singh,
3. The Honourable Nawab Malik Muhammad Hayat Khan Noon,
4. The Honourable Rajah Sir Annamalai Chettiyar,
5. The Honourable Diwan Bahadur G. Narayanaswami Chetti,
6. The Honourable Saiyed Mohamed Padshah Sahib Bahadur,
7. The Honourable Sir Hormusji Maneckji Mehta,
8. The Honourable Kumar Nripendra Narayan Sinha of Nashipur,
9. The Honourable Mr. Mahmood Suhrawardy,
10. The Honourable Mr. J. S. Henderson,
11. The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,
12. The Honourable Rai Bahadur Lala Ramsaran Das,
13. The Honourable Mr. Hossain Imam, and
14. The Honourable Mr. J. B. Taylor."

DEATH OF MR. B. N. MISRA.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, death has again removed with tragic suddenness yet another sitting Member of this Assembly. Mr. B. N. Misra was, I believe, a Member of the first Assembly and also of the third Assembly. I personally will remember him best for his ardent advocacy of the claims of Orissa, his own home. Unhappily he has not been spared to see what we hope will be the fruition of his desires. It will be unnecessary for me to say much about one who was in such recent touch with us all. I need only say that his quiet un-

[Sir Joseph Bhore.]

assuming presence made him liked by every one with whom he came in contact. May I ask you, Sir, to convey to his relatives our deep sympathy with them in their bereavement ?

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. President, on behalf of myself and my Party, I rise to associate ourselves with the words that have fallen from the Leader of the House. Mr. Misra was one of those quiet unassuming Members in this Honourable House who had not a single enemy amongst us. His great mission was fulfilled, namely, the separation of Orissa ; but most unfortunately he did not live to see a Governor and Council in his own province. Mr. Misra, I believe, was writing the history of his province which perhaps we may be privileged to read in the future—whatever he left on paper. Mr. Misra was attached to his province and came here to represent faithfully the views of his constituency, and he never missed an occasion to do so. We regret—most of us—that we were not able to be present yesterday at his funeral which we should certainly have done had we been informed in time. May I also suggest that you, Sir, should convey to the family of the deceased our sincere sympathy with them in their bereavement ?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I rise to associate myself and my Party with all the sentiments that have fallen from the lips of the Honourable the Leaders of the House and of the Independent Party. When Mr. Misra came to my room in the Cecil Hotel a week ago, with the manuscript of his new book, "The History of Ancient Utkal", which he wanted me to revise, I little knew that I would be standing on the floor of the House to speak out my feelings about the passing away of a good man and true, or that I would have been going yesterday to Sanjauli to stand by the funeral pyre amidst pouring rain. He was one of those good men who pleased those with whom he came in contact. His good manners, his sweet temper and his great sense of humour always made him very likeable, always made him the best friend in politics in which friends are few. He was one of the pioneers of the new Orissa movement, and, as the Leader of the House has truly said, the great tragedy in his passing away at this time lies in the fact that he did not have the privilege of enjoying the fruit of his labours. Sir, we express our deep regrets here and our deepest sympathies for the bereaved family.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, on behalf of my friends in this part of the House I wish to associate myself with all that has fallen from the previous speakers. It is a matter of great regret that Mr. Misra, whose last appearance we all remember in this House on the non-official day when he moved the Resolution relating to the Military Academy, was suffering from blood pressure. We all remember the painful experience we had that day. It was with great difficulty and simply out of a sense of duty that he did not flinch from moving that Resolution—it was with difficulty indeed that he could manage to carry out his wish and we all felt that there was really something wrong with him ; but he stuck to his duty to the last and it is with deep regret that we learnt rather late in the day yesterday that he had passed away. In fact this last event in his life has proved what we all knew so well during the years we had been in contact with him, that he cared more for his duty than for his own comfort or convenience. As has been truly said by the Leader of the House, he did not live long enough to see the fruition of his endeavours in the creation of an independent Orissa province. He was, as we all know, a kind and unassuming figure who made more friends than enemies, and there is hardly a man in this House or outside who can say that on any occasion Mr. Misra had spoken ill of anybody or had done harm to any one. We will all miss him, and I would request you, Sir, to convey to his family the sentiments of all of us that we share their loss and to express our deep sense of sorrow and regret at his tragic death on this occasion.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, it is a great pity that at the very fag end the even tenor of this Session should have been marred by the tragedy of Mr. Misra's death. To every one of us death must come sooner or later ; but to Mr. Misra death has come in somewhat painful circumstances, removed as he was far away from his home and family and from his community of which he was a very prominent and very honoured member. To most Members of this House, who did not know Mr. Misra well, he might have appeared a somewhat perplexing personality ; but to those who knew Mr. Misra intimately, as I claim to have done, Mr. Misra was possessed of very good qualities of head and heart. He was not a great speaker or politician ; but what is much better than being a great politician or a great speaker, he was a thoroughly good natured man, simple hearted, almost like a child, pleased with everybody and almost incapable of being displeased with anybody. Sir, on account of his lack of mastery of the English language, many may have formed an incorrect idea of Mr. Misra. He was, however, well versed in Hindu philosophy and Hindu religion, and it may be of interest to know that he was actually engaged in writing a work on the comparative History of Religions at the time of his death. He was a barrister, and that he was held in high esteem by his community and his province is shown by the fact that he was an elected Member in the first Assembly and that he lost the election in the second Assembly against the Swarajist candidate only by one vote. Sir, in spite of his conservatism in religious matters, he had very progressive ideas, and he was the first man in his community to cross the black waters. I have nothing to add except to say that I join in the tribute of respect for our departed colleague and in the request to you to convey our sympathy and condolence to his bereaved family.

Sir Leslie Hudson (Bombay : European) : Sir, on behalf of myself and my Party, I wish to add my tribute to the memory of our late fellow Member, Mr. Misra, and to associate myself with the remarks which have fallen from the Honourable the Leader of the House and other Honourable Members in regard to the regret which we all feel that he has not been spared to see the fulfilment of his life's labours and desire in the separation of Orissa. By his kindly disposition, he had endeared himself to every one of us in the House, and we shall all miss him.

Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) : Sir, I associate myself on my own and my Party's behalf with what has been said by previous speakers. I well remember the day when I first came to this House, Mr. Misra asked me to help him in his scheme for the separation of Orissa and I promised to do so. He had a very quiet and unassuming nature and his qualities of head and heart

[Nawab Major Malik Talib Mehdi Khan.]

were very great. Again, Sir, after he made his last speech the other day, on the Indianization of the Army, he came out of the House and told me that he could not very well render his speech on account of illness which was afflicting him that day. It is a pity that he has not been spared to see his pet scheme of the separation of Orissa fructifying and to take part in the new order of things to be brought about by it. Sir, we all mourn the loss of a friend who was a jewel covered with slugged stone. Sir, I also request you to convey our sympathy and condolence to his bereaved family.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, as one coming from the province of Bihar and Orissa, I should like to associate myself with all that has been said by the Honourable the Leader of the House, and by other Honourable Members. I remember very well the last illness of Mr. Misra, and when he was suffering from high blood pressure I told him repeatedly to leave Simla and to go down. I even asked my friend, Dr. Dalal, to give him the advice to leave Simla, which Dr. Dalal did ; but his consciousness of duty kept him in Simla and he has died practically in harness. Sir, Mr. Misra was a man of very amiable disposition and of loving nature ; he was very regular in his attendance at the meetings, a lesson which many of us might learn. I would request you, Sir, to convey to the members of the bereaved family an expression of our sincere sorrow and regret at his death under circumstances under which it has taken place in Simla far away from his family members.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, it is really an irreparable loss that Orissa has suffered. I know how the people of Orissa had confidence in Mr. Misra and in his labours to bring about the separation of Orissa. He did his very best, and it is a pity that he has not been spared to see the fruition of his labours. I feel very much that I was not able to be present at the funeral pyre, for, had I known about his death a little earlier yesterday, I would have tried to be present in spite of my indisposition. Sir, I wish to associate myself with every word that has fallen from the previous speakers.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, being a representative of Bihar and Orissa, I beg to associate myself with all the remarks which have fallen from the previous speakers. Sir, Mr. Misra comes from a very respectable Brahmin family of Orissa, and the people of the new proposed Province of Orissa owe a deep debt of gratitude to him for all that he has done for the creation of a separate Province. He was a very noble soul, and a typical Brahmin with the ideals of plain living and high thinking. I sincerely feel sorry that he could not see the fruition of his work which he had almost completed on ancient history and ancient culture of Orissa which dates many centuries back and which was his life's ambition. He was also a master of Oriya language. Sir, I express my heartfelt condolence to Mrs. Misra and the bereaved family.

Mr. President (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of our late colleague, Mr. B. N. Misra, who was so well loved by all parts of the House. His devotion to duty, of which his regular attendance in

this House was an ample proof, may serve as an example to all of us. It shall be my duty to convey to the members of the bereaved family our sense of loss and sympathy on this occasion.

MOTION *RE* DUES IN RESPECT OF LIGHTHOUSES AND BUOY IN BRITISH INDIA.

The Honourable Sir Joseph Bhore (Commerce Member) : Sir, I move :

"That this Assembly do signify its opinion in pursuance of sub-section (2) of section 670 of the Merchant Shipping Act, 1894 (57 and 58 Vict., Ch. 60), that the dues imposed by the Order in Council of His Majesty, dated the 17th December, 1931, in respect of the Lighthouses and buoy specified in the Schedule thereto ought to be levied in British India."

This is a motion, Sir, which, I think, will command the acceptance of the House. The position is quite simple, and I think I can explain it very shortly. All civilized maritime nations provide lights where necessary on their coasts for the greater safety of navigation, but it is not fair that the countries themselves should bear the entire cost of this service. It is only fair and equitable that shipping passing by these lights and enjoying the benefits of these aids to navigation should pay a contribution. This is a principle which is accepted by all nations. These dues are collected in the shape of light dues calculated on a tonnage basis. But it is not always easy to collect these dues. Take the particular case with which we are concerned. Ships passing the Leeward Islands and the Bahamas, if they call at a port in the United Kingdom, could and would be made to pay these dues ; but if, for instance, they called at an Indian port and then returned to their home port, it would not be possible to secure the collection of these dues since at the present time we are not authorised to make such collection on behalf of the British authorities. A bar is imposed by clause (2) of section 670 of the Merchant Shipping Act of 1894. That bar, however, can be removed by the House acquiescing in the motion which I have placed before it. I need only add that so far as the collection is concerned we shall levy a commission or charge for making it and the commission will be, I understand, in the neighbourhood of 7½ per cent. I hope the House will accept my motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly do signify its opinion in pursuance of sub-section (2) of section 670 of the Merchant Shipping Act, 1894 (57 and 58 Vict., Ch. 60), that the dues imposed by the Order in Council of His Majesty, dated the 17th December, 1931, in respect of the Lighthouses and buoy specified in the Schedule thereto ought to be levied in British India."

The motion was adopted.

THE INDIAN MEDICAL COUNCIL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, as reported by the Select Committee, be taken into consideration."

[Mr. G. S. Bajpai.]

that the Bill be referred to a Select Committee, I ventured to remark that the constitution of the Council should not be determined by any pre-conceived notions of political theory but that we should try to give it such a form that it will be able to discharge its functions of educational supervision and educational negotiation with efficiency, and with harmony. We think that ideal is recognised or realised even with the constitution that the Select Committee has proposed. It preserves the correct or the just balance between what might be called the demands of democracy and the demands of education. The third question with which the Select Committee concerned itself was the question of reciprocity. I do not think I can do better than refer Honourable Members to what the Select Committee have to say on the subject in the body of the report. They found that the provision in clause 9 of the Bill as introduced was not sufficiently precise. They have made it more precise. The Indian Medical Council will immediately after its constitution take up with outside bodies the question of the recognition of Indian qualifications and we earnestly hope that the result of its efforts will be a satisfactory solution of the unfortunate differences and difficulties that have arisen in the course of the last few years. Then there is one minor point which might also be mentioned. Honourable Members, especially the representatives of the Andhra Province and the Province of Bihar and Orissa were aggrieved that in the original Bill no attention was paid to the medical qualifications conferred by the University of Patna and the Andhra University.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : And Rangoon.

Mr. G. S. Bajpai : I am confining myself to the qualifications conferred by Patna and the Andhra Universities, because I see two Honourable Members, belonging to these provinces, are anxiously waiting to hear what we have done in this Bill for the recognition of these qualifications. I see also my Honourable friend over there from the land of silk and sunshine waiting to make sure that the interests of his province are not overlooked and therefore I am glad to say that Rangoon also has come within the purview of the Select Committee. The position was this. We felt that on a certain date—1930—certain qualifications were internationally recognised. Others were not internationally recognised. Since then no machinery has been in existence in this country which could testify to the present quality of these medical standards. We do not say that they are not up to the standard. We do not say that the quality is open to objection but the fact nevertheless remains that the task can best be entrusted to and be most competently discharged by a scientifically competent body and that, Sir, is the position which we have expressed in the report, namely, that the position of these qualifications is anomalous and that it will be one of the duties, the first duty indeed of the Council, after it has been constituted, to take up the question of the standards of examination and studies and so on in these Universities. Then let us hope they will include them in the first Schedule to the Bill. There is very little for me to say but I think it is right that I should remind Honourable Members that, in the footnote to

paragraph 123, of the proposals for Indian Constitutional Reform there is a reference to the Bill which we are now considering. This is how the reference runs :

"A question which will require separate consideration is with regard to the registration in India of medical practitioners registered in the United Kingdom. A Bill which has an important bearing on this question is at present under the consideration of the Indian Legislature."

Now, Sir, I wish to explain the situation *vis-a-vis* the Joint Select Committee of Parliament which is seized of the proposals for Indian Constitutional Reform, from which I have just now quoted. The Committee has still to consider the position of British commercial and professional men and they will be entirely free to consider the subject in all its bearings. This is the constitutional position and I have mentioned it, so that there may be no possible misunderstanding on this subject. Before I resume my seat, Sir, I should like to express appreciation on behalf of those who sat on the Select Committee from this side of the House as also on behalf of Government, appreciation of the very legitimate criticism and the impartial effort made by Honourable Members who sat on the Committee from the opposite side for the solution of a very difficult and a very important problem and I believe that the Council, which we are about to bring into being, if it discharges its duties in the spirit in which the Select Committee did it, then there is no reason to doubt that it will discharge its duties with steadfast efficiency and with staunch loyalty to India's honour.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, as reported by the Select Committee, be taken into consideration."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I congratulate the members of the Select Committee for producing a unanimous report on a problem in which the opinion not only in the country but also in this House was hopelessly divided. The amendments that have now been put down are really no amendments, but they only elucidate what is implicitly provided in the Bill itself.

I take this opportunity to draw the attention of the House to a few points. The first question I take is the question of hospitals which are attached to the Medical Colleges. We now find in practice that the hospitals attached to the Medical Colleges are of the same type as the hospitals maintained for charitable purposes either by the Government or by local authorities or individuals ; but it should be clearly understood that the hospitals attached to Medical Colleges are not hospitals in ordinary sense but they are scientific clinics. They ought to be very different from the hospitals maintained for charitable purposes. Now, we have a very good example of these scientific clinics in two or three places. In the first instance, I mention Vienna whose hospital is really a scientific clinic. Then I mention Edinburgh and a few Universities in America, especially Harvard University. These are really very good examples of scientific clinics and we should make every effort that our hospitals should approach these institutions. They should not compete the ordinary charitable hospitals. The kind

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of cases which ought to come in these Medical College hospitals should be the cases, whose diagnosis and treatment may form the history of the medical science, and they ought to keep up a very high standard in equipments, treatments and comforts. In this connection, I would like to refer to a book written by Mr. Flexner who himself is a medical man and who has compared the Universities of America with those in the United Kingdom and Germany. He has in his book mentioned the differences between the hospitals which are charitable institutions and the hospitals which are maintained by the Medical Colleges. I hope that this Medical Council, when it is established, will take these points into its consideration and try to maintain a very high standard in all the hospitals attached to these Medical Colleges. In order to do so, I would like to emphasise two facts. In the first place, the Medical College staff should not be entitled to receive any fee for any service rendered to the patients. I think this is a very important point. Any money that might be paid by the rich patients must go to the general fund. It should be deposited in a box and should not be the property of individuals. When I will move my amendment, I will cite cases to show how this privilege is misused in one particular University and in one particular Medical College. At the present moment I shall confine myself to the general remark that the staff of the Medical College should be paid sufficiently well. They should be paid with consideration that they are not entitled to any kind of fee or remuneration for services rendered to any patients inside the Medical College. The only fee to which they should be entitled is the fee which they get when they are invited by ordinary medical practitioners for consultation. I press these points for two reasons. In the first place, it is important in the interests of the efficiency of the Medical Colleges, if we really want to make them scientific clinics. In the second place, it is unfair to make the staff of the Medical College compete on unfair terms with private practitioners. The private practitioners are already handicapped and should not be further handicapped by unfair competition with the staff of the Medical Colleges who have got up-to-date expensive equipments at the expense of the Government at their disposal.

The next point to which I would like to draw the attention of the House is the question of inspection. In this connection also my remarks will be rather of a general nature and will be applicable not only to the teaching of medicine but to the teaching of all other subjects. In the Universities Act of 1904, there was a provision about the inspection of colleges by Universities. Now, this was a very wholesome provision. These Colleges after five years were inspected by the University Inspectors. They gave friendly advice and thus the standard of teaching was maintained at fairly high level. This provision continued to work satisfactorily, but unfortunately in the modern Universities which we enacted on the recommendation of the Calcutta University Commission this wholesome provision was entirely omitted. It was omitted because the Grants Committee came into existence in the United Kingdom in 1919, that is to say, two years after the report of the Commission was published. In the United Kingdom in the year 1919 under the influence of Sir William Carmick, the Grants Committee was established and this Committee is now doing very useful work in connection with the British Universities. This Committee consists of members who have got great University experience but none of them is directly connected with any University. Now, this Committee periodically inspects every University, gives friendly advice and by the timely advice the defects which the Universities may have are at once removed. The Government gives grants to various Universities on the recommendations of this Committee. I have reason to believe from my personal knowledge that this Committee is doing very useful work in raising the status and general level of the University education. In place of this periodic inspection provided in our Universities Act of 1904, we have got provision of Committees of Inquiry in our Mordern Acts. This Committee of Inquiry is quite different from the Inspection Committee which visits Universities periodically as a matter of routine. It examines very carefully and gives friendly advice to the Universities in time, and their defects are removed. On the other hand our Committee of Inquiry is a punitive measure and is administered as a kind of punishment to the Universities and instead of doing any good to the Universities they do them positive harm. I do not want to go into details at this stage but if any one will challenge me on this statement, then beginning from Calcutta University to the Punjab University, I will illustrate by facts the harm they have done. As we are not concerned with the Universities in general in this Bill but we are concerned with the Medical Faculty only, I would like to emphasise that the Medical Council should institute Inspection Committees very much on the lines of the Grants Committee. It should consist of Inspectors who may periodically inspect these various Medical Colleges and submit their periodical report. It is essential that the Inspectors should be men with plenty of University experience and should not be men engaged in teaching in any University. This has been found to be practical in other countries and there is no reason why it should not be found practical in India. This provision may either be made in the Act itself or perhaps it might be made in the by-laws that may be framed under this Act.

The third point to which I would like to draw the attention of the House is the question of administration of these colleges. I am very strongly of opinion that all academic matters such as the prescribing the courses of studies, the teaching, the conduct of examinations and the standard of education, should be left in the hands of the academic men, but the administrative matters, such as, the appointment and the promotion of the staff, should be left in the hands of the non-academic men who should be persons who are not themselves the teachers in the same University. This remark applies not only to the Medical Colleges but also to Universities in general. We have got the example of one Medical College in India where we have tried this experiment of handing over the administration of the college to the academic officers which has singularly failed. I will refer to it in detail when I move my amendment on the subject. The Lucknow University is the only example, not only in India but probably in the whole world which is administered entirely by the staff of the University and the illustrations which I will give to the House when I move my amendment will show that it has singularly failed, and that the administration like

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other Medical Colleges should be taken over by the Government. I have studied University administration of practically every University in the world in connection with my book and I can find no example where the appointment of the staff is left in the hands of the teachers themselves except perhaps the examples of Oxford and Cambridge where the appointments are made by the members of the staff. But the conditions there are entirely different. In the first place, they first elect a fellow and the fellowship is very much like the scholarships which are awarded to men of their own colleges, and very often on the result of a rigorous examination. As the fellowships are practically reserved for men of their own colleges the selection could not be in the hands of any person except the staff of their own college. From these fellows they elect one or two teachers of the colleges and there also the selection is very close but when they come to appointments which are wide open namely professorships, they are made by the King and not by the staff of the University except in certain cases....

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I must correct the Honourable Member on that point. Very few Professors at Oxford and Cambridge are appointed by the King.

Dr. Ziauddin Ahmad : I do not challenge the statement of my Honourable friend about number. I was speaking from memory. Professors are usually appointed by the King. I quite admit that there are certain professorships in which the special conditions are laid down by the Donors. The Donors have mentioned that appointments should be made in a particular manner and these are exceptions. As regards the Chairs created by University or endowed by Government, the case is different. I leave the detailed discussions because the Universities of Oxford and Cambridge are in a class by themselves and they have a tradition of 700 years. The Universities, like the British Houses of Parliament, cannot be copied by any other country. There are other Universities in the United Kingdom, such as the Midland Universities. There we find that they don't have in the Executive Council even the Vice-Chancellor if he is a paid officer. The President of the Executive Council which controls the finances is the person who is not engaged in actual teaching work of the University and is often a business man of great reputation.

Coming to France and Germany you will find that all appointments in the University are made by the Minister of Education. In France, all the major appointments are made by the Minister of Education. Though it is very important that all academic matters should be left in the hands of teachers, but it is equally important that all financial matters and all administrative matters must be left in the hands of persons who are not actually engaged in teaching work in that particular University. The points to which I have drawn the attention of the House are, (1) the standard of hospitals attached to Medical Colleges should be raised ; (2) that inspection should be similar to the inspection by the Grants Committee in the United Kingdom and it should not be a punitive measure like the Enquiry Committee in modern Indian Universities of India ; (3) that financial administration should be in the hands of persons who are not actually teachers in that particular college or University. In conclusion, I will congratulate once more all the members of the Select Committee for solving the vexed question of the registration of medical graduates. In my first speech I said that it was not desirable to register the individuals but we should try to recognise the Universities. The Select Committee acted really in a more generous way and the decision arrived at is really one with which I entirely agree. Coming to the constitution of the Medical Council, since the report is unanimous I accept its deliberation but personally I would not agree to a constitution which they have presented. But I do not raise any objection simply because the opinion of the Select Committee is unanimous. I have full trust in the members who formed the Select Committee and I am perhaps alone with a minority of one in not agreeing with the proposed constitution of the Council. As regards inspection I entirely agree with the recommendation of the Committee. I have got two or three amendments which are really of a verbal nature and they only mention explicitly what is implicitly provided for, but I will not press any of my amendments to vote.

Dr. R. D. Dalal (Nominated Non-Official) : Sir, on the motion to refer the Medical Council Bill to a Select Committee, I travelled so thoroughly over most of the ground that it is unnecessary to weary the House with any long speech. In my previous speech on the Medical Council Bill at the Delhi Session I paid a just tribute to the General Medical Council for the important part the Council had played in bringing University medical education in India to its present high standard ; and I was then taken to task and subjected to a chorus of denunciation, and poisoned darts were thrown at me. Sir, I have not one word to say in derogation of those who may hold opposite views ; but I would point out that it often happens that small minds can be most bitter in speech, and they count it no derogation to be so. However that may be, it is a relief to turn from this unpleasant point and to say that I rejoice that there seems a good prospect of the formation of a self-governing and independent organisation for the regulation of University medical education in India, which in the past had been subjected to outside control by the General Medical Council, and that the creation of a competent body such as the Medical Council provided for by this Bill will remove what has admittedly been the chief obstacle to restoring the reciprocity between India and Great Britain, which obtained until February, 1930. Sir, in this connection may I be permitted to remind this Honourable House of the lesson which the Free State of Ireland teaches us. It is interesting to study the history of the negotiations which have taken place between the Free State of Ireland and the General Medical Council. The Free State of Ireland desired to be completely independent of the General Medical Council ; but very soon the medical profession in Ireland discovered that it was very much in their interests to retain that connection. If rash and misguided counsels will prevail, India will undoubtedly have the same experience.

Sir, everyone must recognise the devoted services rendered by the licentiates—the men who come into contact with suffering and who come to the relief of the poor and who carry the torch of western medicine into remote corners of rural areas. But, I must confess that I feel much relieved that the Select Committee have avoided one peril. That is the peril of inclusion of licentiates within the scope of the Bill ; and I need hardly point out that that peril would have proved the grave of this measure. Section 11 of this Bill secures that there shall be no bar to the admission of an improved licentiates' qualification ; so the proper line of action for

[Mr. G. S. Bajpai.]

It will be within the recollection of Honourable Members that this Bill as introduced, was, not only exhaustively, but, if one might be flippant, exhaustingly discussed in the last Session of the Assembly. Every aspect of the subject, whether it was medical ethics or medical education, came under searching scrutiny. The three vital points which emerged from the discussion were, first, whether licentiates should be included or excluded from the scope of the Bill; second, whether the constitution of the Council needed any modification; and third, whether the provision made in the Bill in respect of reciprocity was adequate. I shall take these points in the order in which I have enumerated them. First, the question of licentiates. It was made abundantly clear on behalf of the Government during the discussion that the limitation of the scope of the Bill to higher medical education, that is to say, the education of medical graduates, was due to constitutional and financial reasons. Constitutionally the position was that Local Governments were unwilling to part with their powers except in respect of higher medical education.

The financial exigencies of extending medical relief to our vast rural areas made it impracticable that the standard of education of the licentiates should be brought up to the level of the education of medical graduates. Nevertheless, we undertook, as a sign of our goodwill towards this important body of medical practitioners in this country, to sound Local Governments and ascertain whether there was any way in which we could assist them in the task of the educational reform for licentiates, assuming that there was a consensus of desire that there should be such a reform. In pursuance of that undertaking we consulted Local Governments. We asked them first whether they wished the Government of India to undertake an enquiry in order to ascertain whether the standards of education of licentiates in the different provinces were uniform, and secondly, if they suggested or favoured such an enquiry, to indicate whether they thought that there was any way in which the Government of India could assist them to establish uniformity where diversity existed. We were anxious further that the replies of the Local Governments should be available to the Government of India before the Select Committee met so that they should be in a position also to consider the replies of the Local Governments and make suggestions to us whether any action on our part was necessary. The replies fortunately were received in time and we put them before the Select Committee to which the Bill as introduced in this House was referred. With the exception of two Local Governments none was in favour of an enquiry because they thought that in the financial circumstances of the country it would be impossible for them to take any action upon any recommendations which the Committee of Enquiry might make. The two Local Governments which were in favour of the enquiry also recognised this difficulty, but on the principle that if somebody else pays they need not deny themselves the advantage or the credit of having had an enquiry into the question. They said that they would be quite willing if the Government of India undertook the enquiry.

An Honourable Member: Who were they?

Mr. G. S. Bajpai: The Government of Bombay was one, and I think the Government of the Punjab was the other. Well, Sir, the Select

Committee were in agreement with the view of the representatives of the Government on that Committee that this kind of commitment, namely, expenditure from central revenues in our financial situation upon an investigation the results of which would lead to no practical advantage for an indefinite period, was hardly justified. The question, Sir, then which the Committee had to apply themselves to was, whether there were any provisions of the Bill which needed modification or omission in order to remove all sense of legitimate grievance from the minds of the licentiates? The view of the Government had all along been that the fact that we proposed to maintain an all-India Register from which the licentiates would be excluded was neither intended, nor would it have the effect of imposing any hardship or disability upon them. But, Sir, the Committee came to the conclusion that even though the objection of the licentiates might be sentimental, if the register was not vital to the main scheme or structure of the Bill, there was no reason why the register should be kept. Therefore, they came, after a careful scrutiny of the Bill, to the conclusion that all provisions in the Bill as introduced, relating to the maintenance of a register, and provisions incidental thereto should be deleted. The Bill which is now before the House, the amended Bill, gives effect to the recommendations of the Committee in this respect. I may say on behalf of the Government that we accept the proposals made by the Select Committee in this respect, and I hope that this will afford ample proof that we are animated by no desire to hurt or hamper this important body of medical practitioners, namely, the licentiates.

The second part of the Bill which needed close examination related to the constitution of the Council. Objection had been taken to the Bill as introduced on three grounds; first, that it provided for a perpetually nominated President; secondly, that so far as medical faculties of Universities were concerned, instead of making each British Indian University with such a faculty the constituency for electing to the Council, we intended to make the province, even though there were more than one such University, the constituency for this purpose, and further that we intended to keep the constituency extremely official by limiting the choice of representatives to the Council to members of the Medical Faculties; and thirdly, the ground on which objection had been taken to the provisions for the constitution of the Council was that medical graduates were not getting direct representation but that we were, instead, resorting to indirect election and a very narrow channel at that, namely, Provincial Committees which it was proposed to set up from the Provincial Medical Councils. The Bill, Sir, as amended and now before the House has made important changes in regard to each one of these points. After the first four years the Council will elect its President. Then, instead of the province being the unit, every British Indian University which has a Medical Faculty, will elect its representatives and the election will be made not by the Medical Faculty but by the Senate or whatever the corresponding body of the University may be. Thirdly, the medical graduates enrolled on the Provincial Registers, in fact all people who hold recognised qualifications under this Act if it becomes law, or qualifications of British Indian Universities, will be able to participate in the elections to the Council. When I made my motion

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[Dr. R. D. Dalal.]

the licentiates is to press for improvements in the standards of their course of training and examinations ; and the Medical Council provides the best prospect for the improvement of their status.

I hope nothing will happen to mar the progress of this Bill. After this Bill is passed and has received the assent of the Governor General, I would suggest that the Government of India should get the Medical Council into operation as soon as possible with the least possible delay ; and they should institute a minute inquiry into the existing standards of education of licentiates in various provinces. After the report of the Committee is considered by the Medical Council, the Council should lay down a minimum standard of education of licentiates—a standard which will be acceptable to other countries with which reciprocity is to be claimed. The provinces will then work up to that standard ; and if any province has reached that standard, it will apply to the Council for recognition. Sir, at first apparently this Bill had hardly any prospect of passing ; now suddenly and unexpectedly harmony prevails. It may be asked, what is this singular phenomenon due to ? Let me explain. The licentiates organised opposition and resisted to the utmost a measure which they felt and believed constituted a deadly blow to their prestige. Against this formidable opposition the Honourable the Education Member employed talents of persuasion, and displayed qualities of courage, resilience, and resource ; and owing to substantial changes in the character of the Bill the probability of this Bill becoming law amounts almost to certainty. I congratulate the Honourable Sir Fazl-i-Husain on the prospect of securing the passage into law of this useful Bill ; and I hope the success the Honourable Member is likely to achieve in this instance will be an encouragement to him to pursue his efforts on behalf of the medical profession and the public, and to initiate legislation as to Drugs Act, Pharmacy Act, Ministry of Health Act, and so on, and to exercise the same energy and pertinacity. Sir, every one will admit that the Honourable the Education Member has taken a deep interest in this Bill, and has all along striven hard to settle this difficult and long-vexed question. I am a graduate in medicine of the University of Bombay ; and on behalf of the medical graduates in India and on behalf of myself, however strenuously I endeavour to express our thanks to the Honourable Sir Fazl-i-Husain, I feel that my words must be inadequate to represent the depth and sincerity of our feelings towards him. I can only say that we are deeply grateful to him, and that we warmly appreciate his kind efforts on behalf of the medical profession in India. Sir, I support this Bill on account of the strong belief I hold that it will confer great benefits upon the public generally and on the whole medical profession in India ; and I feel confident that this Bill will prove worthy of its place on the Statute-book.

Now, Sir, if you will permit me, I shall just say one word as regards the allegations made by my Honourable friend, Dr. Ziauddin Ahmad, in respect of the Medical College Hospital at Lucknow.

Mr. President (The Honourable Sir Shanmukham Chetty) : Dr. Ziauddin Ahmad has given an undertaking to refer to that matter when he moves his amendment.

Dr. R. D. Dalal : Then I will speak on the amendment, Sir.

Mr. S. G. Jog (Berar Representative) : Sir, I must confess at the outset that I am not a doctor. At the same time, I must say that I have got much to do with the medical profession as a patient, and I hope the House will not be impatient, and will bear with me for some time.

This Medical Council Bill has for the last two years provoked much discussion throughout the length and breadth of the country. It has given a sort of convulsion to this medical profession at large and for the last two years they have been practically flooded with so many suggestions and so many amendments that the medical profession at large wanted to condemn us if the House did not throw out the Bill. They all along said that this was an aggression on the medical profession in India and, instead of giving medical Swaraj to India, Government were practically having their own way and setting up a body mostly at the dictation of the General Medical Council in England with a view to killing the medical profession in India. How far this attitude of the medical profession is justifiable is really open to grave doubt. The real criticism of the Bill came on account of the policy of segregation of the licentiates who form a great number in this country and who have rendered great medical services to the people ; and this was considered by the people at large as a great injustice to such a big class. It is no doubt true that Government had and have still got a step-motherly attitude towards the licentiates. They have got some prejudices against this class in general and I think their prejudice was more or less responsible for the views expressed in England by the General Medical Council. I find that in this matter dictation has come not only from above, but the Government of India, instead of asserting their wishes, are also getting pressure from below, I mean the Provincial Governments. I find that the Government of India have surrendered their wishes to the Medical Council and to the Provincial Governments. The Provincial Governments have raised many difficulties and they did not take up the case of the licentiates as they ought to have done. It is no doubt true that now, since this Bill has emerged from the Select Committee, this bone of contention about the licentiates has been skilfully removed by the surgeon in charge of this Bill ; but I think it has still left some poison behind it. You will find that the licentiates have not been given any recognition in this Bill. In the provincial registers, both the provincial graduates as well as the licentiates appear. If the medical advancement of India is desired by the Movers of the Bill, is it not necessary that these medical licentiates should have some voice in the election of persons to the Medical Council ? The Member in Charge is shaking his head and showing a sort of denial. But these licentiates have rendered great services to the country and they have been held in very high esteem, not only by those who do not belong to the profession, but even by those who belong to the profession. I would like to read only one certificate and that will convince the House. The opinion of Sir Abdulla Suhrawardy, the Vice-Chancellor of the Calcutta University and the Chief Medical Officer of the East Indian Railway, will show you that the licentiates of India are in no way inferior to their brethren in the foreign countries who are being enrolled on the Indian Medical Council Bill, and a grave injustice is being perpetrated on the licentiates of India, due to vested interests. This is what Sir Abdulla Suhrawardy said.....

Mr. G. S. Bajpai : Sir Hasan Suhrawardy, not Sir Abdulla Suhrawardy.

Mr. S. G. Jog : Anyway he is his brother and must be airing his views also. He said :

"There may be diversity of opinion on the point, but still, from my own experience, the opinion that I have formed about licentiates is this..... Now, what I have formed is that amongst what we call the sub-assistant surgeon class, there are men whose knowledge of medicine, surgery and midwifery is as good as that of any product of any University. I can now clearly see that my colleagues today who are called sub-assistant surgeons have gone up more than 200 per cent. in their efficiency and standard of education. I feel that they are just as good as any L. R. C. P. the product of extra-mural institutions of British Isles.....if they are on Provincial Council's registers, then, for the sake of uniformity, why they should not be on the all-India register."

I do not see any reason why, if these licentiates are on the provincial register, they should have no voice in the election of people. This is one grievance which I want to be remedied.

Another point I would like to raise is this. Even as regards the medical graduates, the attitude of the Government and of this Bill is not at all satisfactory. What is the provision concerning them ? I find various barriers put in the way of their election and nomination. What is the result of that ? If this Bill is meant to be on democratic lines, what is the provision for the medical practitioners ? I am reading from clause 5. You have imposed a condition that :

"No person shall be eligible for nomination or election under clause (*a*) or (*b*) of sub-section (*1*) of section 3 unless he possesses a recognised medical qualification or a medical qualification granted by a British Indian University and no person shall be eligible for nomination under clause (*a*) of sub-section (*1*) of section 3 unless he resides in the province concerned, and, where a Provincial Medical Register is maintained in that province, unless he is enrolled on that register."

To this I have no objection. But, then comes (3) :

"No person shall be eligible for election under clause (*b*) of sub-section (*1*) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools."

I say, these people, the private medical practitioners, have to put in four or five years in a Medical College and then they have to earn something for their existence. It is very difficult for these medical graduates to get any professorship or lecturership in order to make themselves eligible for this election. They have to take to private practice as soon as they finish their course, and I need not tell you what is the number of medical practitioners throughout India. What will happen to them ? After four or five or six years in practice, what is their position ? Will they be ever eligible for nomination or election to this body ? They will never be eligible. In four or five years do you expect them to become professors or lecturers ? In the beginning it is not possible for them to get any job like that ; and, after they are settled in practice, they will not take to any lecturership or professorship. Therefore, so far as these practitioners are concerned, they will have absolutely no voice in this Medical Council.

Mr. G. S. Bajpai : I think my Honourable friend has not looked at sub-clause (*c*) of clause 3 (*1*).

Mr. S. G. Jog : I do not know whether (*c*) is to be read as subject to 5 (*3*).

Mr. G. S. Bajpai : No.

Mr. S. G. Jog : Then I stand corrected. I have given a few amendments, and I will take a little more time to consider whether I should move them when the proper time comes ; but I should like to tell the House that the purport of my amendments is, as I have said just now, that the licentiates, although they may not be eligible for election, even if they are on the register, should at least have the right of vote for selecting a man in whom they have confidence. There is nothing strange in this suggestion. In many bodies there are provisions like this. A man may not be eligible to be elected himself ; but he should have a voice at least in selecting a man in whom they will have confidence and we will be doing a great service to the licentiates if this could be done. If this suggestion is carried out, I think we will be rendering some useful service and showing some recognition of these licentiates as a whole. They should certainly have a voice in the medical advancement of India. My friend has pointed out that section 11—Recognition of medical qualifications granted by medical institutions in British India—does this. But the medical licentiates do not figure at all in this Bill and it is without doubt a grave injustice. But I for one have got faith in the future, and I for one have got faith in the good wishes and intentions of Government. When the matter comes to be reviewed and revised, I hope your angle of vision and attitude towards these licentiates will and should undergo a change and that you will take a more friendly view and, when the time comes, you will recognise these licentiates. So far as their course is concerned, I personally know that many of them hold very good qualifications. It is difficult nowadays to get admission into the Medical Colleges, and students who have passed the Previous and Intermediate attend these schools : unfortunately, they do find it difficult to get admission into the colleges ; but the course is for four years and at Poona and many other places the training is very efficient. There is no ground, therefore, for denying them these facilities. There are many licentiates who have risen to the post of Assistant Civil Surgeons and I can safely give this assurance that many of these Sub-Assistant Surgeons are far superior to these people of five or ten years' standing who come from the Medical Colleges. Therefore, your angle of vision must be changed so far as the licentiates are concerned, and when the time comes, I am sure, their merits and their qualifications will be fully recognised. With these few remarks, I commend the Report of the Select Committee. Sir, I may tell the House that there is great commotion in the country, there is great commotion among medical men in this country, and I must offer my thanks to those members of the Select Committee who laboured hard for bringing about a unanimous Report. Sir, I strongly support the motion that the Select Committee's Report be taken into consideration.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Mr. President, as a member of the Select Committee, I have to thank my friend, Dr. Ziauddin Ahmad, even for the left handed compliment he paid us, but if any compliment has to be paid to anybody, I think it is due to my Honourable friend, Mr. Bajpai, who has successfully piloted this Bill, and to his able chief, the Honourable Sir Fazl-i-Husain (Applause), not so much because of the provisions of the Bill as recommended by the Select Committee, because we claim,

[Mr. B. Sitaramaraju.]

we have as much a share in their shaping as they have, but because they have been able to carry the opposition with them in this matter, and, I am sure, it must be a source of great gratification both to Mr. Bajpai and to his able chief. Sir, nothing in this world appears to be quite happy always. Even in this debate, my friend, Mr. Bajpai, has introduced a disturbing element, I should say, when he referred to the following passage, a footnote in the White Paper proposals. It is not necessary for me, Sir, to read again the little footnote, but this much I have to say that this footnote says that the question which will require separate consideration arises in regard to the registration in India of medical qualifications. This footnote occurs after a provision made in the White Paper proposals regarding the reciprocal treatment to be accorded to Indians. Paragraph 123 of the White Paper proposals says as follows :

"The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting any British subject domiciled in the United Kingdom to any disability or discrimination in the exercise of certain specified rights. If an Indian subject of His Majesty or a company, etc., constituted by or under a federal provincial law as the case may be would not in the exercise of his right in the United Kingdom a corresponding right be subject to any disability or discrimination....etc."

Further, Sir, with regard to companies, a similar provision in regard to reciprocity is made. Here this footnote says, when these White Paper proposals were drafted, the Government in England took note of the fact that we had before us this legislation, and they say that the question will be separately considered. Beyond that, it does not say anything.

Sir, Honourable Members are aware that reciprocity, absolute reciprocity, is the basis of this measure. We claim that we should be treated in the same manner by other countries as they would like us to treat them. When these White Paper proposals were made, no doubt His Majesty's Government was well aware of the fact that this legislation provided a scheme of reciprocity. At the same time, it must be remembered that when we referred the provisions of this Bill to the Select Committee, we were equally well aware, as the Government were, what the White Paper proposals were, because those proposals were published before the motion to refer the Bill to Select Committee was passed by the House. I do realise, Sir, our constitutional position. I cannot deny the right of His Majesty's Government and the British Parliament to pass any legislation that they may think proper, but I do say this much, that, on the question of reciprocity, we are all at one, the whole country is behind us, in holding that we will not be prepared to accept any scheme which does not confer on us absolute reciprocity. We are not prepared to accept that, and I would like to inform the Government Members, and, through them, His Majesty's Government, that they should take note of the fact that we in this country are absolutely determined to have absolute reciprocity in this matter without which, Sir, this Bill is not worth the paper on which it is written. After all, the Provincial Governments, who were consulted in this matter, laid stress on the fact that there should be absolute reciprocity if the provisions of the Bill were to be of any use at all, and the Madras Government, in particular, has drawn pointed attention to the fact that if you do not give effect to the recommendations of the Simla

Commission, where they claim absolute reciprocity from the day on which the Act is to come into existence, they would rather have the Bill dropped. What did the Select Committee do ? They did not go even the length to which the Madras Government was prepared to go. The Select Committee did realise that if tomorrow we insist upon absolute reciprocity, there may be difficulty to people actually following the profession here now who possess European degrees and other foreign degrees, because those men will have to be disqualified for want of simultaneous treatment forthcoming from those countries, and, therefore, a period of four years was given. That was the most reasonable thing that we on the floor of this House could do, and that was done. I need not dilate on the point raised by my friend, Mr. Jog, about the licentiates. Honourable Members are perfectly well aware that when we accepted the motion to refer this Bill to the Select Committee, this Assembly accepted one principle, and that principle was accepted, whether rightly or wrongly. And what was that principle ? To provide an All-India Register and Council for higher medical education. I am not going into the question whether the Assembly was right in making it the principle, but that was the principle of the Bill, which was accepted, and, therefore, owing to the limitation placed upon the members of the Select Committee, they had to follow that principle which was accepted by the House, whether any in the Committee approved of it or not. Therefore, when the question of the Register has been dropped absolutely, I think all that could be done had been done so far as the status and recognition of the licentiates were concerned. More cannot be expected under the circumstances. Sir, I have done.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I wish to say a few words at this stage, and, in doing so, I shall be as brief as possible. Honourable Members of the House might remember that at the Second Reading of the Bill, I said that the Council, as it was originally proposed to be constituted, would be a packed body of officials. Of course, certain alterations have been made in the Select Committee. But, Sir, I am not yet satisfied. You will find four classes of members according to clause 3 of the Bill. The

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first is : "one member from each Governor's Province, to be nominated by the Local Government of the province." It is obvious that members who are nominated by Local Governments would be officials. The second class of members is dealt with in clause 3 (*1*) (*b*) which says : "one member from each British Indian University, to be elected by the members of the Senate of the University from amongst the members of the Medical Faculty of the University." On the face of it, it looks all right, but, further down, if you look at sub-clause (*3*) of clause 5, it is stated :

"No person shall be eligible for election under clause (*b*) of sub-section (*1*) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools."

That means that at least, so far as the Madras Presidency is concerned, no non-official member will come in. You know that in the Presidency from which we come there are no private medical institutions. All the Medical Schools and Colleges are owned by the Government, and naturally it is only Government servants that are engaged there for the purpose of teaching. No non-official medical practitioner,

[Mr. K. P. Thampan.]

however efficient he may be, is allowed to do any kind of teaching in those schools or colleges. So far as Madras is concerned, with which I am familiar, I am certain, there are no private medical practitioners coming under clause 3 (*1*) (*b*). The effect of that would be that men like the late Dr. Nair, who was a distinguished medical practitioner, would have no chance of coming into the Medical Council. There are distinguished men like Dr. Rangachariar, Dr. Guruswami and others who are acknowledged experts in surgery and other branches of medical science, but so long as they have no teaching experience they will have no place here according to these provisions. That is an aspect of the matter against which I must enter my emphatic protest. The third class of members of the Council is dealt with in (*c*) of clause 3 (*1*), and it lays down " one member from each province where a Provincial Medical Register is maintained ". Probably some people elected under this clause may be non-official medical practitioners, but one cannot be certain about that also. The last class is dealt with in (*d*) : " three members to be nominated by the Governor General in Council ". They are sure to be officials.

Dr. Ziauddin Ahmad : Why ?

Mr. K. P. Thampan : Because Government have their own purpose to serve and there is a brotherhood among the service. I am, therefore, afraid that the Bill, inspite of the changes made in the Select Committee, aims again to create a packed body of officials. It does not at all liberalise the constitution. Further, sub-clause (*2*) of clause 4 says :

" Where any dispute arises regarding any election to the Council, it shall be referred to the Local Government whose decision shall be final."

Generally, in all elections, such disputes are referred to a special tribunal consisting of people who have got some kind of judicial experience. Here it is entrusted purely to the Local Government. That, again, aims at entrusting such matters into the hands of officials, and, naturally, as our experience tells us, the chances are, whenever there is a dispute between an official and a non-official, the Local Government will prefer only the official. So, on the whole, I am afraid that it is not a very happy constitution which is provided in this Bill. One does not feel any enthusiasm over it. So much with regard to the constitution.

It ill becomes one to criticise the details of a measure on which there has been a unanimous agreement in the Select Committee. I will not, therefore, raise any new issues at these stage, but I must say one word with reference to the lack of any specific provision for the fund for defraying the expenses of this Medical Council. I am told the cost of this Medical Council would be about Rs. 60,000, and it has to be taken for granted that the general taxpayer.....

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Will the Madras Government be willing to pay ?

Mr. K. P. Thampan : Did the Honourable Member consult the Madras Government or the Madras University ? I want a categorical answer.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No.

Mr. K. P. Thampan : Both education and medicine are Provincial matters and if you ask, they may probably give. Apart from that, I am very much against the taxpayer being mulcted with these expenses. In the first place, as long as the step-motherly treatment that the Government have been giving to the Unani and Ayurvedic systems of medicine is continued, I am against making any distinction in favour of allopathic system of treatment. The Unani and Ayurvedic systems are indigenous systems and more suitable to the conditions of the country, but, on account of the neglect of the Government, they have very much deteriorated. As a matter of fact, no progress has been made during the last three or four centuries. On the other hand, the allopathic system, belonging as it does to the ruling class here, is given every kind of patronage and encouragement. That is an objectionable thing, and I am against making any contribution from the general taxes for the allopathic system of treatment. Further, this Bill benefits only a few students who go for higher studies to England. The proper body to foot the bill is, therefore, the University, and I trust that Universities and Local Governments will not be indifferent in this matter.

Dr. Ziauddin Ahmad : University's money is taxpayer's money.

Mr. K. P. Thampan : Not entirely ; they have their own resources such as examination fees, endowments, etc. There are a few other minor matters also which have to be remedied. Sir, you will find I have given notice of relevant amendments in connection with these aspects, but, as I said, the matter being one on which an unanimous agreement was arrived at in the Select Committee, I do not want to sound a discordant note. They can be amended afterwards in the light of the experience we gain by working the Act for some time.

(At this stage, the Honourable Khan Bahadur Mian Sir Fazl-i-Husain rose in his seat to speak.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member finish in five minutes, or would he prefer to speak after Lunch ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I may take about ten minutes,—not more than that.

Mr. President (The Honourable Sir Shanmukham Chetty) : Sir Fazl-i-Husain.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I very much appreciate the spirit in which today's debate has been conducted. The House has very successfully entered into the spirit in which the Select Committee set to work and achieved the result—an agreed report. Various explanations have been given of the way in which this result was achieved. All the explanations given up till now are very wide of the mark, and I should not like the House to remain under any misapprehension as to the real cause. The real cause is this. This legislation has been in hand for the last four years. It was opposed by provinces, by the profession and by non-official bodies. There was no one really who stood for it except perhaps the Department which was responsible for it four years ago. Then, how is it that we have arrived at an agreed report and a report which the House has honoured by treating as an agreed report acceptable

[Khan Bahadur Mian Sir Fazl-i-Husain.]

to it, and possibly without subjecting it to amendments. I must confess that it has been entirely due to my weakness. Seeing the stalwarts of the Opposition ranged against me in the Select Committee, there was no course open for me but to retire all along the line and the result has been an agreed report. That is an achievement of which one cannot be very proud, but still it is much better to tell the truth rather than take credit for something which one has not done. For instance, the Opposition were very keen that the Council shall not have a nominated President. I had to give way and say : " All right, have your way ". They were very keen that they shall have direct representation of the medical graduates to the Council. I felt that that was not the correct thing to do, but, under pressure, I gave way again. Again I felt that representatives of the Medical Faculty should be elected by the Faculty. They again pressed hard and said, the Senate shall elect. I again gave way.

Mr. B. Sitaramaraju : Did you give anything more than what you gave in your last speech ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I gave nothing away in my speech. I never make speeches to give away anything. In my speech I only tried to explain matters. However, Sir, this is a story of surrender from point to point, but, when I make that confession, I further wish to add that I am not ashamed of it. I felt that the object I had in mind was also the object which Honourable Members opposite had in mind. With that identity of object, we had just to modify the usual principle of give and take by my giving and their taking. Still I think the result is on the whole not unsatisfactory. The measure which will be passed with the unanimous support of the non-official section of this House stands a much better chance of making a success of itself than would have been the case, had I resisted these amendments and carried them by a majority. It was not worth it and that was really the reason how I justified to myself this retreat all along the line. The object of the Bill is efficiency at home and honour abroad. (Applause.) We want our medical institutions to be run efficiently, to be run in a way as to attract scholars of medicine from abroad, if not in all subjects, at all events in some subjects. Given that efficiency at home, is there any reason why we should not command honour abroad ? I am sure, Sir, we will.

Something has been said about the vexed question of licentiates. Let me once more give an assurance to the House that there is no one in the House more anxious to make sure that the licentiate education is on a sound basis than myself. And why ? Because, licentiates deal with a much larger section of the Indian population than graduates do ; and no one would be true to his duty who did not make sure that their instruction was as high as the circumstances would permit, and that those who rendered this service to such a large section of Indian people would be placed in as good and honourable a position as circumstances permitted. I will not detain the House by reviewing the speeches made this morning. I am sure, my friend, Dr. Ziauddin's observations will be read with great interest by Provincial Governments so far as their administration of hospitals and colleges is concerned and I have no doubt that scholars interested in education generally will benefit by his observations. As to the desire to improve the lot of the licentiates, I think I have made Government's position clear. As regards my friend, Mr. Thampan's ideas

about finances, I may remind him that when we made an inquiry from the Madras Government as to whether they would be prepared to tell us what form their co-operation will take as to the inquiry to be made into the education of licentiates, they expressed readiness to co-operate with us fully provided it was clearly understood that if finances were involved in the matter the Government of India would pay. That does not strike me as very hopeful. As to Mr. Thampan's suggestion that, in the matter of inspections, they will be willing to contribute.....

Mr. K. P. Thampan : Both are different matters.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Quite so, and I can assure the House that under the very very vigilant financial supervision of my Honourable friend, the Finance Member, if we can make even a pice out of a province, we seldom fail to make an effort. So his view point is quite safe. To conclude, I very much appreciate the observations made by Mr. Sitaramaraju as to the constitutional position and the jurisdiction of the Joint Select Committee over it. The House has felt that the Bill has been under consideration for a long time, that it meets what the House considers are the just and fair requirements of the case and would proceed with it. Let us hope that it receives the careful consideration of the Joint Select Committee and the essential principles of the Bill meet with their approval. There may be principles which the British Parliament may feel called upon to alter and we all know they have a right to do so and we cannot question that right. Sir, once more, expressing my gratitude to the House for the kindly reception it has given to this measure which, in the past, has been so very contentious, I venture to express the hope that it may secure the object we have all in view—efficiency at home and honourable recognition abroad.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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 (The Honourable Sir Shanmukham Chetty) in the Chair.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 16 stand part of the Bill.

Dr. Ziauddin Ahmad : Sir, I beg to move :

" That at the end of sub-clause (*1*) of clause 16 of the Bill, the following be added :

' inspectors appointed under this clause shall be persons having experience of University administration but not actively engaged in teaching in any university '."

Mr. G. S. Bajpai : I hope my Honourable friend will see his way not to press his amendment. If my Honourable friend will see sub-clause (*h*) of clause 18, he will find that the Council is going to regulate such matters as appointment, powers, duties and procedure of medical inspectors, under the rules. I have no doubt that they will consider the suggestion of my Honourable friend.

Dr. Ziauddin Ahmad : In view of the assurance given by my Honourable friend I beg leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 16 stand part of the Bill.

The motion was adopted.

Clause 16 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

Dr. Ziauddin Ahmad : I have got an amendment to this clause. It is really not an amendment, but an explanation. Really speaking, the courses of study always include hospital practice, but this question was doubted in one University and, therefore, I thought I had better put it explicitly. But if the Honourable Member will say explicitly that the course of instructions would include hospital practice, then I would not move my amendment.

Mr. G. S. Bajpai : I must say.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member does not move his amendment, but he wants some explanation from Government before he makes up his mind as to whether he will move it or not.

Mr. G. S. Bajpai : The course of study in the Universities does include hospital work.

Dr. Ziauddin Ahmad : In view of the assurance, I do not propose to move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

The motion was adopted.

Clause 17 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 18 stand part of the Bill.

Sir Lancelot Graham (Secretary, Legislative Department) : I beg to move :

"That in sub-clause (*1*) of clause 18 of the Bill, item (*f*) be omitted and the remaining items be re-lettered accordingly."

Sir, in the Bill, as it is now before the House, item (*f*) of sub-clause 18 runs : "The conduct of business of Provincial Committees". The Provincial Committees were provided for by clause 11 of the Bill as introduced, but that clause was struck out by the Select Committee and this, Sir, is accordingly a consequential amendment.

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 18, as amended, stand part of the Bill.

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19, 20, and the First and Second Schedules were added to the Bill.

Dr. Ziauddin Ahmad : I have got an amendment to the First Schedule. Really I did not want to move the amendment, but only I want to draw the attention to irregularities in our University.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will have a later opportunity to make a speech.

The question is that clause 1 stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

RESOLUTION *RE* DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

Sir, in the course of the discussion on the Pledging of Child Labour Bill, I put forward the proposition that, where children were concerned, all the Members of this House were Members for Labour. That proposition received such general support from all sections of the House that the House will, I am sure, sympathise with me in the position in which I find myself today in asking it to recommend to the Governor General in Council that it should not ratify a Convention, the underlying motive of which is the amelioration of the lot of children. I trust I shall be able to convince the House that there are compelling reasons why I have to bring forward this motion.

I am not sure whether the House remembers that, in September last, my Department circulated to all its Members the report prepared by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee, who represented the Government of India at the 16th Session of the International Labour

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Conference, on the proceedings of that Conference. Probably very few Honourable Members have brought copies of the reports with them, and I have here a few copies which I am prepared to pass on to any one interested in this subject. I have also had circulated,—I think Honourable Members will find them in their places,—copies of Article 1 and Article 9 of the Convention with which we are primarily concerned.

Sir, I think it will facilitate the discussion of this motion if I indicate very briefly how this Convention came to take its present form. When the proposals first came before the Government of India, they very naturally consulted the Local Governments about them and the replies they got went to confirm their own provisional view that it would probably not be possible for India to go very far in the direction suggested. However, they were very anxious, if possible, to meet the Conference half way and they therefore instructed their delegates to press for certain special conditions for India. There are only two of these with which I need trouble the House now. The first was that the age limit contemplated for the Convention should be reduced to 10. The Conference was contemplating an age limit of 14 years below which the employment of children in non-industrial occupations should be prohibited. We suggested that, in the special circumstances of India, it should be reduced to 10. I wish to remind the House at this stage that this Convention applies solely to the employment of children in non-industrial occupations. Our second suggestion, which was a much more important one, was that, as far as India was concerned the Convention should only apply to certain specified occupations. Sir Bhupendra Nath Mitra put our case very forcibly before the Committee preliminary to the Conference which was considering these proposals and, as this House will remember, he can argue a case very forcibly. It received support from a very valuable,—I will not say unexpected,—quarter, that of Mons. Albert Thomas, the Director of the International Labour Office. I am sure the House will share the regret expressed in the report by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee that, shortly after this Conference was over, Mons. Thomas died. In him, the International Labour Office lost, as Sir Bhupendra Nath Mitra and Sir Atul Chatterjee said, a valuable public servant, one who combined idealism with a very practical turn of mind. India also lost a good friend for, throughout his connection with the International Labour Office, he had shown sympathetic co-operation and a very keen understanding of our special problems. He brought that practical turn of mind of his to bear on the proposals submitted by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee and warned the Committee that their only hope of securing India's ratification of the Convention was to accept those proposals. The Committee did so, but unfortunately, when their recommendations came before the full Conference, they were met with a certain amount of criticism and different proposals were put forward in regard to India by a lady from Spain. How much she knew about India I am not able to say, but it would seem that the Conference was carried away by her eloquence, and in spite of Sir Bhupendra Nath Mitra's protests, her proposals were carried by a small majority. In the result, the Indian Government delegates and the Indian Employers' delegate—you, Sir, whose support I should have been glad to have on the floor of the House now,—naturally found themselves unable to support the Convention with their votes. I should add

that, in this attitude, they were supported by a number of other Government delegates including the Government delegates from Great Britain and from Japan.

Now, Sir, I turn to the text of the Convention itself. As I have already pointed out to the House, the Articles with which we are really concerned are Articles 1 and 9. Article 1 merely defines the scope of the Convention and indicates that it applies to non-industrial employment. Article 9 is the important one. If the House will turn to Article 9, they will find that it is proposed that in India three things should be done. In the first place and the most important, it lays down that all children below 10 should be excluded from all non-industrial employment. It lays down, in the second place, that older children should be excluded from certain street occupations and also from itinerant trading; and it lays down, in the third place, that children should be excluded from occupations involving certain dangers to life, health and morals. It is on the first of these stipulations that I would ask the House to concentrate its attention. If we adopt this Convention, all children under 10 will be excluded from all non-industrial occupations. Now, Sir, I would ask the House to consider in what non-industrial occupations children below 10 can be employed. Possibly some Members of the House may be able to throw light on the subject but, as far as I know, there are very few of them and I can only think of tennis *chokras* and golf caddies. The only really important occupation in which any child below the age of ten is likely to be employed is domestic service. My Honourable friend, Mr. Clow, reminds me that agriculture is excluded,—it is regarded for this purpose as an industrial occupation. As I was saying, the only really important occupation in which children below 10 are likely to be employed is domestic service, and I would ask the House how, if we adopt this Convention, we are going to enforce it. What sort of staff should we want? How are we going to find out whether children below 10 are employed or not, without a host of inspectors and inquisitorial inspection? I submit, Sir, that it is absolutely out of the question to enforce the Convention and that is the position I place before the House. Even if it were possible to do anything in this direction, I would remind the House that there are other and much more important questions which demand our first consideration. The House will remember that the Royal Commission on Labour specially investigated the case of children working in non-regulated factories. They drew an extremely lurid picture of the evils to which children are subjected in factories in which carpet weaving, the manufacture of *bidis* and mica splitting is carried on, and they suggested that the first step to be taken should be to exclude children under 10 from that kind of workshop and to limit the hours of older children. The House knows that I and my department have a big task before us in the coming months in piloting the Factories Bill safely through this House. As soon as we have finished that, I hope successfully, we propose to turn our attention to the non-regulated factories. They are going to be an extremely difficult proposition and it will take us some time to work out a satisfactory measure for dealing with them. I submit to the House therefore that they should occupy the first place in our attention and that they should also occupy the first place in the Local Governments' attention. We are not justified in asking the Local Governments to employ a staff to deal with abuses in regard to children in non-industrial employment before we deal with the far more urgent case of children in industrial employment in non-regulated fac-

[Sir Frank Noyce.]

tories. I trust, Sir, that I have convinced the House that I had no option but to bring forward this motion today.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

Mr. S. G. Jog (Berar Representative) : Sir, I can see the mood of the House at just the tag end of the Session, but this is a sort of trust which I have accepted. As you will probably see from the amendment that stands in the joint name of Mr. Joshi and myself, this is the child of joint creation of the two of us, and, in the absence of Mr. Joshi, I for one am not prepared to withdraw it. However, the House cannot expect me to treat this child with the same affection with which probably my friend, Mr. Joshi, would have done—but I must do some justice to the amendment.

3 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member move his amendment ?

Mr. S. G. Jog : Sir, I move :

"That at the end of the Resolution, the following be added :

'but, at the same time, recommends that the Governor General-in-Council should take steps to give effect to the proposals contained in the amendment proposed by Sir B. N. Mitra, Government of India's Chief Delegate at the Sixteenth Session of the International Labour Conference'."

Generally, the Government come before this House for ratification of Conventions ; and, at times, they come before the House with a proposal that such and such a thing should not be ratified. Government are both consistent and inconsistent many times. In this particular case Government say that this Convention should not be ratified by India. Before this matter came before the International Labour Conference, questionnaires were issued to the Government of India—I will not tire the House by reading all the questions and answers by the Government of India—but on the whole the attitude of the Government of India, so far as age was concerned, was really very sympathetic ; and, as a matter of fact, when the matter came up before the Conference, the Leader of the Delegation, in consultation and in agreement with you, Sir, moved an amendment which for the information of the House I will read, so that they can understand what the amendment was and to what extent the Government of India were prepared to go ; and now they want to go back behind the position which their own delegates took in the Conference there. As partial ratification of a Convention is not permitted by the Treaty of Versailles, Sir B. N. Mitra, on behalf of the Government, in agreement with Mr. R. K. Shanmukham Chetty, the Indian Employers' delegate, moved the following amendment at Geneva :

"The provisions of Articles 2, 3, 4, 5, 6, 7 and 8 of this Convention shall not apply to India but in India—

(1) Children under ten years of age shall not be employed—

(a) in shops, offices, hotels, restaurants and places for the sale of drink,

(b) in places of public entertainment,

(c) in street trading,

(d) in any other non-industrial employment to which the provisions of paragraph one of this article may be extended by the competent authority :

Provided that in the interests of art, science or education, national laws or regulations may, by permits in individual cases, allow exceptions to the above provisions in order to enable children to appear on the stage, in cinematographic films and in other public entertainments.

The minimum age prescribed under this article shall not be less than that laid down in National Laws or Regulations as the minimum age for the admission of children into factories not using power, and which are not subject to the provisions of the Indian Factories Act.

(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority after consultation with the principal organisations of employers and workers may declare to involve danger to health or morals.

(3) National laws or regulations shall provide for the due enforcement of the provisions of this article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this article.

(4) The competent authority shall, after a period of 5 years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increase the minimum ages prescribed in this Convention."

This amendment was lost in the plenary session of the Conference, but at any rate it gives an idea of the attitude of the delegates of India so far as the minimum age in non-industrial occupations is concerned. When this matter came up before the Council of State for discussion, the Honourable Mr. Clow said :

"The reason, which prevents the Government of India from ratifying the Convention, is the administrative difficulty in the way of enforcing a Convention which, in its scope as defined in Article 1, includes all employment not dealt with in the three age-of-employment Conventions adopted by the 1919, 1920 and 1921 Sessions of the International Labour Conference."

By way of illustration of Government's practical difficulties, Mr. Clow pointed out that the Convention included children in domestic service, and if India were to ratify the Convention in its present form, the inspection services of the Government would have to be increased to an extent, and expenditure entailed, beyond the resources of the Government. At the same time, he admitted—on the admission of the representatives of the Government of India at the Sixteenth International Labour Conference, that there are however, no such insurmountable administrative difficulties in the way of the enforcement of the Convention, if provision is made in it, so far as India is concerned, to specify the occupations in which the minimum age principle should be applied, instead of laying down that the Convention is to cover all children not covered by the minimum age Conventions of 1919-21, but, as partial ratification was not considered practicable, this amendment was not moved.

Further, Sir, the Government have not brought forth any excuses on financial grounds. Whenever they do not want to do a thing or shirk their responsibility, they always bring up a number of difficulties, but whenever they are inclined to do a thing, financial difficulties never come in the way. This is the attitude the Government generally take. As regards the partial ratification or giving effect to such Conventions, if the Government have any difficulty, I for one think that such difficulties can be solved. I am told that on previous occasions when any labour Conven-

[Mr. S. G. Jog.]

tion used to be discussed in the Assembly, the Government rejected that Convention, but announced that they were prepared to give practical effect to the declarations made at Geneva by their delegates. Therefore, I suggest that although it might not be possible to give full effect to the Convention, still, taking into consideration the special circumstances of India, it might just be possible to give effect to the suggestions to which the delegates of the Government of India were prepared to go, and include some such suggestions in their proposals regarding the restrictions on age. At least it is time that we made a beginning; if we cannot include all occupations, we ought to include such occupations where this Convention might advantageously be used. Sir, I make these suggestions, and I hope that the Government will give effect to their own suggestions and will not shirk their responsibility which they have themselves accepted in the International Conference. Sir, I commend my amendment for acceptance by this House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That at the end of the Resolution, the following be added :

'but, at the same time, recommends that the Governor General-in-Council should take steps to give effect to the proposals contained in the amendment proposed by Sir B. N. Mitra, Government of India's Chief Delegate at the Sixteenth Session of the International Labour Conference'."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I rise to support this amendment. While this Convention lays down 14 years as the age limit for admission in respect of children of other countries, they make an exception in favour of India and fix the age limit at 10 years. When the question was being discussed in the International Labour Conference, the Workers' delegates were opposed to this exception being made in favour of India. It was only to accommodate the Government of India with a view to facilitating ratification of the Convention by India that the Conference went out of its way and incorporated Article IX and fixed the age limit for India at 10 years. As the Honourable Sir Frank Noyce has pointed out, Mr. Albert Thomas took the unusual course of attending the Committee meeting and persuaded the Committee to accept this amendment, because, he said, that that was the only chance of getting India to make the ratification. You, Sir, were the Employers' delegate when this question was discussed, and, with your permission, I should like to read out from your own speech which you made on that occasion. This is what you said, Sir :

"I made it plain in the Committee, and let me reiterate with all the emphasis that I command in this conference, that in the consideration of this question of ameliorating the condition of the children of my country, the Indian employers yield to no working class representative in this conference. Purely from the humanitarian point of view, I should like to see the children of my country enjoying the same measure of protection as the children of every other civilized country in the world. Happily for us, this is one of those subjects in which the conflict between the employer and the worker can be reduced to an absolute minimum. When we consider the social legislation embodied in the various Conventions that come before this Conference, there naturally arises a great conflict between the points of view of the employer and the worker. But I maintain, Mr. President, that (at least in India) in the consideration of this problem, the Indian employer will not yield to the worker of any country in his desire to protect and ameliorate the conditions in his country."

My only regret is, Sir, that you are not on the floor of the House to espouse the cause of the children of this country. But, as you very

rightly pointed out, this is one of the rare occasions on which the employers and the workers are in agreement, and yet the Government of India refuse to ratify this Convention. I think this Convention has been welcomed as the Children's Charter, and this humanitarian measure, I am surprised to find, the Government of India are not willing to ratify. They are trying to resile from the position they had actually taken up when the questionnaire was sent out by the International Labour Office. On that occasion, the Government of India showed a very conciliatory and a very reasonable attitude.

Now, I will examine the provisions of this Article in the light of the reply that was sent by the Government of India, and show to this House that this Convention, in all essentials, is based on the reply of the Government of India. The only Article that deals with India is Article IX, and that Article says :

"Clause 1. The employment of children under 10 shall be prohibited". *This is what the Government of India say in their reply to the questionnaire* :—"If a general age limit is prescribed in a Draft Convention, it should not exceed 10 years for India."

It is entirely in accordance with the reply sent out by the Government of India that this clause has been drafted.

Then, Sir, there is the proviso with regard to arts, science and education making an exception, and that proviso was moved by Sir Bhupendra Nath Mitra himself in the Committee and in the Conference.

Then, Sir, there is another proviso which says :

"Should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding 10, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph."

This was the amendment that you yourself moved, Sir, in the Committee and that amendment was accepted by the Committee.

Then, there is clause 2, which is also in entire agreement with the views expressed by the Government of India, and it was moved by Sir Bhupendra Nath Mitra himself. This is how the clause stands :

"Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organizations of employers and workers concerned, may declare to involve danger to life, health or morals."

This is exactly what the Government of India recommended, and their reply to the questionnaire is given at page 118, and this is what they say :

"The employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals should be entirely prohibited. But it should be left to the competent authority in each country to determine what occupations are dangerous in character or likely to be injurious to the health or morals of children. A specific list of such occupations should not be incorporated in a Draft Convention.

A special minimum age would appear to be desirable. If the general minimum for India is fixed at 10, the special minimum age should be 14, which may be raised at the discretion of the competent authority."

These replies, Sir, and the Government of India's reply are in agreement.

Then, Sir, there is another clause, clause 3, which gives power to the Government of India to raise the age from 10 to 14 if they consider it necessary.

[Mr. Abdul Matin Chaudhury.]

Clause 4 deals with the question of enforcement, and it has been left to the competent authority in each country to deal with the matter as they think best, and this clause was also moved by Sir Bhupendra Nath Mitra and was accepted by the Conference.

Then, Sir, there is the fifth clause which you yourself moved, and that clause says :

"The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article."

I do not find any difference in the replies given here and that given by the Government of India, and, therefore, I do not understand why they should resile from the position they had taken up. The only objection raised against it is in regard to the enforcement of this Convention. Sir, I do not minimise the difficulties of enforcing this Convention, but if any one recognises that there is a difficulty, that should not stand in the way of giving legislative effect to these Conventions, because I quite admit that this Convention cannot be enforced in the sense that every violation of this Convention shall be followed by prosecution. But, Sir, that is a characteristic which is common to all social legislation. We have got our Factories Act, and I think my friend, Mr. Clow, will agree with me that every infringement of the Factories Act is not followed by a prosecution. We have got the Workmen's Compensation Act, and I do not think that every victim of an accident gets the compensation to which he is legally entitled. In many cases the claims are not preferred at all. We have got the Sarda Act also, and there many instances, in which the provisions of that Act are violated and such cases are not followed by a prosecution. I maintain, Sir, that the main object of this social legislation lies in its educative value, in the restraining influence that it exercises,—because it operates as a check ; but it is a step forward in social progress notwithstanding all that, the Government of India do not seem to move in this matter.

With regard to the amendment of Sir Bhupendra Nath Mitra, just as my friend, Mr. Jog, read out in the House, he enumerated certain categories of workers who were to be specified in the Convention, and that was agreed to in the Committee. When it came before the Conference, just as the Honourable Sir Frank Noyce has pointed out, Mrs. Palencia, a Spanish Workers' Delegate, moved an amendment that, instead of specifying the category of worker, there should be a general prohibition and that amendment was accepted by the Conference. Because the Conference accepted her amendment, there is no reason why the Government of India should go back upon their own recommendation. If they are not going to ratify this Convention, they should at least give us an assurance that they are prepared to go as far as they went in their reply or as far as the amendment moved by Sir Bhupendra Nath Mitra.

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member spoke in the vernacular.)

Mr. G. Morgan (Bengal : European) : Sir, after the very clear statement made by the Member in charge, there is very little for me to say with regard to the Resolution before the House. As regards the

amendment, I have every sympathy with it, and I would be prepared to support it if the wording were slightly different.

The Mover of the amendment says : "take steps to give effect to the proposals contained in the amendment proposed....". That might not be feasible after the question was thoroughly examined. Had the wording been, "proposals on the lines contained", I should have supported the amendment. The idea of the Mover is perfectly right, but I should not like to be a party to tying the hands, even though this is only a recommendation, of the Government to the proposals actually contained in the amendment of Sir Bhupendra Nath Mitra. If I remember rightly, this was discussed in a Committee of which I was a member, and, in discussing the details of Sir Bhupendra Nath Mitra's amendment, we came to the conclusion that the administrative and financial difficulties would be enormous and we could not possibly light-heartedly agree to the ratification of the Convention. The department has got its hands full at the moment with the Factories Act, and the Honourable Member in Charge has given an assurance that after that Bill is, I hope, successfully passed by this Assembly, the question of this child labour in non-industrial employment will be taken up and I feel perfectly certain.....

Mr. A. G. Clow (Government of India : Nominated Official) : May I correct the Honourable Member ? That was not the assurance at all. The assurance related to children in industrial employment in non-regulated factories, not to children in non-industrial employment.

Mr. G. Morgan : Still I have every sympathy with the idea underlying this amendment. Nobody wants to see child labour exploited in any country, nor do we want to see young children working long hours and in industries which are unsuitable for persons of tender age. That is the last thing anybody wants. In America, they have taken steps already to do away with child labour on certain lines. The amelioration of the lot of children in regulated factories is receiving our attention, and that of children in non-regulated factories must receive attention as soon as the Department has time to consider the subject. With regard to the amendment which has been moved, I regret that I cannot support it in the actual wording in which it is couched, but if the Honourable the Mover would accept the words "on the lines contained", I should be very glad to support the amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I thought, after the lucid speech and the clear and convincing arguments of my Honourable friend, Sir Frank Noyce, Mr. Jog would not come forward with his amendment. I think the greatest argument in support of this Resolution is that even our Labour Department which is so liberal in labour legislation opposes this particular recommendation. As regards the argument brought forward by my friend, Mr. Abdul Matin Chaudhury, I say, that I would have supported his suggestion wholeheartedly if there had been compulsory education in this country. But, unfortunately, our children have no schools to attend. They have no occupation at all, and if you legislate that they should not have any occupation, I think we will be unfair to our children and we shall be really forcing them to spend their time in unhealthy surroundings and idleness and become bad citizens of our country. With these words, I support the original motion moved by the Honourable Sir Frank Noyce.

Mr. F. E. James (Madras : European) : Mr. President, I would only like to mention two things about this matter. The first is to rebut the statement made by my Honourable friend, Mr. Abdul Matin Chaudhury, that the present Government, in their labour legislation, are very slow. As a matter of fact, I may say that the Government of India, on their labour side, are regarded by some people in this country as perhaps the most revolutionary Government in the world.

Mr. Abdul Matin Chaudhury : I said in this particular instance. I never said, as a general proposition.

Mr. F. E. James : I do not think that it will be accepted even in this particular instance. I may inform the House that, in certain circles of this Assembly, there is a well-known rhyme which describes the situation graphically ; I am sorry that Mr. Joshi is not here to hear it. The rhyme is :

> "Joshi had a little lamb
> Whose name was Mr. Clow ;
> And everywhere that Joshi went
> The lamb was sure to go."

I suggest, Sir, that it does not give the indication that the Government are behind most other civilized Governments in connection with labour legislation. But there is one point to which I should like to draw the attention of the Honourable Mr. Jog and that is in connection with the nature of the conventions which are passed at these International Labour Conferences. As my Honourable friend no doubt knows, these Conventions are International agreements under the peace treaties which must be applied to all Governments that have ratified them. Yet a Convention does not necessarily remain inoperative unless it is ratified. Certain countries, for example, have not yet ratified some of the most important Conventions that have been passed. I may mention as an illustration the 8-hour Convention which was passed at Washington and which many countries have not yet ratified ; and yet those very countries have been greatly influenced in their legislation by the existence of that Convention.

Mr. S. G. Jog : That is exactly my point.

Mr. F. E. James : I am again in agreement with my Honourable friend. I suggest to him that the non-ratification by this Legislature of this Convention does necessarily mean that the underlying principles of this Convention will remain for all time inoperative in this country. I would have been glad, like my Honourable friend, Mr. Morgan, to have supported his amendment, if it had been worded in a somewhat different form. I suggest to him that if Government give him an assurance that they will examine very carefully the proposals contained in the amendment of the High Commissioner at Geneva, he should withdraw this particular amendment. If, however, he presses his amendment, it will have the unfortunate effect of driving some of us to vote against him. We do not feel that we can tie the Government down to a promise of this legislation. Government will be in the position of every other Government if they are not able to ratify this Convention ; they will have a free hand. So long as the present Member of the Industries and Labour Department holds his office, I am quite sure that this point will be given the most careful attention. Therefore, I would suggest that my Honourable friend should withdraw his amendment and allow the House to vote on the main proposition.

Mr. S. G. Jog : Sir, I have no special fascination for any particular form of my amendment. I am quite prepared to alter it as suggested by my friend, Mr. James, and, if the Government come forward with some hopeful assurance, I will be inclined to withdraw my amendment.

The Honourable Sir Frank Noyce : Sir, I must profess to a feeling of considerable surprise that this amendment should have been brought forward by my Honourable friend, Mr. Jog. He has charged the Government with inconsistency in this matter and in labour matters generally. His memory seems to be shorter even than that of Government. I should like to refer the House to what he said during the discussion on the Pledging of Child Labour Bill. He said :

> "At the time when this Bill was introduced I had an occasion to talk on this measure and even at that time I gave a warning that they were rather going too fast so far as the welfare of children is concerned."

Mr. S. G. Jog : The Government are stationary ; they must move.

The Honourable Sir Frank Noyce : We have accepted Mr. Jog's advice ; we are not going too fast in this matter and he is the first to cast a stone at us for doing so. I much regret that it is not possible for me to accept the amendment even in the modified form in which my friend, Mr. Morgan, would like it recast. It seems to me that there may be some misapprehension in the minds of some Members of this House as to what it is exactly that we are dealing with. I thought I may make it quite clear that we are dealing with non-industrial employment not with employment in factories. The position of the Government of India is that this question is neither urgent nor important. They were prepared to co-operate in securing an international agreement, and if their amendments had been accepted, they would have been willing to discuss the question with Local Governments with a view to the adoption of the Convention, if possible. Their efforts at compromise were rejected. I submit that when we go half-way and the other side does not meet us half-way, we are discharged from any obligation. I think the House knows me well enough to know that I am behind no one in my desire to ameliorate the lot of children and it is just for that reason that I object to this amendment. I would submit that our first duty lies to the children in non-regulated factories, children who are engaged in splitting rice, carpet weaving and making *bidis*. Until we have dealt with them, I submit that it is merely window dressing to legislate for the children in non-industrial employment. We have quite enough to do. We have to utilise all the energy and resources that we and the Local Governments have to solve the question of factory labour and of labour in non-regulated factories. The only assurance I can give to the House and I give that assurance gladly is that when we have got these two major problems out of the way, then we will examine this question further and see what can be done. Further than that, I regret, I am unable to go, and, I hope that will be sufficient to satisfy my Honourable friend, Mr. Jog.

Mr. S. G. Jog : I am satisfied with the assurance given by the Honourable Member in charge which, I think, is quite enough for the time being. Therefore, I feel inclined to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the following Resolution be adopted :

"That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

The motion was adopted.

RESOLUTION *RE* AMENDMENT OF RULE RELATING TO THE CONSTITUTION OF THE COMMITTEE ON PUBLIC ACCOUNTS.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I beg to move the Resolution that stands in my name, which runs as follows :

"This Assembly recommends to the Governor General-in-Council that Rule 51 of the Indian Legislative Rules should be amended so as to provide that when the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63-D (1) of the Government of India Act, a new Committee on Public Accounts shall be constituted at the end of the said period of three years and shall be subject to all the existing provisions of rule 51 relating to the constitution of the Committee on Public Accounts."

Sir, Honourable Members, who are or who have been members of the Public Accounts Committee, will be aware of the purpose of this Resolution. Rule 51 of the Indian Legislative Rules, as it now stands, contemplates an arrangement by which changes are effected in the personnel of the members of the Public Accounts Committee from year to year. But, Sir, that provision automatically comes to an end at the conclusion of the third year of the life of the Assembly. The result is that if the life of the Assembly is extended by the Governor General, there is no provision for bringing new blood into the Public Accounts Committee. Sir, Members of this House are well aware that a message was received from His Excellency the Governor General in Delhi on the 6th March intimating that it was his intention to extend the life of the present Assembly. That being so, the question arose as to what action we should take in respect of rule 51 of the Indian Legislative Rules. It appeared to us that there were three ways of dealing with this question, but as Honourable Members have not for the most part got copies of the rules in their hands, I do not propose to trouble them with all these three ways. The Public Accounts Committee were consulted and they definitely prefer the proposal which we now put before the House which is that in January next we should proceed as if we were a new Assembly and should elect a new Public Accounts Committee and the result will be that rule 51 of the Indian Legislative Rules will then apply and, should the life of the Assembly be extended beyond the year, the necessary proportion of elected Members will retire as they do now at the conclusion of the first year of the life of the Legislative Assembly. Sir, I move.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : This is also a recommendation of the Public Accounts Committee unanimously passed during the last meeting. So I support this motion.

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member, speaking in the vernacular, supported the Resolution.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"This Assembly recommends to the Governor General-in-Council that Rule 51 of the Indian Legislative Rules should be amended so as to provide that when the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63-D (1) of the Government of India Act, a new Committee on Public Accounts shall be constituted at the end of the said period of three years and shall be subject to all the existing provisions of rule 51 relating to the constitution of the Committee on Public Accounts."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT.

CIVIL AVIATION.

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

"That a supplementary sum not exceeding Rs. 2,63,200 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1934, in respect of 'Civil Aviation'."

Sir, on this matter as far as any general explanation is required by the House, my Honourable colleague, Sir Frank Noyce, who is in charge of the subject will speak. I only desire to make two points of purely financial significance in support of the motion. In the first place I would like to explain that the sum referred to does not represent anything in the nature of an increase in the current expenditure of the Government. It is composed of two items, an item of Rs. 95,200 which is classified for technical purposes as a subsidy to the new air service but which in fact only represents the remission of certain customs charges, landing charges, etc. The charges would not be earned unless the service operated, and we are not out of pocket in any way on account of this arrangement. The other part of the sum is a sum of Rs. 1,68,000 which represents the Government investment in the new company of Trans-Continental Airways. That we hope may eventually prove to be a profitable investment. It does not represent recurrent expenditure. That is my first point. My second point is this that we are moving this motion on the express recommendation of the Standing Finance Committee. The Standing Finance Committee considered the whole proposal very fully a few days ago and approved the proposal. But they put in a special recommendation that as a payment on account of the subscription to the Trans-Continental Airways had to be made on the 1st October the matter should be referred to this House before any further financial payment was made. Therefore we have followed out that recommendation in asking the House to consider this supplementary grant specially today. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved ;

"That a supplementary sum not exceeding Rs. 2,63,200 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1934, in respect of 'Civil Aviation'."

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I am very glad indeed that the request—a proper request if I may venture to say so—of the Standing Finance Committee that this demand should be placed before this House this Session has given me this early opportunity of explaining to the House its full significance. I do not think it necessary for my present purpose to delve into ancient and, perhaps, in view of the long delays involved, I might say rather melancholy history, especially as we are, I am convinced, at the dawn of a far brighter era as far as civil aviation in this country is concerned. (Hear, hear.) But I do wish to remind the House of two salient facts. The first is that, for a short period from December, 1929, to December, 1931, there was a chartered air service between Karachi and Delhi which cost the Government of India over 4½ lakhs a year whilst the revenue from it did not exceed Rs. 50,000 a year. I would ask the House to bear those figures in mind in considering the arrangements we are now discussing. The second is the recommendation of the Retrenchment Committee that the scheme for the inauguration of an Indian State Air Service should be held in abeyance.

Unfortunately, it is not possible to keep aircraft in cold storage and the aircraft which had been purchased for this service had to be sold at a loss of £13,000 on an outlay of about £45,000. When the inauguration of the Indian Air Service was postponed (it had not been started ; the aircraft for it had merely been purchased), the best that could be done for the time being was to contract with the Delhi Flying Club for the carriage of mails from Karachi to Delhi. Whilst India was practically standing still, other countries were not idle. The Dutch and the French Air Services were operating across India and, in the circumstances, it was not unnatural that important interests in places east of Delhi, Cawnpore, Allahabad and especially Calcutta, began to get restless and to ask why they were denied facilities which were being given to Western India, not very complete facilities it is true, but still facilities.

I should perhaps remind the House that under the Air Convention, a country has the right to give or to refuse permission to the operation of an air service across its territorial limits but that most countries, certainly all the prominent civilised countries, have given this permission. It was in accordance with this practice that permission was given to the Dutch and the French services to operate across India. The question was raised why use could not be made of these services. Apart from other considerations, it should be obvious, Sir, that if this had been allowed, all hope of India having an air service of its own would have receded to the dim and distant future. That sums up the position as it stood about eighteen months ago. A proposal was being worked out for the extension of the Karachi-Delhi mail service to Moghalserai, when the question became of urgent importance owing to the fact that Imperial Airways found themselves ready to expand their service to Singapore and on to Australia, the Australian Government having agreed to bear their part in the extension of that service to that country. As permission to operate across India had been granted to the Dutch and the French services, it would have been impossible to discriminate against Imperial Airways ; and once the Imperial Airways service was in operation, there would have been nothing for an Indain air service when it started, but the internal mails. This being the case, it became a question of great importance to secure to India, as large as possible, a share of the air service on this important link. It was very fortunate for India that my Honourable Colleague, the

Leader of the House, was in England last year and that he was willing to devote no small part of his very short leave to negotiations with the authorities in England to that end. I am sure the House will agree that the interests of India could not have been in better hands. (Applause.) The result of his efforts—I hope I shall convince the House, it will be my fault if I do not—that they were very successful efforts, are embodied in the somewhat colourless terms of the Press Communiqué which was issued on the 9th May, 1933. The House may wish to refresh its memory and I will, therefore, read to it the greater part of that Communiqué :

"Arrangements have been made for the inauguration of an air service between Karachi and Singapore as a joint enterprise to be worked by an Indian Company (Indian Trans-Continental Airways, Limited), to be formed as explained below, together with Imperial Airways, Limited, and simultaneously for the formation of a second Indian Company, Indian National Airways, Limited, for the operation of feeder and other services in Northern India. The capital of Indian Trans-Continental Airways, Limited, will be rupee capital and will be subscribed jointly by the Government of India, Indian National Airways, Limited and Imperial Airways, Limited. The directors will be selected by the shareholders and the majority will be Indians. Indian Trans-Continental Airways and Imperial Airways will each provide one-half of the fleet required for the service. Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available, and Imperial Airways will arrange for the training of a limited number of Indians in their commercial and engineering departments, while the fleet and equipment for Indian National Airways and Indian Trans-Continental Airways are being procured. The arrangement for the joint working of the Karachi-Singapore Service will continue till the 31st March, 1939, the date on which the existing agreement between His Majesty's Government and Imperial Airways for the England-India Air Service expires. By means of this agreement, the participation of an Indian company employing Indian personnel, not merely in a service operating within India, but on an important section outside India (*viz.*, from Rangoon to Singapore) of the Imperial route to Australia will be secured.

Indian National Airways, Limited, will be formed with rupee capital, and plans for operating certain branch services are already in preparation."

That, Sir, represents the outcome of the negotiations. As I explained in reply to a question asked by my Honourable friend, Mr. Gaya Prasad Singh, in this House a few weeks ago, the authorised capital of Indian Trans-Continental Airways is Rs. 10 lakhs of which Imperial Airways hold Rs. 5,10,000, Indian National Airways Rs. 2,50,000 and the Government of India Rs. 2,40,000. It is to meet the first call on the Government of India of Rs. 96,000 and the further call of Rs. 72,000 which will be required during the current year and also the cost of certain customs and other concessions which they have agreed to grant to Trans-Continental Airways and to Indian National Airways that this demand has been brought forward.

Now, Sir, I wish to dwell for a few minutes on the reasons which led the Government of India to adopt this scheme and to subscribe capital in association with Imperial Airways and Indian Trans-Continental Airways. It is perfectly clear that the air service as at present organised could not be operated without a subsidy. The House knows the financial position of the Government of India as well as I do and they know that the Government of India are quite unable in present conditions to subsidise such a service. The Government of the United Kingdom on the other hand, are able and willing to provide annually for a period of about six years terminating on the 31st March, 1939, a subsidy divisible between the two companies operating the services. As was stated in the note supplied to the Standing Finance Committee, the maximum subsidy in respect

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of the Karachi-Singapore service, if a regular weekly service is maintained, is £40,000 for the first year of through service to Australia, £30,000 for the 2nd and 3rd year of through service and £20,000 a year for the remaining period. These maxima are, it should be noted, allocated in definite proportions for the various sections of the route. In these circumstances, I trust the House will agree that the Government of India would not have been justified in withholding consent to the establishment of a service which they themselves were not in a position to provide. The extension was, in fact, long overdue and the effect of the delay in establishing it was being increasingly felt in the form of pressure not only, as I have said, from interests in this country but also from the foreign services operating over India, in which India had no part and no opportunity of taking part. But, even if the Government of India had been in a position to revive the project of a State Air Service over the Indian portion of the route, there can be no doubt that such a service, lacking as it would have done the close co-ordination provided by unified technical management, would have fallen so far short of the efficiency which will be provided by the present arrangement that it would not have offered an acceptable alternative. The fact that the present Trans-India service makes it possible to employ a unified fleet from Karachi to Singapore, instead of there being an Indian section and an extra Indian section within those limits, is a factor of the utmost importance.

I trust that the House will also agree regarding the desirability of the Government of India themselves taking a share in this most important scheme. By so doing, they have secured a more effective control of the development of air services across India. I should perhaps inform the House—I do not know whether the Standing Finance Committee elicited the facts in the course of their close cross-examination of the representatives of my Department—that the shares held by Indian National Airways may not be disposed of without the consent of the Government of India and further that the interests of the Government of India are safeguarded by an undertaking that the shares held by Imperial Airways will not be disposed of in any manner which would materially change the character of the present arrangement.

Those, Sir, are the financial considerations. I now turn for a moment to other considerations and, from that point of view, the arrangements we are now discussing provide benefits to India of very great value. Instead of an Indian service growing up independently, in advance of technical development in this country, and learning by its own mistakes to solve the problems which have already been overcome in other countries, the Indian participation in Indian Trans-Continental Airways provides for development under the guidance of one of the most experienced air transport companies in the world which has an unsurpassed record of efficient and economic operation. Throughout the negotiations the Government of India have attached the utmost importance to the employment and training of Indian personnel and, as the House will have observed from the terms of the communiqué, I read out just now, the arrangements we have made provide for these. Again, the advice and experience of Imperial Airways in the development of internal services will be at the disposal of Indian National Airways, and that is an additional factor of much significance in the development of Indian aviation.

To sum up, Sir, the position is that India is getting a first-class air service already working, and I think working satisfactorily, though the Indian climate has been very far from kind to it in the last few weeks ; it is getting that service for a capital expenditure of Rs. 2,40,000 on which, as my Honourable colleague the Finance Member said just now, we hope to get a dividend in due course. In addition to that Rs. 2,40,000, there are the concessions that he mentioned in the way of remission of customs and excise duties and exemption from certain charges for landing, housing, wireless and meteorological facilities which are estimated to cost about Rs. 1,40,000 per annum. As Sir George Schuster said, we should not be getting the money in any case if the service were not there, but there is a further reason why this concession is far more apparent than real. In fact, it is set off by a very substantial benefit. As a result of granting these concessions in the form of a subsidy to the Indian Trans-Continental Airways, India is regarded by the authorities in England as contributing to the England-India-Australia service and is, therefore, permitted to settle the charges for the conveyance of Indian air mails on the main service in sterling. It has hitherto had to settle these charges in gold. The financial effect of this change in the basis of settlement depends of course on the gold value of the rupee. The payments on the gold basis have in the past involved additional payments amounting to more than 1½ lakhs of rupees per annum over what we should have had to pay if the payments had been made in sterling. The House will observe that the figure of Rs. 1½ lakhs per annum, that we have saved as a result of this change, is considerably more than the estimated value of the concessions with regard to customs and excise duties and the provision of other facilities. As a result of the elimination of this extra payment, we have been able to reduce the rate of surcharge on air mail correspondence from India.

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Now, Sir, so far as I am aware, there have been only two criticisms which have been brought against this arrangement. One is the fact that 51 per cent. of the capital in the Indian Trans-Continental Airways is held by Imperial Airways and only 49 per cent. by the Government of India and Indian National Airways together. It has been contended that it should have been the other way round. The answer to this contention is that the holding of 51 per cent. by Imperial Airways was a fundamental condition of the whole arrangement, specially of the grant of the subsidy, and, if it had not been accepted, it would not have been possible to start the service. I would remind the House that Indian interests should be sufficiently safeguarded in this matter by the fact that the majority of the Directors of Indian Trans-Continental Airways are Indian gentlemen of high standing who are perfectly competent to look after Indian interests. Let me mention their names once again. I mentioned them in reply to my Honourable friend, Mr. Gaya Prasad Singh, the other day, but it is possible the House may have forgotten them. They are Lala Ramsaran Das, Chaudhri Zafarullah Khan, Lala Badridas Goenka and Sir Hormusji Mehta.

The second criticism is that Indian capital ought to be given an opportunity of investing in this industry. So far as I am aware, Sir, with the exception of the inauguration of the very successful Tata service from Karachi to Madras, there has been no indication of any special readiness on the part of Indian capitalists to come forward and invest in civil aviation enterprises. It was not until the arrangements we

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are discussing today had been concluded that such readiness became apparent. Indian National Airways has attracted capital from widespread Indian sources. It is now actively in consultation with Government in the organisation of feeder air services and other air services to serve internal needs. Plans are being worked out for the establishment of three services ; one from Karachi to Lahore for mails, another from Calcutta to Rangoon to supplement the weekly service, and the third from Calcutta to Dacca. It is hoped that these will be established in the early future and I understand that Indian National Airways propose to invite applications from the public for, at any rate, part of the capital required. It will thus be clear to the House that so far from limiting the opportunities for investment of Indian capital in Indian civil aviation, the present arrangement has already done much to stimulate them.

There is one other point with regard to which I should like to remind the House before I conclude. It is a very important point and that is that these arrangements are subject to the provision that, in 1939, the Government of the day will be at perfect liberty to reconsider the whole position.

I trust, Sir, that I have given the House all the information necessary to enable it to judge of the merits of this proposition. I have dealt with the matter almost entirely from the business aspect, that is, from the point of view of the benefits which India will receive. But there are I think other considerations of a more intangible nature on which other speakers, more eloquent than I am, may care to enlarge. It is no small matter that India should now be in a position to play a worthy part in an Imperial enterprise of the first magnitude.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I believe my Honourable friend, Mr. Gaya Prasad Singh, will contribute very much to this debate as he has been making a special study of this problem. All that I wanted to say was this that we are very grateful to Government for having taken the step that they have taken in the promotion of civil aviation. We want them to go further and if any support for monetary contribution by Government is necessary from this side of the House, I am perfectly certain that such support will not be lacking. We want our country to be as forward in the matter of civil aviation as any other country in the world and as the Honourable the previous speaker has pointed out, the Leader of the House while in England took every opportunity that came in his way to push forward the scheme the beginnings of which we are seeing in this demand for supplementary grant. No country in the world, at any rate few countries in the world, present the same facilities for civil aviation as India does. In a land of long distances the promotion of inter-provincial aviation is very necessary, so that our President may sometimes be able to fly to Coimbatore for a week end dinner and come back to preside here in good time. And the Leader of the European Group Sir Leslie Hudson who has heavy work in Bombay will not constantly complain of delaying tactics on this side of the House as he can descend down to Bombay and come back to take part in the proceedings of this House. Sir, we want that the distance between the north and south of India should shrink as the distance between India and Great Britain has shrunk, and I hope and

trust that the 10 lakhs of rupees of which the Honourable Sir Frank Noyce spoke will be multiplied many times so that India will be behind no country in the world in the matter of civil aviation. (Applause.)

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I welcome the inauguration of the Indian Trans-Continental Airways operating from Karachi to Calcutta, and, further on, to Singapore, in the near future ; and I am obliged to the Honourable Member in charge for the very full information which he has given on this subject to the House. The General Purposes Retrenchment Committee has done very valuable work in the matter of finding out avenues for retrenchment in the public expenditure of India ; but there were two recommendations of that Committee with which I never agreed, and I gave expression to my views on the floor of the House on a former occasion—one was their proposal to stop the State Broadcasting Service in India—that proposal was after all not given effect to, and we are having the broadcasting system in this country which, I hope, in course of time will flourish and will produce a very wholesome effect, which the system is intended to produce. The other recommendation with which I disagreed was the proposed curtailment in civil aviation in this country.

As my Honourable friend, Mr. Ranga Iyer, has pointed out, India is a country which is peculiarly appropriate for the purpose of civil aviation. It is a country of long distances where it is very difficult to travel from one place to another for busy men except by means of the aeroplane, which I hope will become a common feature in the daily life of this country in course of time. I find from the paper which has been circulated to us that the authorised capital of the Company agreed to by the Government of India is Rs. 10 lakhs of which Rs. four lakhs has been called up, and Rs. three lakhs will be called up on the extension of the air service beyond Calcutta about the 1st October, 1933. I do not know whether this authorised capital of Rs. 10 lakhs is quite sufficient for the purposes which we have in view, and, as suggested by my Honourable friend on my right, if necessary the share of Government in this Company should be increased in the near future if required ; and we in this part of the House will not grudge any legitimate expenditure which may be incurred in connection with the development of civil aviation in this country. There is only one point to which I should like to draw attention and that is with regard to the employment of Indian personnel. That is a point which has been kept in view by the Government and my Honourable friend, Sir Frank Noyce, has also just now repeated the promise of the Government that the subject of the employment of Indians as officers will be steadily kept in view. There are many other Departments of Government in which Indians have been kept behind, and the excuse which has been pleaded is that we have not got the necessary training or experience to take charge of those Departments. Here, fortunately for us, civil aviation is a branch of national activity which is still in its infancy, and it is quite up to the Government to train Indians so that they may be able to occupy almost all positions as officers from the very beginning of this service. I must here also put on record my appreciation of the way in which the Delhi Flying Club has been carrying on the work of conveying mails between Karachi and Delhi during the period they have been in charge of that branch of the

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work. During this period they have been doing their work with the utmost efficiency and with remarkable regularity of service.

There is one point on which I should like to have some information from the Honourable Member. I remember, while in the Standing Finance Committee, we were told that there were four aeroplanes which had been purchased by the Government of India before there was any talk of curtailment in the scope of civil aviation. There were four aeroplanes of the "Avro Ten" type—I remember one was presented to His Excellency the Viceroy.....

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : There were five in all.

Mr. Gaya Prasad Singh : Two were sold off at a considerable loss : I should like to know what has become of the others.....

The Honourable Sir Frank Noyce : I cannot tell the Honourable Member off-hand. I am not quite sure how many there were altogether : my Honourable friend, Sir Joseph Bhore, knows the facts better than I do. But if there were four, one was transferred to His Excellency the Viceroy, and the other three were sold : the total loss, as I mentioned in my speech, was about £13,000.

Mr. Gaya Prasad Singh : So, as I was saying, with regard to the development of civil aviation, the scheme which has been presented to this House is a satisfactory one, and I think the House should accept the proposal before us. I should also express our sense of appreciation that we have got a majority of Indian Directors on the Company, and also that the Company has been floated with rupee capital. With these few words, I heartily support the motion. (Cheers.)

Dr. Ziauddin Ahmad : Sir, this question was carefully examined by the Standing Finance Committee. I myself went into all the details and I was very unhappy about the distribution of shares 49 and 51 : I very much wanted that our share should have been 51 or at least half and half, but, considering the enormous advantages that we get otherwise in the number of Indian Directors as also in the promises about the training of Indians and in the saving of expenditure that we were incurring, I thought that it was the best possible arrangement that could be made, and I could not think of anything better. But there were two things which really troubled our minds, and I do not mind mentioning them on the floor of the House. One was that I thought the Finance Committee could not take the responsibility of giving their final consent to it and this for two reasons : in the first place this is a question of new policy and I thought the Assembly should have a chance of expressing its opinion : the second reason was that the opinion of the Retrenchment Committee was very definite about it, and I thought that the only body which could go against that opinion was this House and not the Standing Finance Committee. For these two reasons I myself insisted that the Assembly should have an opportunity to discuss this matter before the amount was actually paid and not merely as a *post mortem* examination. I am very glad that the Finance Member gave an opportunity to this House to express an opinion. The second thing about which I was very unhappy was, what would happen in the year 1939, that is, when

the contract ceases ? I insisted in the Committee and I insist now that the Assembly and the Finance Committee, whatever it may be then, should have a full opportunity to express their opinion, and no transaction should be made behind their backs, and there should be no extension of time without the explicit permission of the Assembly that may be in existence at the time. I know very well that most of the money would be spent on the ground, etc., which nobody can take away from India. That will all be permanent in this country, but the only things which can be taken away are the aeroplanes which, being in a dilapidated condition, may not fetch a good price. Therefore, the major portion of the value of those things will remain in our possession. We will be in a very fortunate position to dictate our own terms, but I do insist that in 1939, when we come to consider the whole position, the then Assembly should be given an opportunity to express an opinion before any final action is taken by the Government. With these few words, Sir, I support the motion.

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member spoke in the vernacular.)

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I have only got one or two observations to make. The Honourable the Finance Member has just now said that this arrangement of the remission of the customs duties would not cause any loss to this country, but I could not exactly follow his line of argument. Would he be prepared, I ask, to extend the same concession to any other enterprise which is positively beneficial to this country if such an enterprise is set up in India ? Would he go the length of remitting the customs duties which that enterprise would have to pay but for the express remission in the shape of a subsidy ? As a matter of fact, when I endorsed my approval to the demand as a member of the Standing Finance Committee, I really thought that I was right in taking that step well knowing that we were going to be a party to something like ninety thousand to a lakh of rupees being forgone in the next five or six years, and I thought that, after six years, some other arrangement would be come to which would go a great way in reducing this remission of customs duty.

Then, Sir, the next point to which I would invite the attention of the Honourable the Finance Member is that, although the Government of India are contributing 24 per cent. towards the capital of the Indian Trans-Continental Airways, and although the right has been given to the Indian National Airways to nominate two members on the Board of Directors, how is it that the Government of India have nominated only one member to represent the Government of India on the Board ? That is my objection so far as the composition of the Board is concerned. There are four members nominated on the Board of Directors by the Imperial Airways, two by the Indian National Airways, and only one by the Government of India, although the difference in the matter of contribution of shares is only one per cent. between the Government of India and the Indian National Airways. The Indian National Airways contribute 25 per cent. and the Government of India contribute 24 per cent., but is that any reason, Sir, that the difference of one per cent. should bring about such a large difference in the right of the Govern-

[Mr. Muhammad Muazzam Sahib Bahadur.]

ment of India that it can nominate only one member and not two members on the Board of Directors ? These are the only two points that struck me.

Then, as regards the point raised by my friend, Mr. Gaya Prasad Singh, I should like to draw his attention to paragraph 3 of the communiqué where it expressly states that the Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available.....

Mr. Gaya Prasad Singh : I have already said so in my speech.

Mr. Muhammad Muazzam Sahib Bahadur : But I thought my friend had some doubts as regards the Indianization of the personnel.

There is one other matter, Sir, to which I should like to invite the attention of the House, and that is about the procedure. Sir, I have found in some cases, and, particularly, in the present case, the procedure adopted by some of the Departments of the Government of India in placing their proposals before the Standing Finance Committee embodied in the shape of demands is not what one would in fairness desire. As a matter of fact, in the present case, negotiations have been going on between the Government of India and the Imperial Airways for a very long time, and decisions were reached a few months ago. Sir, we knew nothing about the negotiations, and we knew nothing about the decision, and then the Government of India, to implement the decision which they had arrived at, made an actual payment without our knowledge of about a lakh of rupees, or probably more. Even at that stage we were not informed of what had taken place. Then an agreement was reached between the Government of India and the Indian Trans-Continental Airways that the Government of India should grant a subsidy to the concern in the shape of a remission of customs duties on petrol, on aeroplanes and spares. We knew nothing about this agreement either. As a matter of fact, the remission was given and the subsidy was granted on their own responsibility. Then the first time we were apprised of the steps that had been taken was when there was a call on the Government of India after the allotment of shares was made. I believe even that call has been paid, and, now, when the second call has to be paid, they come to us. I think that in matters which involve payments of this type, the proper procedure would be that the proposals should be placed before the Standing Finance Committee in the initial stages and the Government of India should not delay doing so for such a long time until the whole thing had almost developed fully. I think if the Standing Finance Committee is to carry out its functions as indicated at the time it was first set up, the Finance Member will kindly see to it that the procedure which they have adopted in the present case is once for all given up.

The Honourable Sir George Schuster : Sir, I only wish to deal with two or three points which the last speaker has raised ; otherwise this has been a satisfactory debate, a debate of almost complete agreement. My Honourable friend raised three points. First of all, as regards the exemption from customs duties, I do not want my Honourable

friend to draw any implications from what I said. All that I said was, in order to explain the financial significance of this particular proposal to the House, that as far as the so-called subsidy was concerned it did not represent a real outgoing in cash, it merely represented a foregoing of receipts which we would not otherwise have had. But I would remind my Honourable friend that the point made by Sir Frank Noyce was that by giving this nominal subsidy the Government of India do secure a much better arrangement as regards charges paid for the carrying of mails, an arrangement which on the present gold value of the rupee actually means a saving,—a real saving—to us of about Rs. 1½ lakhs a year, so that we get something very substantial in return.

Then, my Honourable friend raised the point as to why there was only one Government Director. We do not feel that the actual number of Directors matters very much. We have one Government Director who can represent the Government point of view and who can keep us informed of what is going on. The point which impressed us most was that the majority of the Directors from whatever side they came were to be Indians. I would also remind the House that in addition to the Government Director we have made arrangements according to which the Director of Civil Aviation will be entitled to attend the meetings of the Board. Therefore, I think the House may rest assured that the Government will be well represented in all discussions.

Lastly, my Honourable friend voiced a complaint as to the delay in putting this proposal before the Standing Finance Committee. As regards that, strictly interpreting our duties and our position my Honourable friend is perfectly right, and I should be the last person to desire to defend any delay in placing matters before the Standing Finance Committee. My Honourable friend will realise why I should be the last person to do that because we so frequently, acting as a Committee, have to whip up the departments of the Government of India into putting forward their proposals in good time. But one has to take into account the practical situation, the practical difficulties. This arrangement, I think I am correct in saying, was not actually reduced to a form in which we could put it before the Standing Finance Committee until after the Standing Finance Committee concluded its sittings during the Delhi Session. It came up between the two Sessions, and we did really take the first possible opportunity after this proposal had been worked out for putting it before the Standing Finance Committee. But I quite agree that some sort of preliminary notice might have been given to the Standing Finance Committee in the course of the Delhi Session. I am sure that my Honourable colleague, Sir Frank Noyce, will agree and take note of the point as regards future proposals of this kind. We are only too anxious to give the Standing Finance Committee an opportunity to consider all proposals of this kind before actual decisions are taken.

The only other point to which I may refer is that my Honourable friend, Dr. Ziauddin Ahmad, told us that he insisted on certain things being done in 1939. There, again, speaking on behalf of my colleague in the Industries and Labour Department, I feel sure he will agree to leave a note on record which will be brought to the attention of the

[Sir George Schuster.]

Prime Minister of India in 1939 (Laughter), and I have little doubt that, if he is not my Honourable friend himself, the Prime Minister will give due weight to those considerations on which my Honourable friend has insisted. (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That a supplementary sum not exceeding Rs. 2,63,200 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1934, in respect of 'Civil Aviation'."

The motion was adopted.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

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

"That the Report of the Public Accounts Committee on the Accounts of 1930-31, Parts I and II, be taken into consideration and that the Assembly do approve the expenditure of Rs. 25,388 incurred in 1930-31 representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of materials purchased for locust operations, in that year."

In the ordinary course this motion would have simply consisted of the first one and a half lines, but for particular reasons it has been necessary to add the second part of the motion. If any Honourable Member is interested in the technical reasons for doing this he will find them explained in paragraphs 30, 31 and 32 of Volume I of the Public Accounts Committee's Report on the Accounts of 1930-31, and in paragraph 29 of Part II of that Report. It is a quite simple point. According to the rules of procedure that exist at present there is some difficulty in dealing with an excess grant where that relates to what is technically a new service. The formula which we have adopted was settled after consultation with you, Sir, and I trust that Honourable Members will be satisfied with the procedure which we are adopting. Otherwise I have nothing to say on this motion except to express an apology that it has come before the House so late. But Honourable Members who have sat through the number of days occupied in legislative business during the last two Sessions will realise how little time there has been and how much urgent business there has been, which has meant a delay in bringing forward this matter. This particular Resolution for the consideration of the Public Accounts Committee was one in which the House took very considerable interest before we adopted this procedure but I regret to say that since we adopted it, the Resolution has become what I might describe as the Cinderella of Government business, which has always been crowded out by her ugly sisters. If any Honourable Member has any point to raise on the Report of the Public Accounts Committee, I should be very pleased to deal with those points in reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Report of the Public Accounts Committee on the Accounts of 1930-31, Parts I and II, be taken into consideration and that the Assembly do approve the expenditure of Rs. 25,388 incurred in 1930-31 representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of materials purchased for locust operations, in that year."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I suggest that the consideration of this be postponed till the November Session. My reason is, if the Honourable the Leader of the House agrees that the report on the Reserve Bank Bill will be laid before the House on the 13th November, discussion cannot take place before the 20th. We will, therefore, have a week, and some time may be found for discussing this report. I, therefore, suggest that the discussion on this report may be postponed till the November Session.

The Honourable Sir George Schuster : We on the Government side would have been very glad to take account of the suggestion of my Honourable friend, but it is more than probable that there will be other business of an urgent nature to occupy the House during those few days which will be available at the beginning of the special Session. We also think, and I believe, you, Sir, will support me in this, that it is desirable that in the first week the sittings of this House should be limited in order that Honourable Members may have time to study the report of the Select Committee on the Reserve Bank Bill. I would also remind my Honourable friend that this particular motion has been already delayed and, before we know where we are, we shall be faced with the necessity of considering the report of the Public Accounts Committee on the Accounts for 1931-32. I would suggest to my Honourable friend that we take advantage of such time as is available now and that we dispose of this very much delayed Resolution once for all.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : We are now discussing the accounts of the year 1930-31 and most of the Honourable Members must have forgotten what was said in the report presented some time ago, but in the proceedings of the year we are now discussing, there was a very important departure from the proceedings of the previous years. In that year, for the first time, three non-official Members were elected to serve on the Military Accounts Committee to examine them in detail, and I understand that in the beginning the military authorities were a little bit suspicious of the arrangement, but I hope they found afterwards that the Members of the Assembly were not such villains as they are painted to be. We, on our part, were impressed with the straightforwardness with which the military witnesses gave evidence before us and the readiness with which they acknowledged their mistakes and agreed to rectify them. Speaking from the point of view of accuracy of accounts and control of expenditure, I think we can say that the military accounts are on a par with the civil accounts.

There is, however, one item of expenditure in the accounts of the year under review in which the House might feel interested. I am referring to the expenditure on the Indian Territorial Force. In that year, the Finance Department sanctioned 15 lakhs of rupees for the expansion of the Indian Territorial Force. The Army Department could not find it possible to spend the full amount and they surrendered

[Mr. Abdul Matin Chaudhury.]

five lakhs to the Finance Department. This raises a very important issue, namely, the attitude of the Army authorities with regard to the expansion of the Indian Territorial Force. It was started with a very ambitious object—of giving opportunities for military training to what are known as the non-martial races. It was said that they would form the neucleus of the citizen army of India, so that a self-governing India may be in a position to undertake the responsibility for defence, but this original objective seems to have receded into the background and the army authorities are now giving it step-motherly treatment. Instead of spending the money on the expansion of the Territorial Forces, they have surrendered the money to the Finance Department, while there is a growing demand in India for the expansion of the Territorial Force. While attending a meeting of the Aligarh University Convocation, the Vice-Chancellor Mr. Ramsbotham, I heard complain that they could not raise the Aligarh detachment of the University Training Corps to a Company on account of lack of funds, though there was plenty of keenness and plenty of material available. If the Indian Territorial Force has not been as popular as was anticipated, and if there are difficulties in the way, the military authorities should look into the matter and try to remove those defects.

I now come to the question of the Posts and Telegraphs Department. In regard to the recommendations made by the Committee over which my friend, Sir Cowasji Jehangir, presided, the Government decision was communicated to us this year and we found that the Government only accepted some minor and subsidiary recommendations and the most important recommendation about the constitution of the Capital Account and the Depreciation Fund was rejected by the Government of India. Honourable Members might remember that, in the year 1924-25, the accounts of the Postal Department were commercialised. It was decided that the capital at charge of the department should represent the depreciated value of the assets and that the depreciation fund should be started with nil balance, and arrears of depreciation should be met from capital advances. Sir Cowasji Jehangir's Committee recommended that they should start a Depreciation Fund with 875 lakhs as balance, that being the amount of accrued depreciation in 1925. They also recommended that capital at charge should represent the original value and not the depreciated value of the assets. If this recommendation had been accepted, the result would have been that the Postal Department would be paying interests at 3.3 per cent. up to the year 1917 and at the current rate for the other years for their capital borrowing, and would have earned interest at the current rate for their Depreciation Fund balances.

Now, Sir, the difference between the interest they would have paid and the interest that they would have earned would have been a gain to this Department. Government rejected it on the ground that its position is anomalous, but I have not been able to understand where the anomaly lies. However, the Government have made their decision and it is no use discussing it any further. I only bring this to the notice of the House as the prospect of the Postal Department balancing its budget seems to be as distant as ever.

I want to say a few words about the Railway Department also. The Honourable the Commerce Member said in his budget speech that he was going to appoint a Committee to inquire about the rate of contribution to the Depreciation Fund and the question of assumed life of the existing assets. We of the Public Accounts Committee have been agitating on this point for a long time. We now find that adversity has forced upon the Railway authorities the wisdom of accepting our recommendation which, in their spendthrift days, they used to ignore. There is one aspect of Railway finance to which I wish to draw the attention of the Honourable the Commerce Member. There is a tendency on the part of the Agents of some of the Railways to throw more of the expenditure on the capital than on revenue. Under the rule of allocation, capital bears the cost of new work, additional rolling stock, etc., while ordinary renewals and replacements are met from revenue. The Railway Agents take advantage of the interpretation of this rule to throw on capital what should be met from revenue. This is what the Auditor General remarked in this connection :

"There is a justification for believing that the present rules lead to considerable inflation of the Capital Account and if the financial position of the Railways are not to be prejudiced it is necessary to ascertain the truth in connection with this matter and to take necessary measures for the future."

I should like to give a few instances to show how capital expenditure has been increased out of all proportion to gross earnings. Take the Great Indian Peninsula Railway. In the year 1918-19, the total capital outlay was 67 crores. Ten years later, that is, in the year 1928-29, it was 116 crores. The capital outlay was increased by 71 per cent. whereas the gross earnings were increased only by about 30 per cent. Again, take the Bombay, Baroda and Central India Railway. In the year 1918-19, the total capital outlay was 25 crores and, in the year 1928-29, it was 50 crores. The capital outlay was increased by 100 per cent. while the gross earnings were increased by about 28 per cent. only. Now, let us contrast this with the Nizam's Guaranteed Railway. During these 10 years, the capital outlay increased by 12 per cent. and the gross earnings by 44 per cent. This, I think, corroborates the remark of the Auditor General that there has not been a disproportionate growth of the capital outlay which is not reflected in increased earning capacity and this is a matter which requires careful consideration.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, at this time of the day and at the fag end of the Session, I do not like to take much time, yet, I think, it is my duty to draw the attention of the House to some of the remarks made by the Public Accounts Committee. I shall be glad to hear from Government what they have to say on these matters. It is admitted that the accounts in other departments have much improved during the course of these years. But, in the report on page 3, the Committee had made it clear that they could not speak so highly of the Postal Department. This is what they have said :

"Our view in regard to the Posts and Telegraphs Department is not, however, so favourable as the detailed appropriation accounts indicate that there is still great room for improvement in the methods and practice of financial control. We are informed by the Director General of Posts and Telegraphs that steps have already been taken to remove the defects in the existing procedure of financial control. The Accountant General, Posts and Telegraphs, has undertaken at our instance to bring to notice in his subsequent reports whether the steps now taken have led to the improvements hoped for."

[Mr. S. C. Mitra.]

Since then, Sir, we had the occasion to pass through another appropriation report of this Committee and unfortunately we find therein that the position is not far better. Even as early as 1923, the Incheape Committee said that the system of accounts in the Postal Department was far from satisfactory and they recommended that there should be a special financial adviser attached to this Department. So far as I remember, the present Director General, Sir Thomas Ryan, was the first Financial Adviser. But when he appeared before the Public Accounts Committee this year, he said that during the period he acted as the Financial Adviser he had to do more secretariat work and very little financial work. And the present incumbent of the post, Mr. Varma, who is also a very competent officer, had to complain before the Committee that he had no staff. Perhaps he had only his *chaprasi* and none else to help him. The House will desire to know from the Department what steps they have taken since this report to see that the system of accounts in the Postal Department may improve in the future.

Then I pass on to another question that deals with the large stock of quinine in the Department of Education, Health and Lands. This matter also had been coming before the Committee for consideration from year to year since 1926 when we dealt with a large stock of quinine valued at more than 50 lakhs of rupees. The Public Accounts Committee repeatedly drew the attention of the Government to the fact that, even in the shape of interest, we were losing between two to three lakhs of rupees every year. The Committee said that as public health was a provincial transferred subject, Government should take steps to see how to dispose of this very big stock of quinine. So far as we know, the Central Government approached the Local Governments as late as 12th March, 1932. Although it is now a year and half, we do not still know whether they have been able to dispose of the large stock of quinine or not. In the current year's report also, the Public Accounts Committee drew particular attention to this fact and the Department as usual said that they were taking the necessary steps and might be able to dispose of this large stock in the near future. I should like to know from the Government as to what is the exact position with regard to this large surplus stock of quinine valued at more than 50 lakhs. Another question that was particularly noted was with regard to the stores balance. I quote from page 9 of the report which says :

"We observe from the appendix for the year 1930-31 that the balances of stocks of stores held by the various commercial concerns on the 31st March, 1931, were still unduly high. We were assured by the departmental witnesses that the stores balances were being closely watched and reduced wherever possible. For example in the mathematical instrument office, Calcutta, home indents have been entirely suspended and manufacture is being reduced by short time employment of workmen. The maintenance of excessive stocks involves the taxpayer in a two-fold loss : There is the loss of interest on capital unnecessarily locked up and there is the further loss arising from the danger of the stores becoming obsolete and having to be disposed of at a sacrifice later."

I should like to hear from Government what steps they have taken as regards these large stores balance and how far the condition has improved by this time.

Further on, at page 11, the Committee again deals with the Department of Posts and Telegraphs. It was found that the Department was working at a deficit and the Director General suggested that in the near future there was a chance for this Department balancing its assets and liabilities. I should like to quote from the report. It says :

"But we obtained from the Director General, Posts and Telegraphs, a memorandum giving an up-to-date survey of the general position and prospects of the department. The commercial loss which amounted to Rs. 91 lakhs in 1930-31 is expected to come down to about Rs. 52 lakhs in the current year and the Director General is convinced that with the return to reasonably normal conditions the Department would very soon be working again at a profit. The latest information now available is, as observed by the Auditor General, not such as to justify optimism or to warrant relaxation of effort on the part of Government. We do not agree with the Accountant General that the year 1930-31 might be taken as closing an important chapter in the history of the department and we cannot agree to be satisfied except by the test of actual results."

The actual results proved that our anticipations were correct and not the anticipations of the Director General. It is really a deficit budget and perhaps it will continue for a long time to be a deficit budget, I mean the postal budget. We should like to hear from the Honourable Member in charge how he thinks he would realise his expectations that the postal budget will be a balanced budget. I do not want to weary the House any further, but my Honourable friend, Dr. Ziauddin Ahmad, will speak on the railway budget.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, at this stage, I should like to raise a point of order whether this Resolution is in order or not, because, in one and the same Resolution, two things are combined and put up for the consideration of this House. The first part of the Resolution is with regard to the consideration of the report of the Public Accounts Committee of 1930-31, and the second part is a demand for grant for a certain expenditure. Sir, it looks to me that it is something like what we call in law, "misjoinder of causes of action". That is how it appears to me. The object of any motion, as I understand it, is to concentrate the attention of the House or to concentrate the attention of the Member to a certain particular question involved in it. But, in this Resolution, there are two separate and independent things that are being coupled in one and the same Resolution. So, I should like to draw the attention of the Chair so that we may have a ruling on the matter. In this Resolution, with regard to the first part, we may accept the report of the Public Accounts Committee, but with regard to the second part, we may reject the grant. We can't accept one part of the Resolution and reject the other part. My difficulty is that two distinct matters are involved in one and the same Resolution and so I want a ruling from the Chair whether this is correct.

5 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair quite realises the difficulty with which the Honourable Members might be faced at the time when the question is put. But they should realise that when the motion is put to the vote, it is open to the Chair to split up the motion into two or three parts and put each part separately so that Honourable Members will have the opportunity of voting on each part separately. But, in this particular case, the Chair might explain to the Honourable Members that the usual parliamentary practice, when a motion to take into consideration the Public Accounts Committee report is made, is that no question is put after discussion. The motion, that the report of the Public Accounts Committee be taken into consideration, is simply made with a view to giving an opportunity to the

LEGISLATIVE ASSEMBLY.

Thursday, 21st September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 20th September, 1933, agreed, without any amendments, to the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 16th September, 1933."

DEATH OF MRS. ANNIE BESANT.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. President, the House, I am sure, will hear with the deepest regret of the death of Mrs. Annie Besant, and it is the general desire of the House that we should express our condolence with the Theosophical Society and with her relations.

I think that there is no one in India who has not heard or who has not known of the work of Mrs. Annie Besant. It might truly be said that she was the greatest woman of her generation, not only the greatest Englishwoman, but I make bold to say, the greatest woman in the world of her generation. She was perhaps one of the greatest orators of her time, and I well remember in the days of my youth hearing Annie Besant speak, with awe and admiration, although perhaps when we got home and reflected on all she had said we might not be able to agree with all her theories and all her principles : but that she excelled all men and women as an orator there can be no doubt. I have heard it said in England by Englishmen that Annie Besant excelled all men in oratory, including the great Gladstone. Her knowledge of India and her love for this country was of a character we have never seen in any one person before. We may not be able to agree with all her views, but we cannot doubt her honesty of purpose, her love for this country and its peoples, and we cannot but acknowledge today the deep debt of gratitude that India owes her—an Englishwoman coming to this country from her home six thousand miles away, devoting all her time, her energy and her wealth for the well being of a people, millions of them, who were no connection or relations of hers, but merely for the love of humanity. I am not going to enlarge on Mrs. Annie Besant's political life. But there can be no doubt that she was the first in India to rouse the masses as to their responsibilities to their own country, social and political. I have had the pleasure of meeting her, but there

[Mr. President.]

House to have a full and thorough discussion on the points arising within the report of the Public Accounts Committee and no question is put. Following that practice, what the Chair proposes to do is this. The question relating to excess grant has been coupled with the first part, because it arises out of the report with which the first part deals. So no question will be put relating to the first part. The only question that will be put will be that the Assembly do approve the excess expenditure.

Dr. Ziauddin Ahmad : Sir, I just have in my hand a copy of part II of Volume I of the report and I find that it deals with the entire administration of Indian railways and, therefore, a review of the entire administration from "A" to "Z" will be within the purview of this Resolution.

Sir, the first question which I will take up here is the capitalised value of the Indian railways. I remember a story. Once a person asked the value of the shoe which he was wearing and at what price he could sell it. The latter said that he would calculate. He said: "I paid 10 shillings for it when I purchased it and I had to resole it ten times and paid half a crown each time. Therefore, it cost me 35 shillings. Now, I am quite willing to sell it at half the price, that is, 17 shillings". This is just the point with regard to capitalisation of our Indian Railways. We have been spending money from time to time and this is all added to the Capital at charge. This is rather an important point and I hope, before the new Railway authority comes into existence—I hope it will come into existence in the near future,—the assets of the Indian railways will be revalued. The whole thing should be revalued by some expert committee so that the railways in future will not be saddled with the interest charges with which they are saddled at the present moment. We are in a very unsatisfactory position just now as regards the Indian Railways. Now, I will just give a simple question of arithmetic and I hope my Honourable friend, the Leader of the House, will be able to give me an answer. My question is this that there is a business, called the Indian Railway Administration. The income of this business is about 87 crores. Out of these 87 crores.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. If there is a general desire to continue this discussion, the Chair would have no objection to direct that the House should sit tomorrow till Lunch time. But if it is desired that we should sit late today and finish it off, the Chair would be agreeable to that course also. (*Some Honourable Members* : "Tomorrow morning will be better".) If at all it is the desire to continue the discussion, the Chair will direct that tomorrow we shall sit only for half the day and finish it by Lunch time.

Dr. Ziauddin Ahmad : I will finish before Lunch time. (Laughter.)

The Honourable Sir George Schuster : Sir, on a point of order. Is my Honourable friend in order in reviewing the Railway administration from "A" to "Z", as he himself described it, in the course of this discussion, or should he properly limit himself to points which are

actually raised in the report of the Public Accounts Committee which is before this Assembly?

Dr. Ziauddin Ahmad : I will confine myself strictly to the points raised here and this was one of the points raised in this report. If I review the entire system, I cannot finish even in a week, but I will take about three hours only by confining myself to the points raised in the report.

Mr. President (The Honourable Sir Shanmukham Chetty) : On the whole, it will perhaps be better if the Chair directs that tomorrow the House will sit till Lunch time, and the Chair directs accordingly.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 21st September, 1933.

[Sir Cowasji Jehangir.]

must be other Honourable Members in this House who have known her better. Of course she chose Madras as her home, and those from Madras will naturally speak with much greater authority on the life and work of Mrs. Annie Besant. Mr. President, I believe it is the general desire of the House that you should convey to the Theosophical Society and to her relations our deep condolences and our firm conviction that India has lost in her one of India's greatest friends from abroad.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Leader of the Opposition has expressed the feelings of this side of the House and the House as a whole and the country outside when he said that in the passing of Mrs. Besant a great friend of India and of humanity has passed away. Mrs. Besant illustrated in her great life, greatly lived, that life is a great calling, not a mean and grovelling thing to be shuffled through as we can. When she broke away from Christianity after seeing the sufferings of her child before its death, when she wondered why God should have inflicted on that innocent thing so much suffering, and took to atheism for a while or agnosticism, she was really embarking upon a severe quest after the truth. Great were the days when she fought the battle of freedom in England with Charles Bradlaugh—days which made the late Mr. Stead truly say that she was the greatest platform speaker of the English speaking world. And then, when she came into contact with Hinduism and studied Hindu philosophy and realised that there was such a thing as transmigration of the soul and that the sins of past life were visited by way of suffering in this life on young and old alike, she plunged into the study of that religion and became its great master and interpreter ; it is from Hinduism that she learnt the great truth of theosophy, for she felt that Hinduism was the mother of religions and that various religions were like various rivers which took their start from various mountains flowing, crooked or straight, going and mingling their waters in the common sea, the *sagara*, the realisation of God himself. Mrs. Besant thought she owed a great debt to her own country when she started the Home Rule for India movement. Before her there have been independence movements in this country, climaxing in violence of an ugly kind. She thought the greatest message that an Englishman or Englishwoman could give to this country was to make the Indian people love India as an Englishman would love England ; and she founded, to educate the youth of this land on right lines, the Central Hindu College, Benares, on which rose the great Hindu University. So long as Hinduism lives, the name of Mrs. Besant will live, and even though she has passed away, she can never pass away, for she has joined

"the Chair invisible
Of those immortal dead who live again
In minds made better by their presence."

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, on behalf of my Party and on behalf of myself, I heartily associate myself with the sentiments so eloquently expressed by the Leaders of the Independent and Nationalist Parties regarding the passing away of Dr. Besant. Sir, we Indians owe

a deep debt of gratitude to Dr. Besant. It was she who started the Home Rule movement for the attainment of self-Government for India and it is a pity that she did not see the fruition of her labours. She helped not only the political movement, but also the educational movement by starting the Central Hindu College at Benares and, subsequently, she transferred her activities to the Madras Presidency and made Adyar as the headquarters for her work. After she became President of the Theosophical Society, she made the society a world-wide movement and established branches all over the world. Sir, Madras Presidency is more grateful to her than other provinces, because she started what is called the Y. M. I. A. Association where young Indians find a place for living and for carrying on other social activities. Coming nearer home, I am deeply grateful to her for having started educational institutions in my own place, Madanapalle, where she started an Arts College and Jijnasa Lodge, and she is also responsible for starting what is called the Rishi Valley Educational Trust and made Madanapalle the Santi Niketan of Southern India in the words of the great Poet Tagore. Sir, I associate myself with all the sentiments that have fallen from the previous speakers.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Central Party, I entirely associate myself with the sentiments expressed by the previous speakers. Sir, among the many English names which have endeared themselves to Indians the name of Annie Besant will be always in the forefront. So far as I know, she acknowledged no ties of blood or race. India was her mother and Indians were her brothers and sisters. Mr. President, I think, therefore, it would be in the fitness of things if our condolence and sympathy were broadcasted throughout the whole country which is now mourning her loss.

Sir Leslie Hudson (Bombay : European) : Mr. President, in the passing away of Dr. Annie Besant, a remarkable personality has been lost to India. She identified herself in her later years with the Home Rule movement in India and she gave that movement life and purpose in politics, in religion and in philosophy. She has made her influence felt throughout the world, and more particularly throughout India, and there are many, apart from those who have listened to her silver tongued oratory, who will mourn her loss. I wish to associate my Group, Sir, with the tributes paid to her memory by previous speakers.

Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) : Sir, I wish to associate myself and my Party with what has been said by previous speakers about the loss that India has sustained on account of the passing away of Dr. Annie Besant. She was one of those Englishwomen who tried to bring the East and West together. She gave a very great part of her life to the service of India. She was quite unselfish and had no thought for any kind of reward for the work she did for this country. Sir, her death removes a link which aimed at uniting India and England together, and we mourn her loss, because we have lost a true friend.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I would like to associate myself with the tributes that have been paid to a truly remarkable personality. Mrs. Besant spent the best years of a very long life in what she passionately believed to be the best service of this

[Sir Joseph Bhore.]

country. I am sure that there will be a widespread feeling of regret throughout the country at the loss of a great personality who was a citizen of the world, as much as he was a citizen of India.

Mr. President (The Honourable Sir Shanmukham Chetty) : I would like to add my own tribute to the memory of one of the greatest personalities that the world has ever seen. In the passing away of Mrs. Annie Besant, the world has lost a remarkable personality. It has been my privilege to enjoy the friendship of Annie Besant, and it was my privilege also to work with her in the public cause for some time. When the future historian of India writes about the progress of the national movement in this country, he would undoubtedly give a place of honour to Annie Besant. To my mind, the greatest service that Annie Besant rendered to this country and to England lies in the fact that she, more than any other person, has been responsible for bringing about better understanding between Englishmen and Indians. She was eminently fitted for this task, because she, more than any other person, understood Indian ideals and aspirations. Her knowledge of Indian culture and Indian philosophy was unique. That foundation enabled her to bring about a better understanding between Englishmen and Indians. I well remember the year 1924 when I proceeded to England as one of the members of the Home Rule Deputation and addressed various public meetings along with her, and I can recall to my mind the enthusiasm which Annie Besant stirred up in the minds of Englishmen and women about the Indian Empire. Both Englishmen and Indians will for many generations to come revere the memory of one who strove so hard to bring about a better understanding between these two countries. Probably those outside her own intimate circle may not realise that, apart from her public services, in her private life she was the very embodiment of charity and philanthropy. I know myself of hundreds of Indian students who owe their educational career and their career in later life to the generosity of Annie Besant. It shall be my duty to convey to the members of the Theosophical Society and to the relations of Annie Besant the deep sorrow that this House feels with the world as a whole in the loss of a great personality, and the greatest friend that India had.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE—*concld.*

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The Public Accounts Committee is one of the most important statutory Committees of this House, or, I can say, perhaps the most important one. Its report is always of a technical nature, and the object of discussing it in the House is that the Members of the Assembly, who have not been members of the Public Accounts Committee, should know something about the administration of the various Departments of the Government, and hear something about the efficiency or otherwise of those Departments. The object is not simply to pass the Report in a formal manner ; the intention is that we should know something about it. So, it was unreasonable on the part of Government to have a Report of this kind fifteen minutes before the time

scheduled for the termination of the proceedings of this Assembly, and when a suggestion was made by the Opposition that the subject should be taken up in the Delhi Session, the reply of the Government was still more unreasonable, and the Opposition had no other alternative but to exercise its prerogative.

I frankly admit that I did not even know till yesterday afternoon that the Railway Department also came within the purview of the Public Accounts Committee till the Deputy Secretary passed on the second volume of the Report to me. Many Members on this side of the House are absent and I should not like to detain the House very long. I shall take the advice of my Honourable friend, the Finance Member, and confine my attention to those particular portions which are mentioned in the Report and leave the consideration of all points from A to Z.

Taking up Appendices IV and V of this Report, they deal with a matter in which I had been taking great interest, that is the question of Moody-Ward report and the treatment meted out to travelling ticket inspectors. I daresay, much water has flown since those pages had been written and the position today is much better. There are, however, one or two points to which I would like to draw attention. It is asserted that this was the most feasible scheme that could be devised. If it is supposed to be very efficient, may I suggest that the crew system which has been so much condemned in this Report should now be abolished even on the Great Indian Peninsula Railway where, I understand, it does exist from Khandwa to Manmad. The other thing is that they have sketched out very nicely the defects of the Moody-Ward system. They say that, under the crew system, 30 per cent. of the tickets were missing, as against nine per cent. missing under the Moody-Ward system. The only relic of the crew system that has now been left is the Hayman-Mohindra punch. I respectfully submit to the Honourable the Financial Commissioner for Railways that all these punches should be sold out now like waste iron and the whole thing written off as a dead loss to the Indian railways in memory of those who have gone away.

I take this opportunity to repeat four points to which attention has already been drawn. In this connection I should like to take this opportunity to thank my friend, the Financial Commissioner, who is taking a personal interest in the matter, and on account of his personal sympathy to a just cause this vexed question has been partially or, I may say, to a large extent, solved. Those points still left are (1) that the consolidated travelling allowance should be fixed in proportion to the salary and not fixed for each grade, (2) if the vacancies may be in a higher grade, then.....

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Would my Honourable friend kindly refer me to the part of the Report with which he is dealing ?

Dr. Ziauddin Ahmad : It is connected with the Moody-Ward Report which is referred to in Annexure A to Appendix IV. I need not waste the time of the House, but I would like to read only one sentence from this Appendix :

> "The Auditor General concurred in this opinion and added that the function of the Accounts Department was, through the accounts, to check whether the Traffic Department was doing its work properly."

[Dr. Ziauddin Ahmad.]

And, I think, some machinery ought to be provided to give effect to this suggestion. Some machinery should be provided to check the work of the Transport department.

Now, I come to the next Appendix, namely, V, dealing with publicity. Here, I understand, that a large sum of money had been given to one press in India, both in advance and also recurring. It would probably have been better if the money had been spent in improving the Railway Printing Works, instead of giving it to one press. Another complaint is, the advertisements of the Railway publicity office are invariably given to the English Press and omit altogether the Indian papers. As regards Appendix VI, I have got nothing to say.

Now, I come to the very important Appendix, namely, VII, which deals with construction. Here our Public Accounts Committee go into very great detail and lay down certain conditions so that the old mistakes, I think I am entitled to use a stronger word, follies may not be repeated. I must draw attention once more to the Kangra Valley Railway, the original estimate of which was four crores of rupees and we have already spent Rs. 14 crores over it.

Mr. P. R. Rau (Financial Commissioner, Railways) : Certainly not. The original estimate was between 130 to 140 lakhs, and we have spent on the whole less than Rs. 3 crores I think. I do not know where my Honourable friend got the figure of Rs. 14 crores.

Dr. Ziauddin Ahmad : The important thing is not the actual figures, but that the actual expenditure was three times the original estimate, this my friend cannot deny. Is it or is it not a fact that certain office records were all destroyed ?

Mr. P. R. Rau : I understand that there was a fire and the records were destroyed.

Dr. Ziauddin Ahmad : If they were destroyed, it is believed that they were destroyed intentionally and the person, who was responsible, I do not like to mention his name, immediately left, and no explanation was called for. Is it not a fact ?

Mr. P. R. Rau : This is news to me.

Dr. Ziauddin Ahmad : My friend will have more news. I can give you proof of what I am saying now, but I do not like to mention it on the floor of the House. In this particular case, the Railway Department has mismanaged the affairs. My Honourable friend's predecessors, who were responsible for this, took the matter lightly, and no enquiry has been made and no report of a satisfactory nature has been laid before the House.

I should like to have some explanation also about the Salem-Mettur Dam, as to why the total expenditure is about ten times the original estimate. This is another instance in which they have been guilty of mismanagement, the expenditure was much greater than the original estimate. I pause for a reply.

Mr. P. R. Rau : I do not think it is correct that the expenditure was ten times the estimate.

Dr. Ziauddin Ahmad : If my friend denies it, I leave the matter here. I now turn to Appendices VIII and IX. There you have a list of number of persons who are shown in one particular place, but who are employed in another place. We know that the audit is restricted to 10 per cent. cases. To find out the real number, you have to multiply it by ten. I do not like to read the whole list, but anybody who reads pages 73—77 of this report will see how the railways have been mismanaged. Cases have been given here in very great details. I may remind the House that in a particular farm in the Ambala district, a large number of coolies and railway servants were employed. I do not like to go into details, but I would refer Honourable Members to the pages of this report.

Then I come to the case of the Bengal Nagpur Railway. You find here that the expenditure, which ought to have been debited under reserve or depreciation, was really debited under capital, and the capital was increased enormously. This is mentioned on page 79, and the result would be that, in 1935, when the State would acquire the Bengal Nagpur Railway, we would have to pay the increased capital. I hope that the Committee would look into the matter and would adjust the accounts.

Then I turn to the purchase of certain things in Appendix XV. This is the electric scheme. It is a big thing, and I do not like to speak about it now. I would deal with this later on. In this connection, a beautiful pamphlet has been written by a railway expert. I hope this pamphlet would be laid before the Public Accounts Committee on some future date.

Mr. P. R. Rau : May I know what is the pamphlet the Honourable Member is referring to ?

Dr. Ziauddin Ahmad : It has been written by some railway officer.

Mr. P. R. Rau : Is it by the Director of Railway Audit ? That is the pamphlet which the Public Accounts Committee was considering.

Dr. Ziauddin Ahmad : I have not seen the report myself ; but the author promised to send it to me.

The next thing I will refer to is the stores purchased in England. We know that we pay large sums for the inspection and, then, we find that about 20 or 25 per cent. are incorrectly sent.

Mr. P. R. Rau : I do not think it is 10 per cent. It is much nearer one or two per cent.

Dr. Ziauddin Ahmad : I think they order one thing and get something else, and this is a thing which requires to be looked into. Your inspection should be more thorough and you should see that, whatever things are actually ordered are actually received.

The next thing is about the despatch of coal from Calcutta to Rangoon.

Mr. P. R. Rau : To what particular paragraph of the report is my Honourable friend referring ?

Dr. Ziauddin Ahmad : I will give it later, but first let me mention the facts. May I ask, if it is not a fact that we have been paying Rs. 4-14-0, while the actual rate has been Rs. 4-4-0 or Rs. 4-0-0, and we are paying about eight annas per ton extra. A protest has already been made by the Burma Railways about this excess freight from Calcutta to Rangoon.

Mr. P. R. Rau : I cannot find any reference to this in this Report. Will my Honourable friend give me the reference ?

Dr. Ziauddin Ahmad : First consider the facts. Do you admit the facts ? Don't change the issue.

Mr. P. R. Rau : We must consider relevancy before we come to test.

Dr. Ziauddin Ahmad : I understand that the Burma Railway Administration has already protested against this practice and gave chapter and verse in proof of that statement. I do not like to waste the time of the House on this occasion and probably we will have a full dress debate on this subject when the discussion on the budget of the Indian Railways comes up before the Assembly.

I will also mention here one thing about the purchase of the finished articles by the Madras and Southern Mahratta Railway. They always purchase the articles in a finished form and, afterwards, when they are not used, they are disposed of at 15 per cent. of the original price.

The Honourable Sir George Schuster (Finance Member) : On a point of order. I am sure that every one in this Assembly is interested in making this debate on the report of the Public Accounts Committee a useful one, but what my Honourable friend is really trying to do is to carry out on the floor of the House a sort of examination which the Public Accounts Committee itself has to conduct and I understood that you, Sir, agreed yesterday that this debate should confine itself to points which have actually been brought to notice by the Public Accounts Committee. I think my Honourable friend is going beyond that although no doubt he would be doing a valuable service if he called attention to points which had escaped the notice of the Public Accounts Committee.

Dr. Ziauddin Ahmad : Now, about the stores it is discussed in the committees' report.....

The Honourable Sir George Schuster : What paragraph is my Honourable friend referring to ?

Dr. Ziauddin Ahmad : One thing which should be looked into is whether the store balances of a particular railway are not much greater than they are in the case of other railways.

The Honourable Sir George Schuster : May I perhaps assist my Honourable friend. I think possibly he has in mind paragraph 21 of Part I of Volume I of the Report.

Dr. Ziauddin Ahmad : I have Part II in my mind. I again lay stress on the fact that in one particular railway the store balances are much larger than they are under normal conditions which is due to the fact that they purchased a large quantity of stocks which were afterwards sold at 15 per cent. of the cost price.

The Honourable Sir George Schuster : I suggest that my Honourable friend is again quoting from his memory, and what we have to deal with is not my Honourable friend's memory, but this printed Report.

Dr. Ziauddin Ahmad : I am talking about the store balances mentioned at page 102, Chapter XIX.

Now, the next thing that I wish to say is about the Vizagapatam Harbour which is a big problem by itself. But the less we say about it, the better it is ; the Railway Department alone is not responsible for its mismanagement.

There is one thing more to which I should like to draw the attention of the House and that is the last point which I wish to make. It has been pointed out that there has been a great irregularity about locating the exact persons who have been responsible for irregularities. Very often the irregularity is attributed to a person who has left the service. Now, on this point, special stress has been laid in the Report and I hope we will have better accounts next year. I think the best course would be not to allow the person who is supposed to be responsible for some irregularities to go on leave and receive all the bonus to which he is entitled unless and until he has explained all those irregularities. In conclusion, I protest once more that this Report ought to have been brought before the House when it was full and when we could have a better opportunity of hearing the criticisms on the report of the Public Accounts Committee from members responsible for this Report.

The Honourable Sir George Schuster : Sir, it is always a very difficult task to reply in a debate of this kind and I would like at the outset to make one suggestion to the Honourable Members who are interested in this subject which, if this debate is to be taken seriously in the future, might be of great advantage. If it were possible for Honourable Members, who intend to take part in a discussion on the Public Accounts Committeee's Report, to let us on the Government side have notice of the points which they intend to raise, I think it would be possible to have a very much more satisfactory debate. It is, of course, possible to raise points in connection with every department of the Government arising out of the Public Accounts Committee's Report, but I am sure, Honourable Members opposite will appreciate that it is impossible for us on this side to come prepared to deal with every possible point that may be raised. Therefore, if this discussion is to become a useful feature in our proceedings, I think the suggestion which I have made is worth considering. As, however, we have not had notice of the points which have been raised and as it is very difficult for me to speak on behalf of every department on every detail which has been mentioned, I hope the House will excuse me if I do not reply fully on the present occasion. All that I can do is to say that we in the Finance Department will see that copies of the relevant portions of Honourable Members' speeches are forwarded to the departments which they concern and that due notice is taken of the suggestions made. There is, however, one point of general financial significance which was referred to in the speech of my Honourable friend, the Deputy President. He there complained that Government had not followed the recommendation of the Committee that was set up on the Posts and Telegraphs Accounts as regards creating a capital account and as regards allowing interest on the Department's balances. That is rather a complicated question and I only want to point out to my Honourable friend one practical aspect of that recommendation which recent developments have brought to light. Very briefly, the suggestion was that a fictitious balance should be created and credited to the Posts and Telegraphs Department covering the imaginary accumulations of depreciation fund over a long period of years before commercialised accounts were started and that as against that the Department should be treated as having borrowed money to cover the whole of its capital expenditure at an average rate of about 3½ per cent. The Department would then have been in the position

[Sir George Schuster.]

of being liable for interest at 3½ per cent. on about 8¼ crores. As against this the Department would have had a book balance standing to the credit of the depreciation fund of the same amount on which it would have earned interest at the current rate. As the rate at the time when the recommendation was made was something like 5.7 per cent., the Department would have benefited to the extent of about 2⅛ per cent. on the sum of 8¼ crores, that is to say, the department would have been benefited to the extent of about 18 lakhs per annum. That was suggested as one way to make the department a paying proposition. Well, Sir, in the first place I had to object on behalf of the Finance Department to such an arrangement as it was a purely fictitious reconstruction of the past which would have put the Posts and Telegraphs Department in an extremely favourable position. It was to have been treated as having borrowed money at 3½ per cent. and as having that money to its credit and being able to earn 5.7 per cent. on it.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : May I ask if the existing conditions were not most unfavourable to the Posts and Telegraphs Department ? If the suggestion is that the new arrangement was going to put the Posts and Telegraphs Department in a favourable position, were not the existing conditions most unfavourable to the Posts and Telegraphs Department ?

The Honourable Sir George Schuster : No, Sir : I do not think I can admit that at all. According to our arrangements we were allowing a very substantial rate of interest on all the balances standing at their credit. The point I want to make is this and I do not wish to enter now into the argument as to the merits or demerits of our decision. But the value of that arrangement to the Posts and Telegraphs Department depended entirely on the fact that the rate of interest which would have been allowed on the balances was much greater than the rate of interest at which it was to be assumed that the capital had been raised. Under present conditions instead of the balances being able to earn 5.7 per cent. interest we could not possibly treat them as earning more than about 4 per cent. interest. Therefore, the benefit which the Posts and Telegraphs Department would have received is reduced to a very few lakhs instead of 18 lakhs. It would have been reduced to about 4 or 5 lakhs. The point is that it is purely an accidental circumstance that it was possible to regard the money which had been spent in the past as having been borrowed at a very low rate and being able to earn a very high rate of interest today. If the charges which are to be levied by the Posts and Telegraphs Department from the public and if the attempts to reduce expenditure on the other side are to be regulated by purely accidental conditions of that kind, then I submit we should not get to the results that we are all aiming at, namely, making the Posts and Telegraphs Department really self-supporting. If it had been possible to accept that arrangement, it would have been an accident that it happened to be a beneficial arrangement, and moreover it would be a benefit, the permanence of which could not have been foretold. In fact if the rates of interest happen to go down still further, as they very well may, that arrangement might actually in the future have been found to be costing the Posts and Telegraphs Department money and to be producing a debit balance, which would, of course, entirely upset the purpose of the recommendation. That is an important

financial point and I am glad to have had this opportunity of dealing with it. Otherwise, I do not think that there are any points on which I can be expected to give an immediate reply. I think we may say that this discussion has had one definite advantage and that is that it has forced my Honourable friend from ' A ' to ' Z ' to forgo his dinner and to read the Public Accounts Committee report. (Laughter.) That, Sir, is a result on which I submit this Assembly can congratulate itself.

Dr. Ziauddin Ahmad : When I mentioned the fact that I had to forgo my dinner for the purpose of reading this Report, I thought that the Honourable Member would say that he would in future lay a Report of the Public Accounts Committee in good time for discussion and at a time when the House is full, and I am rather sorry that only the humorous side had appealed to him and the serious part did not appeal to him.

The Honourable Sir George Schuster : I am quite ready to accept my Honourable friend's suggestion and I can give him the assurance that we will do our best to give due notice of the business in future and provide proper time for its discussion. But if we accept that suggestion, then, I think, we are entitled to claim on the other side that Honourable Members who ask for time to discuss this Report should take the matter seriously and should, as far as possible, help us to deal with the points which they have raised.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Assembly do approve the expenditure of Rs. 25,388 incurred in 1930-31 representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of materials purchased for locust operations in that year."

The motion was adopted.

The Assembly then adjourned till eleven of the Clock on Monday, the 13th November, 1933, at New Delhi.

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